

## Draft revised National Planning Policy Framework

Consultation response from Wildlife and Countryside Link  
*May 2018*

Wildlife and Countryside Link (Link) brings together 48 environment and animal protection organisations to advocate for the conservation and protection of wildlife, countryside and the marine environment. Link is the biggest coalition of environmental and animal protection organisations in England. Our members practice 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 we have the support of over eight million people in the UK and manage over 750,000 hectares of land.

The following organisations support this response:

- Amphibian and Reptile Conservation
- Bat Conservation Trust
- Buglife
- Campaign for National Parks
- Campaign to Protect Rural England
- Council for British Archaeology
- Friends of the Earth England, Wales and Northern Ireland
- RSPB
- The National Association for Areas of Outstanding Natural Beauty
- National Trust
- The Wildlife Trusts
- The Zoological Society of London
- Wildfowl and Wetlands Trust
- Woodland Trust



## Executive Summary

### The Presumption in Favour of Sustainable Development

- The revised draft does not refer to the UN Sustainable Development Goals to which the UK is a signatory, which shows a divergence between planning policy and our international obligations. **The Final NPPF must reference these.**
- We have serious concerns about the use of a definitive list in footnote 7. We fear that this approach will lead to undue pressure on those environmental assets (most notably Local Wildlife Sites) that are not included in the list. **The Final NPPF must give clear and appropriate weight to wider environmental assets not noted in the footnote.**

### Plan Making

- We are disappointed in the down-playing of the role of local plans. A dependence on 'strategic policies' and neighbourhood plans will lead to a policy vacuum in many places.

### High Quality Housing in the Right Location

- The whole NPPF prioritises housing targets over other issues to a point that they feel secondary. This is contrary to the aspirations of the 25 Year Environment Plan which must be embedded in the NPPF.
- The NPPF does not set out how constraints will be taken into account when setting housing targets.
- Nor does it recognise that in some highly constrained areas housing needs simply cannot be met.
- The NPPF should work with the Industrial Strategy to ensure sustainable development across the country.
- The NPPF must provide scope to deliver a Housing Delivery Test flexibly.

### Conserving and Enhancing the Natural Environment

- We welcome improved protection for ancient woodland but the same level of protection should be afforded to ancient and veteran trees and a clear definition of irreplaceable habitats.
- Paragraph 113 must be reinstated to ensure LPAs give appropriate weight to the importance and contribution sites make to wider ecological networks.
- Reinstatement of the current protection policies for LWS and further strengthen these by: including LWS within footnote 7.
- Nature recovery networks, as championed in the 25 Year Environment Plan must be recognised in the NPPF.
- We welcome the introduction, in paragraph 170 that the *Scale and extent of development within these areas [National Parks, the Broads and Areas of Outstanding Natural Beauty] should be limited*. But guidance is needed to steer the meaning of *scale, extent and limited* to avoid challenges in the future.
- We support the strengthening of planning policy in respect of biodiversity net gain, although further clarity is required.

## **Introduction**

Link warmly welcomes the new format to the NPPF. The chapters and associated contents page provide clarity and make the document more accessible and transparent.

We have found the manner in which the multiple consultations have been conducted as unclear and confusing. For the sake of clarity all interlinked planning consultations should be listed on the same gov.uk with corresponding deadlines. Link also seeks clarification on the timing of corresponding changes to the Planning Practice Guidance. Whilst it is appreciated that these are not normally consulted on it would seem appropriate that they are consulted upon on this occasion due to the significance of the proposed changes.

## **Chapter 2 Achieving Sustainable Development**

### **Question 2: Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?**

We welcome the more outcome-focussed approach in the three objectives in paragraph 8, and that the presumption policy is not part of the definition (paragraph 10). We also welcome reference to open spaces under the social objective.

We note the retention of the high level definition of sustainable development (based on the familiar Brundtland definition), but are disappointed there is no longer reference to living within the planet's environmental limits, a key guiding principle of sustainable development and should be reinstated. Another key omission is a lack of reference to the UN Sustainable Development Goals (SDGs). The UK Government is a signatory to the SDGs and has committed to delivering them across Government. The planning system is a key tool for delivering many of the SDGs in England, including but not limited to, SDGs 3 (good health and well-being), 7 (affordable and clean energy), 8 (Decent work and economic growth), 9 (industry, innovation and infrastructure), 11 (sustainable cities and communities), 12 (sustainable consumption and production), 13 (climate action) and 15 (life on land). We propose an additional sentence at the end of NPPF paragraph 7 such as "The planning system is a key means of delivering the Government's commitment to the UN Sustainable Development Goals (Agenda 2030)". We also believe that MHCLG should set out in the NPPF how it will evaluate the performance of the policy in contributing to the achievement of the relevant SDGs, particularly SDG11. We refer you to the important responses made by individual Link members on this topic.

### **Presumption in favour of Sustainable Development**

We welcome the addition of a number of environmental assets to the footnote for example irreplaceable habitats which include ancient woodland. As we noted in our response to the Housing White Paper, we have significant concerns about the definitive list of policies in the footnote to paragraph 11 (now footnote 7). As proposed this is likely to diminish the significance of other important environmental, landscape and heritage policy considerations within the wider NPPF.

For example, Local Wildlife Sites (LWSs) and other locally designated areas providing or with scope to provide an ecological network function will be under even greater pressure from housing development. Paragraph 113 of the current NPPF is clear that appropriate weight should be given to the contribution sites make to wider ecological networks (see our concerns

with the loss of paragraph 113 in our response to Chapter 15). LWSs are of significant value in their own right and can also provide buffers to Sites of Special Scientific Interest (SSSIs) and other protected areas and some can provide access to nature for communities nearby. LWSs are already being developed for housing and more commonly, proposed LWSs are being allocated for housing in draft Local Plans or subject to planning applications, despite evidence of their importance to people and wildlife. Equally locally designated landscapes must be given due weight within the document. There are a number of other policies (not included in the proposed list of policies in footnote 7) which may, as a result, be downgraded as policy considerations in plan-making and decision-taking.

In light of our significant concerns about weakening of environmental protection for those policies and irreplaceable habitats not listed in footnote 7, we strongly recommend that the final NPPF is explicit about requiring appropriate weight to be given to these wider assets.

The final sentence in footnote 7 'it does not refer to policies in development plans' should be removed.

In addition we are concerned by the implication in paragraph 9 that the overarching planning objectives to achieve sustainable development may be interpreted as optional. This should be removed.

### **Chapter 3 Plan-making**

#### **Question 5: Do you agree with the further changes to the tests of soundness?**

Paragraph 36a contradicts the draft presumption in favour of sustainable development text which states that the application of policies that protect areas or assets of particular importance can provide a strong reason for not meeting as much as possible of the area's objectively assessed needs. The test should be reworded and the government should issue guidance to support local authorities to develop an appropriate housing requirement in situations where protective policies require development to be restricted. Achieving sustainable development requires a mix or balance of land uses supported by necessary infrastructure. The proposed new wording places a disproportionate emphasis on housing and could therefore lead to unsustainable planning outcomes.

#### **Question 6: Do you have any other comments on the text of Chapter 3**

We commend a number of changes in the new plan-making chapter. For example, the new chapter is clearer and more succinct. We are pleased with the increased emphasis on joint working on cross-boundary issues through amendments to the tests of soundness and requirement for Statements of Common Ground. However, the final NPPF must clarify that this includes cross-border cooperation on all Strategic Priorities (not just housing) and this must be carried out in an open and transparent way. We also strongly support the inclusion of natural green and blue infrastructure as one of the Strategic Policies that plans must address.

Whilst we appreciate that local plans are not a statutory requirement, we are concerned with the changes to the plan-making framework which means that Local Plans are no longer seen as the primary vehicle for plan making. This shift towards 'strategic policies' has potential to fundamentally change the culture of plan-making - with increasingly stretched resources and pressures to have a plan in place, authorities may simply prepare a plan which addresses the

Strategic Priorities for their area (focusing on housing delivery). As we stated in our response to the Housing White Paper, Local Plans can act to bridge the gap between Strategic Plans and Neighbourhood Plans, providing the clarity required for effective and efficient decision making and ensuring local distinctiveness is appropriately considered. They also ensure the development of specific local policies relating to natural green infrastructure delivery, design, access, biodiversity, climate change, flood resilience, landscape and heritage issues. Likewise we believe that the current draft assumes that a neighbourhood plan is in place whereas in most parts of the country communities covered by neighbourhood plans are in the minority.

To avoid a policy vacuum, it is essential that the final NPPF places a stronger emphasis on the need for Local Plans and local policies. This could be achieved by replacing the word 'may' with 'should' in the context of local policies / local plans in Draft NPPF paragraphs 18, 21 and 30. Planning authorities must be adequately resourced to prepare and deliver the full suite of plans.

We also recommend that Planning Practice Guidance is updated to provide detail on the scale at which plan-making takes place and the need for more detailed, local policies. Clearly there will be a difference between a Strategic Plan produced by a mayor or a combined authority (covering a number of authorities) and a Local Plan covering a single authority area. Equally the NPPF should provide clarity on the status of non-statutory plans. There must also be guidance on how newer mechanisms for granting planning permission including permission in principle and brownfield registers will work within the planning framework, including taking full account of likely cumulative environmental impacts.

### **Chapter 5 Delivering a sufficient supply of homes**

#### **Q11: What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?**

Small scale development can make an important contribution to delivering new homes. However, smaller developments must still support opportunities for people to connect with nature. Within existing settlements, they offer the opportunity to deliver high quality homes that are in keeping with local character. Where local planning authorities plan to allocate smaller sites, it will be important to consider the interaction with the ten unit threshold for developer contributions. Cumulative smaller developments within an area will still have an impact on infrastructure that will need to be addressed. Consideration should be given to prioritising sites within existing settlement boundaries that are already well served by sustainable public transport options and local services. Neighbourhood plans provide a valuable mechanism for communities to allocate their own preferred sites, and we welcome the measures contained within new paragraph 12 to ensure these cannot be undermined.

Priority should be given to developing suitable smaller brownfield sites first, which are not of high environmental value. We would also note that if small sites are to be of high design quality, they will need to be informed by design guidance at a local or neighbourhood plan level. Strategic design policies are unlikely to provide sufficient guidance for small scale developments to fully respect local character.

**Q12: Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?**

No.

Link is strongly concerned that the proposed standardised approach to calculating housing need would have a profound and largely negative impact on the local environment, particularly in environmentally constrained areas facing an increase in housing need. It fails to reflect other Government policies, including the industrial strategy, and will exacerbate the regional divide in England's economy and lead to further environmental degradation. As drafted, the NPPF does not clearly explain how environmental constraints should be taken into account in determining a plan's housing target. Whilst MHCLG argues these can be factored in at a later stage, it remains unclear how this can be done as no guidance has been provided despite reassurances that this would be the case in the Planning for the Right Homes in the Right Places consultation in Autumn 2017. It is unclear what will happen to a local planning authority that cannot allocate enough land to meet the requirements of the new methodology, but can demonstrate this lack of capacity because it satisfies the tests set out in paragraph 11b. We are sceptical that local planning authorities who make this argument will see it accepted - it is likely to provoke legal challenges from developers and lead to delays in plan-making and decision-taking. MHCLG must clarify in the final NPPF how it will ensure that the standard methodology figures - many of which will be highly challenging for heavily constrained authorities to meet - will not be used as a tool to override environmental protections and that local planning authorities will be able to adopt a lower final housing target where appropriately evidenced.

We would expect MHCLG to take a flexible approach in delaying the application of the test, for example in Oxfordshire where a cross boundary approach is being taken or in areas with significant environmental constraints. This should recognise that large sites can be very challenging to deliver. Where local planning authorities are proposing large scale sites such as new garden villages, they must be given sufficient time to deliver these fully. Link believes these sites should be exemplars of environmental sustainability, with access to high quality, wildlife-rich spaces and natural green infrastructure. If local planning authorities are under pressure to pass the housing delivery test, they are likely to regard such elements as a luxury.

**Q13: Do you agree with the new policy on exception sites for entry-level homes?**

No.

Settlement boundaries are often located where there are particularly environmentally sensitive sites immediately adjacent to the boundary which need to be protected from development. The requirement for entry level sites to be located 'outside existing settlements' potentially opens up vast areas of the countryside for development - including areas that would not be allocated through local or strategic plans. We are particularly concerned about the implications for local planning authorities who fail the housing delivery test - where the need for housing and the great weight placed on entry level sites is likely to result in loss or damage to those environmental assets not included on new footnote 7. There are no size restrictions placed on entry-level exception sites, nor any requirement for a specific proportion of affordable homes to be provided. The end result of this policy is likely to be more unaffordable executive homes built on attractive greenfield sites in areas under pressure.

Moreover, there is no definition of what constitutes an ‘entry level’ property within the NPPF. So called ‘starter homes’ that offer a 20% discount to first time buyers are, in many areas, nonetheless out of reach for most first time buyers. There is no requirement for a local connection test to be applied either. Exception sites should remain exceptional. They should not be used as a means to circumvent the allocations process and allow developers to profit at the expense of the environment and the health and wellbeing of communities. We urge the Government to reconsider this misguided and unworkable proposal, which will do nothing for the delivery of affordable housing.

**Q14: Do you have any other comments on the text of Chapter 5?**

We are supportive of the new wording that policies should ‘support villages to grow and thrive, especially where this would support local services’ and growth has been identified as being environmentally sustainable. Sensitive longer-term planning of villages can bring forward opportunities for new development that can be integrated physically and socially. Such development can enhance the historic pattern of development, landscape features and the built environment.

We reiterate the concerns of the TCPA and would like to see the garden cities principles embedded in the NPPF.

**Chapter 8 Promoting healthy and safe communities**

**Q20: Do you have any comments on the new policies in Chapter 8 that have not already been consulted upon?**

The chapter does not go far enough to truly enable LPAs to deliver healthy communities as paragraph 92c) only sets out safe and accessible natural green infrastructure as an example of addressing local health and wellbeing needs, instead of as one of the primary solutions planning can use to address health and wellbeing needs.

Paragraph 94 positively reflects the aspirations of the Housing White Paper but this could be taken further and considered against all the principles of sustainable development, not just two (social and economic). Considering the environmental value of estate regeneration is vital as estates can cover vast tracts of urban land, so maximising the value of ecosystem services of these sites is critical. This can open up not only scope for improvements in biodiversity but also for residents’ physical and mental wellbeing through access to nature.

**Chapter 9. Promoting sustainable transport**

**Q21: Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?**

Link notes the changes made to the transport chapter (Chapter 9, paragraphs 103-111) and agrees with the general policy guidelines that are set out. In particular, we believe it is right to emphasise the need for the potential impacts of development on transport networks to be addressed. Over the course of many decades, it has become the norm for new developments to be constructed without sufficient consideration given to how they impact on and interact with local transport infrastructure.

In addition to considering how development affects existing infrastructure, it is also crucial to consider how development might affect new transport infrastructure, such as the provision of new bus services. In recent years a number of new housing estates have been designed so poorly that bus operators have been prevented from running otherwise viable services.

However, whilst making the most of transport hubs in built-up areas is, generally speaking, to be welcomed, it is inappropriate that there should be generalised statements which also apply to rural areas. For instance, paragraph 103b makes it clear that principal authorities are expected to look for development opportunities alongside new roads. It has long been recognised when bypasses are built the difficult-to-farm pockets of land they create gradually fall for development (often in an unplanned manner). Hence, the settlement that has been bypassed gradually expands – with the new developments themselves creating more traffic movements. It is right that this phenomenon should be recognised officially but it is not a sustainable proposition to propose that new roads should automatically be regarded as development corridors.

All developments which generate significant traffic movement should also be supported by a transport statement or transport assessment which should account for the likely transport impacts including on air quality, environmental contamination and climate change and highway safety. A definition of the words ‘significant traffic movement’, is also required to reduce the potential for dispute.

Specifically in relation to paragraph 109, greater clarity is also needed on what constitutes “severe” impacts. With the bar set so high, this often fails to capture development that causes considerable residual cumulative impact.

Looking across the entire chapter, we particularly support the following new policies:

- Paragraph 104, the need to focus significant development in locations that are sustainable or can be made so through limiting the need to travel and provision of a choice of sustainable travel modes.
- Paragraph 105d, that planning policies should provide high quality walking and cycling networks.
- Paragraph 110a, that applications for development should give first priority to pedestrian and cycle movements and to facilitate access to public transport.

The overall theme of the chapter reflects the chapter heading, “promoting sustainable transport”. However whilst the rhetoric is very strong, it bears no relation to the wider direction of government policy. There is a stark disconnect between the policies espoused in the NPPF and the wider policy direction being pursued by the government as a whole. The DfT’s Road Investment Strategy Two reflects a siloed approach to transport planning with bypasses and distributor roads prioritised for investment whilst local authority subsidies for bus services are cut back. There have been some positive innovations in government policy, which reflect the tone of Chapter 9, in particular the Cycling and Walking Investment Strategy. However, these remain on the periphery of government policy.

Link recognises the lack of sustainable and integrated travel choices and the impact this can have on the sustainability of rural communities. Many living in rural areas have no choice in transport mode, other than the private car. The Roads Investment Strategy one and two have done little to alleviate this problem, in the face of evidence which demonstrates that road

schemes fail to cut congestion or boost local economies. The statement in paragraph 104 is unambitious in its view that plan-making and decision-making should recognise the reduced opportunities of sustainable transport solutions in rural areas. This reinforces entrenched assumptions that public transport, walking and cycling, are only viable transport modes for urban areas. There are challenges to their provision in rural areas, but that should not be used as an excuse for bad development, lack of aspiration, or poor local plans that do not seek to address and remedy the lack of sustainable travel choices in rural communities and which serve to isolate those who do not have access to a car.

### **Chapter 10 Supporting High Quality Communications**

#### **Q24: Do you have any comments on the text of Chapter 10?**

Link regards high quality communications as key to the sustainability of rural communities. It is however important to minimise the visual and any other potential negative impacts. This can be achieved by encouraging operators to share infrastructure where possible. It may also be possible to limit the landscape impact of new infrastructure by ensuring that all new developments are future proofed with the appropriate communications capability.

It is unclear why there has been a revision to this section, with DNPPF 113 stating that "use of existing masts, buildings...should be encouraged " whereas NPPF 43 says that "existing masts, buildings...should be used". On paper this would appear to be a weakening of this sentiment and something we would not support.

### **Chapter 11 Making effective use of land**

#### **Q27: Do you have any other comments on the text of Chapter 11?**

##### **Brownfield approach**

Link recognises that redeveloping brownfield land can provide opportunities for sustainable development, reduce pressure on the Green Belt and other undeveloped land and offer chances to promote economic regeneration. We therefore welcome the increased emphasis on the efficient use of land: reducing land-take is important for progress towards the UN Sustainable Development Goals. Whilst we support the redevelopment of suitable brownfield land, as previously highlighted, some brownfield sites are havens for wildlife, supporting scarce and threatened species, have heritage value as well as providing opportunities for communities to access nature.

There should be no presumption that all previously developed sites are suitable for development and sustainability principles should continue to apply. We note that previous NPPF policy 111 'planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land) provided it is not of high environmental value' has been removed and is now included as footnote 35 to new paragraph 117. We are pleased with the broader reference to 'habitats of high environmental value'. We note, however, that the new footnote only applies to Strategic Plans. Footnote 35 must apply to planning policies and decisions in line with current paragraph 111.

##### **Net environmental gain**

Paragraph 118a refers to 'taking opportunities to achieve net environmental gains'. Link agrees that the existing situation needs improvement - there is currently an inconsistent

approach to the current policy, and the enforcement of any planning conditions by local authorities. If the new 'net environmental gain' approach is mandatory, regulated and underpinned by robust, common transparent metrics it could improve this situation, depending upon the exact design of the scheme.

Net environmental gain must work within the well-established mitigation hierarchy. Offsetting damage should be an absolute last resort after all attempts have been exhausted to avoid, mitigate and then finally compensate for damage to habitats and landscape. Previous biodiversity offsetting approaches have lacked understanding of the complexity of natural systems, assuming that all environmental assets are quantifiable and replaceable. This is not the case. For example a further risk of 'net gain' is that, if provided by developers then they could use the 'viability' argument to justify providing less natural green space.

We feel strongly that the focus of net gain must remain on strengthening and delivering net biodiversity gains, with other wider environmental net gains achieved in addition, not instead of biodiversity net gain. It must also be noted that biodiversity is an integral part of the landscape character and heritage of an area which cannot simply be replaced in another location.

In order to achieve this LPAs must be resourced, have access to independent ecological expertise and enabled to ensure that they have access to the best available information for local plan making, for developing 'biodiversity offsetting strategies and for assessing proposals and identifying appropriate conditions and obligations. This is critical as ecological services have been subject to significant cuts in recent years.

Please also refer to our comments under Chapter 15 Conserving and Enhancing the Natural Environment.

### **Undeveloped land**

Paragraph 118b should be strengthened to reflect the multiple functions of **most**, not some, undeveloped land - 70% of the land surface area in England is farmland and used for food production but also provides other functions. Undeveloped land stores carbon, filters and stores water, supports flood management, is a store of biodiversity in the soil and underpins landscape. Many of these functions are critical to ecosystem function and the services we derive from nature.

### **Chapter 12 Achieving well-designed places**

#### **Q29 Do you have any other comments on the text of Chapter 12?**

Good design should focus on more than just the built environment, by providing for the natural environment both within the design of the building and the development site as a whole. Considering the natural environment up-front as an integral part of design will help to create more resilient communities capable of adapting to a changing climate, for example the role of natural green infrastructure in flood risk management, improved air quality and urban cooling. It will make developments greener and more attractive places to live and work and provide easy access to safe, beautiful natural spaces for exercise, play and social interaction – offering many health and well-being benefits.

Link believes the role of natural green infrastructure should be a fundamental objective of design policy in the NPPF and this has not been adequately captured in this section. We would like to see this approach reflected in paragraph 126e to recognise that developments should optimise the potential of the site to accommodate and sustain an appropriate amount of natural green space along with the development, properly addressing the role of the natural environment in the design of development.

We are disappointed with the removal of existing paragraph 61 and recommend this is reinserted to paragraph 126 (specifying natural green infrastructure) as follows: Planning policies and decisions should ensure that developments: *'address connections between people and places and the integration of new development into the natural environment through the provision of high quality natural green infrastructure'*

We would like to see Paragraph 126c reflecting the natural as well as the built environment. Paragraph 130 states that in determining applications *great weight should be given to outstanding or innovative designs which promote high levels of sustainability*. Rather than view this as exceptional, the planning system should require or as a minimum encourage all new development to achieve high levels of sustainability.

### **Chapter 13 Protecting the Green Belt**

**Q30: Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are 'not inappropriate' in the Green Belt?**

**No.** We recommend that the draft National Planning Policy Framework paragraph 137 is amended to prioritise consideration for both suitable brownfield land that is well served by public transport when land is released from the Green Belt. There are likely to be many cases where encouragement for the release of greenfield Green Belt land near train stations would encourage the loss of land that is important in terms of the Green Belt purposes, particularly those preventing sprawl and coalescence.

Link does not believe that the changes proposed in the draft National Planning Policy Framework 144b and 145e relating to changes of use are adequate to promote the permanently open qualities that Green Belt land should have. We recommend that such changes of use

should only be 'not inappropriate' if they both meet the proposed Green Belt policy tests and also include provision for increased public access, such as the provision of a new right of way if the facilities are not intended for use by the general public, or some other form of environmental improvement such as the retention and enhancement of wildlife habitat. It is often possible to provide rights of way alongside or adjacent to recreational facilities, cemeteries or allotments.

**Q31: do you have any other comments on the text of chapter 13?**

**Yes.** Link recommends that the final NPPF retains the critical references made in the draft to the need for Green Belts to be permanently open. We also believe that a number of other changes are critically important if the Government's pledge to maintain Green Belt protection is to be fulfilled.

Strategic plans should be clear, and be based on clear evidence, about the general locations where Green Belt boundaries can, and cannot, be altered with little or no harm to the Green Belt, rather than simply establishing a general need. This cannot be left to neighbourhood plans as the current draft suggests.

It should be made clear, in addition to draft paragraph 136a, that suitable brownfield sites should be prioritised for investment and development over non-brownfield Green Belt sites. In this respect it is particularly important that suitable brownfield sites should be normally seen as part of the ‘deliverable’ five year supply. Without this there is a danger of creating a perverse incentive to allocate greenfield Green Belt sites on the basis that housebuilders and landowners can argue that they are more ‘deliverable.’

Draft paragraph 138e should be altered to clarify that, once set, boundaries should not be altered again *during* the plan period as well as at the end of it. This is important given that local authorities are now required in law to review plans every 5 years and that plan periods are every 15 years.

We support draft paragraph 143 which reinforces the statement, currently set out in the Planning Practice Guidance, *that unmet need for housing or employment land is unlikely to constitute very special circumstances.*

Link supports the creation of new Green Belts where the criteria in draft paragraph 134 are met.

#### **Chapter 14 Meeting the challenge of climate change, flooding & coastal change**

##### **Q32 Do you have any comments on the text of Chapter 14?**

We agree that plans should take a proactive approach to mitigating and adapting to climate change (Paragraph 148). However, we disagree with the replacement of wording ‘*In line with the objectives and provisions of the Climate Change Act 2008*’ (footnote 16 current NPPF) with ‘*within the context provided by the Climate Change Act 2008*’ (paragraph 148, footnote 39 revised draft) as the latter is considered to be weaker and more vague.

We welcome the new paragraph (163) to incorporate sustainable drainage systems (SuDS) in major developments. We especially support the inclusion to provide multiple benefits where possible. However the caveat stating “*unless there is clear evidence that this would be inappropriate*” is ambiguous. It is plausible that if a major development considers the design and integration of sustainable drainage from the outset that it forms part of a viable development. However, if the sustainable drainage is only considered at a later stage in the development and essentially “retrofitted” into a design then it could end up being classified as unviable and argued that it would be “inappropriate”.

We seek clarity over the requirements of clear evidence within national planning policy guidance and what is considered inappropriate. This is particularly necessary as current national planning policy guidance adds detail to allow the opportunity for applicants to argue against including SuDS, particularly on the grounds of costs in relation to design, construction, maintenance and opportunity costs associated with land take. Yet there is no stipulation for the provision of evidence to support these arguments, nor does the applicant need to provide information on the costs (design, construction, maintenance or otherwise) of the conventional drainage alternative for the purpose of comparison.

SuDS can also be cost effective in minor developments. We propose that the NPPF includes reference to promoting SuDS in minor developments where appropriate.

Incorporation of high quality multifunctional SuDS are not a barrier to delivery of the housing numbers that the government is calling for. They should be cheaper to build and maintain and suggestions to the contrary would indicate poorly planned, designed and delivered schemes and, ultimately, sub-standard development.

The NPPF makes important reference to the need to support a low carbon future and take account of long-term implications for water supply amongst others. Yet there is no mention of the need for development to optimise water use and the need for water efficient homes. This is a significant omission. For example community scale rainwater harvesting in large developments can reduce the need for abstraction elsewhere, ease the pressure on water supply and takes surface water out of the system, potentially reducing the risk of surface water flooding. Such schemes can reduce water consumption by as much as 40% with a suggested payback between 7 and 20 years if water supply is metered.[1] The NPPF should support such schemes and complement existing policies regarding reducing greenhouse gas emissions and energy efficiency.

We support the requirement for local authorities to have strategic policies on natural green infrastructure and that local plans should take a strategic approach to maintaining and strengthening networks of habitats and green infrastructure. It is important that natural green infrastructure within the NPPF is defined as inclusive of blue infrastructure. This is not currently clear. We are concerned that natural green infrastructure is not promoted in the NPPF significantly enough for local authorities to invest in, create and maintain natural green infrastructure to effectively meet the commitments in the 25 Year Environment Plan. We propose that the NPPF makes reference to abiding by the new standards for green infrastructure as committed to within the 25 Year Environment Plan.

We are disappointed that the section on coastal change does not make reference to delivering shoreline management plans. These are important long term strategies for coastal change. These plans include areas where the long term plan includes managed realignment. Paragraphs 165 should include an additional bullet specifying that development should not be considered if it is located in an area highlighted for managed realignment under shoreline management plans.

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[1] Li, Z., Boyle, F. & Reynolds, A. (2010) Rainwater harvesting and greywater treatment systems for domestic application in Ireland, *Desalination*: 260 (1–3), 1-8

Ward, S., Memon, F.A. & Butler, D. (2012) Performance of a large building rainwater harvesting system, *Water Research*: 46(16), 5127-5134

[2] United Nations Environment Programme Division of Technology, Industry and Economics (accessed 17/11/2017) [Examples of Rainwater Harvesting and Utilisation Around the World](#)

**Q33: Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from buildings?**

As identified in the Clean Growth Strategy, reducing emissions from buildings is key to meeting our obligations to reduce greenhouse gas emissions under the Climate Change Act 2008. The 25 Year Environment Plan also contains the more general ambition to deliver high

environmental standards for all new builds, including reducing demand for energy (25 Year Environment Plan, page 35).

NPPF paragraph 149b does not go far enough to achieve this ambition. The reference to national technical standards is irrelevant as they do not apply to energy use. There are two alternative approaches: for the NPPF to allow individual local authorities to adopt emissions standards that are above the minimum required by building regulations, or to regulate nationally for zero carbon homes. The latter approach would be more straightforward, result in a level playing field for developers and would be more likely to deliver the emissions reductions required.

### **Chapter 15 Conserving and enhancing the natural environment**

**Q34: Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?**

**No.** We support the reference in the consultation document to the 25 Year Environment Plan and are pleased to see a clear read-across between the Plan and the NPPF. Whilst there are a number of areas we do support, we do have concerns. For example, we do not believe the Draft NPPF goes far enough to ensure the protection of our valued landscapes, locally important wildlife sites (including Local Wildlife Sites) and agricultural land.

#### **Loss of reference to criteria based policies**

**We are very concerned with the loss of existing paragraph 113** which requires planning authorities to set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity or landscape areas will be judged. This policy ensures planning authorities include local policies, which distinguish between the hierarchy of wildlife sites and give appropriate weight to the importance and contribution sites make to wider ecological networks. There is nothing in the draft NPPF that explicitly requires planning authorities to include policies to protect and enhance wildlife sites. By contrast, new paragraph 168 a) does this explicitly for valued landscapes and sites of geological value. **This policy requirement is essential and must be reinstated in the final NPPF.** Without this policy detail, there is a real risk that important policy detail will be omitted from plans and statutory and non-statutory site protection could be undermined. This would be contrary to the 25 Year Environment Plan which aims to maintain and strengthen environmental protections.

#### **Footnote 45**

Footnote 45, should be redrafted to reflect that a) the economic and other benefits of such land should be 'taken into account' in planning policies and decisions and b) land of lesser quality should be preferred if significant development of agricultural land need to be developed. This is essential for the policy to align with the Government's wish to protect soils as set out in the 25 Year Environment Plan.

Additionally, the 25 Year Environment Plan has a commitment to managing light pollution, this should be reflected in chapter 15 of the revised NPPF.

We welcome paragraph 169, which states that Plans ‘should plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.’ This will help embed a core theme of the 25 Year Environment Plan in local policy making.

### **National Parks and Areas of Outstanding Natural Beauty**

We welcome the introduction, in paragraph 170 that the *Scale and extent of development within these areas [National Parks, the Broads and Areas of Outstanding Natural Beauty] should be limited*. However further guidance is needed to steer the meaning of *scale and extent* to avoid legal challenges in the future. **It is crucial to include the statement that these areas have the highest status of protection in relation to landscape and scenic value within paragraph 170 to clarify the high level of protection.**

### **Local Wildlife Sites**

Link is extremely concerned about the proposed changes in the revised NPPF, which effectively remove all planning protection for Local Wildlife Sites (LWS). Local Wildlife Sites (formerly known as Sites of Importance for Nature Conservation) are of great significance as core wildlife-rich habitats and taken together they represent a major national asset, essential to nature’s recovery (as discussed under question 2). With no statutory protection, their only form of protection is through good planning policy and decisions. We believe the historic planning protection afforded to LWS, was weakened by the introduction of the NPPF. By withdrawing paragraph 113 (as discussed above) and all reference to locally designated sites and Local Wildlife Sites from paragraph 172a (formerly paragraph 117) and the glossary – they are now left without any protection at all.

Link strongly objects to these proposals, which directly conflict with Government’s commitments in the 25 Year Environment Plan to maintain and strengthen environmental protections enshrined in planning policy. We urge Government to **reinstate the current protection policies for LWS and further strengthen these** by: including LWS within footnote 7.

### **Developing a Nature Recovery Network**

The 25 Year Environment Plan refers to developing a Nature Recovery Network (NRN) to protect and restore wildlife, which will complement and connect our best wildlife sites. The planning system has a key role to play in delivering a network of sites to protect and restore wildlife. **It is essential that Nature Recovery Networks are referenced in the final NPPF.** This could be through an addition to new paragraph 169.

### **Mapping and safeguarding wildlife rich habitats and ecological networks**

We are pleased to see reference to wildlife-rich habitats (new paragraph 172a), but believe it is important that all components of ecological networks are mapped and safeguarded. We would like paragraph 172a) amended to include the following underlined text: ‘Identify, map and include policies to safeguard local wildlife-rich habitats and components of local ecological networks including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by local partnerships for habitat restoration, enhancement or creation’

Planning Practice Guidance should be amended to provide a clearer link between paragraphs 172 a and b and the commitment in the 25 Year Environment Plan. Guidance should clarify

that identifying, mapping and safeguarding wildlife-rich habitats, priority habitats and ecological networks should form part of the Strategic Policies required for each Plan area.

We would like to see the reinstatement of text *linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan* (previously in paragraph 117, third bullet) in relation to *...recovery of priority species...* (new paragraph 172b). Again, this would be consistent with 25 Year Environment Plan ambitions. The proposed text is much weaker without a desired outcome or target.

### **Ancient Woodland and aged and veteran trees**

We welcome the increased protection of ancient woodland. However we were very disappointed that aged and veteran trees do not enjoy the same protection. In fact their status has been lowered through separating aged and veteran trees from ancient woodland and the glossary setting out that aged and veteran trees are not to be considered irreplaceable for the purposes of paragraph 173c. This is contrary to the aspirations of the 25 Year Environment Plan and contrary to Natural England's Standing Advice. Paragraph 173, footnote 7 and the glossary must all be amended to reflect the fact that aged and veteran trees are irreplaceable habitats and must enjoy the same protection as ancient woodland.

### **Irreplaceable habitats**

There is a need for a clear and unambiguous definition of irreplaceable habitats to replace that currently provided in the Draft NPPF. Link would welcome discussion with Natural England and others to provide a suitable definition. This should include discussion on an appropriate list of habitats where there is a common agreement that they meet the definition of irreplaceable. For habitats, not specifically listed, it should be incumbent on planning authorities and others to apply relevant tests including habitat age, uniqueness, species diversity, technical difficulty (or impossibility) of replacement and significant timescales required for (successful) replacement.

### **Strengthening new paragraph 173 d)**

We are pleased with new paragraph 173 d). However, we are concerned that as drafted this could lead to biodiversity net gain being undermined. We recommend this paragraph be redrafted as follows:

173 d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable biodiversity net gains.

### **Biodiversity net gain**

We support the strengthening of planning policy in respect of biodiversity net gain, although further clarity is required (see our response to question 35).

### **Air Quality and Green Infrastructure**

It is also helpful to see new references to the importance of air quality and the role that natural green infrastructure can play in improving or mitigating impacts from development.

**Q35: Do you have any other comments on the text of Chapter 15?**

Yes.

**Tranquillity**

Tranquillity is essential for the enjoyment of our countryside. Paragraph 178b states that, in relation to new development, planning policies and decisions should 'identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for that reason'. The challenge is to provide an up to date measure of tranquillity so that it can inform planning policies and decisions. There also needs to be new, detailed planning guidance which includes an agreed definition of tranquillity, we suggest: *The quality of calm experienced in places with mainly natural features and activities, free from disturbance from manmade ones.* This could be added into the Glossary.

**Light Pollution**

Link would like to see the wording in paragraph 178c strengthened. With the wording *limit the impact* replaced with *reduce existing impacts and eliminate future impacts*. Light pollution is a critical issue in the UK. Studies have estimated that in 2016 more than 99% of the U.S. and European population live under light-polluted skies. This is up from 19% in 2001, or an increase of around 6% each year<sup>1</sup>. Concerns about the impacts of this have been expressed for a long time, both in reference to human and ecosystem health. Bats in particular require dark green corridors to move through the landscape, and dark areas to feed that are not abounded by areas of lighting. UV / blue-rich spectrum particularly creates a 'vacuum effect', attracting food resources from these darker areas towards light sources. This is true for even our most urban bat species; impacts have been recorded to common pipistrelle where gaps in the landscape have been lit. This consideration is essential because bats are an essential part of the ecosystem and their diversity and abundance is recognised by DEFRA as an essential indicator of the state of our environment.

<sup>1</sup> Fabio Falchi, Pierantonio Cinzano, Dan Duriscoe, Christopher C. M. Kyba, Christopher D. Elvidge, Kimberly Baugh, Boris A. Portnov, Nataliya A. Rybnikova and Riccardo Furgoni. 2016. The new world atlas of artificial night sky brightness. *Sci. Adv.* 2016; 2 : e1600377

Paragraph 178 has omitted reference to the natural environment. The impacts of pollution on the natural environment, particularly designated wildlife sites can be significant. This should be reinstated.

**The setting of Designated Landscapes**

An important consideration in conserving and enhancing the natural beauty of designated landscapes is the potential impact of developments that are outside the boundary of a designated landscape but still within its setting. This issue is not currently addressed at all in the draft NPPF despite the fact there are several specific references to the need to consider the impact of development on the setting of heritage assets.

Some local planning authorities covering areas adjacent to designated landscapes have specific local plan policies, which provide clear protection for the setting of the designated

landscapes. However, there are also examples where adjacent local planning authorities do not have any local plan policies in place to address the potential impacts of development in their area on a neighbouring designated landscape.

Paragraph 126 of the revised NPPF does require local planning authorities to take account of the landscape setting in their planning policies and decisions. However, we believe there needs to be a more explicit reference to the need to consider the impact of development on the setting of designated landscapes given it is clear that this issue is not always being addressed effectively. This would be consistent with the approach to development within the setting of heritage assets.

To address this issue, we recommend the addition of the following sentence in new paragraph 170: *‘Local planning authorities should set criteria based policies against which proposals for any development in – and within the setting of – these protected landscapes will be judged.’*

### **Biodiversity net gain, environmental net gain and net gains**

The State of Nature 2016 reported that between 1970 and 2013, 56% of species declined and urbanisation was identified as one of the top ten drivers of biodiversity change with a largely negative impact. In order to reverse biodiversity declines, it is vital that we have a more robust requirement to comply with and enforce the mitigation hierarchy for all types of development and a stronger commitment to a net gain for biodiversity.

We are therefore pleased with the strengthened references to biodiversity net gain and wider environmental net gains in the draft NPPF (ultimately net gain has to be embedded in the planning system to achieve the Government’s aim of leaving the planet in a better state). There is a risk that inappropriate application of net gain approaches could actually result in worse outcomes - creating a licence to trash habitats. It is therefore essential that net gain approaches are mandatory and underpinned by regulation and common, robust and transparent metric. We urge the Government to move forward with consulting on a mandatory approach in line with the 25 Year Environment Plan.

The draft NPPF refers to environmental net gain and biodiversity net gain. There must be greater clarity on what each term means in the final NPPF. As a minimum, there should be a definition for biodiversity net gain.

### **Chapter 16 Conserving and enhancing the historic environment**

#### **Q36: Do you have any comments on the text of Chapter 16?**

We fully support prominence given to the Outstanding Universal Values of World Heritage Sites, and the inclusion of reference to both their natural and cultural qualities.

We are concerned that key paragraphs in the current NPPF are either moved to the glossary (paragraphs 169 and 170 which set out the policy requirement for local authorities to use up-to-date information about the historic environment, have access to HERs and encourage the preparation of landscape character assessments) or to footnotes (para 139 which deals with non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to Scheduled Monuments). These changes downgrade the importance of these key policy provisions, and the current text should be maintained.

Similarly, footnote 56 contains an important policy which is ‘best practice’ and should be included in the main text of the NPPF.

The revised draft NPPF has changed the definition of Historic Environment Records (HER) in the glossary from *services* to *resources*. This diminishes the scope and importance of HERs and disassociates the HER from the expert staff who maintain the HER and provide advice to Local Planning Authorities. The definition of the Historic Environment should be reinstated in the glossary.

### **Chapter 17 Facilitating the sustainable use of minerals**

We are concerned by the proposed approach to oil, gas and coal exploration and extraction set out in Paragraph 204, which we understand reflects a Written Ministerial Statement and which states that “planning authorities should recognise the benefits of on-shore oil and gas development, including unconventional hydrocarbons, for the security of energy supplies and supporting the transition to a low-carbon economy”. When compared with renewable energy alternatives, we doubt there are benefits from burning fossil fuels since the latter requires the burning of finite minerals, with harmful carbon release compared to renewables that have no or minimal release. We question the claim that unconventional hydrocarbons can “support the transition to a low-carbon economy”.

Government forecasts demonstrate sufficient gas capacity without fracked gas (at least until 2035), therefore there would appear to be no justification for citing unconventional gas in national planning policy as playing a part in this transition. If unconventional hydrocarbons are not needed, then the NPPF wording should reflect this.

The revised draft NPPF provide a disproportionately encouraging planning framework for hydrocarbon exploration, appraisal and extraction compared with wind energy development or other renewables. This approach is considered at odds with legal duties put on plan making authorities to ensure Local Plans include policies to secure climate change mitigation and adaptation. Favouring the delivery of fossil fuel, especially unconventional, conflicts with wider sustainability aims for the planning system to deliver sustainable development.

We recommend therefore that the NPPF makes clear that the “great weight” applied to minerals extraction (paragraphs 201 - 2018) should not apply to hydrocarbons (including unconventional). This approach would recognise that while there may be a need for certain locally sourced minerals and aggregates for industry, construction and general development, by contrast, the extraction of energy minerals (and their subsequent ignition for energy generation) is just one of several energy sources, with viable and tested renewable alternatives such as wind, solar, wave, hydro, heat pumps etc. also available. The use of the term “great weight” should therefore be qualified, and not apply to hydrocarbons, especially unconventional hydrocarbons; in particular where viable more sustainable energy alternatives are readily available.

The approach to coal set out in paragraph 206 is unchanged from the current NPPF (paragraph 149) and incompatible with the need to address climate change and meet UK carbon budgets. There remains an urgent need to move away from the use of fossil fuels and embrace renewables.

We recommend therefore, that the NPPF adopt a similar policy approach to that set out in the [Planning Policy Wales draft consultation guidance](#):

*Proposals for opencast, deep-mine development or colliery spoil disposal should not be permitted. Should, in wholly exceptional circumstances, proposals be put forward they would need to demonstrate why they are needed in the context of climate change emissions reductions targets and for reasons of national energy security.*

### **Restoration of minerals sites**

We are very concerned with the removal of criteria around high quality restoration and aftercare of mineral sites (see previous policy 143, bullet 8) which included reference to biodiversity and native woodland. These criteria have been instrumental in securing the biodiversity-led restoration of over 7,000 ha of former mineral sites. **We wish to see this important policy text reinstated.**

### **Transitional arrangements and consequential changes**

#### **Q40. Do you agree with the proposed transitional arrangements?**

**No.**

The NPPF should reinforce the primacy of up-to-date local and neighbourhood plans as is the case in the current NPPF, the policies of which should be given more weight in determining planning applications than the mere material consideration of the policies in the NPPF.

Link is concerned that the overall draft of the NPPF fails to give the same support as the current NPPF for maintaining existing planning policies, such as those relating to local green spaces and design, when they are not out of date, other than against an arbitrary standard. It should be up to the decision maker to determine, in cases where there is a material conflict between the development plan and the NPPF, whether the application of existing development plan policy or the NPPF would lead to the most sustainable outcome for the locality in question. DNPPF 208 should be re-worded to reflect this principle.

Another important question is whether councils have the resources – financial, time and expertise – to implement the policies in the framework. Given the range and number of consultations over the past two years, many local authorities have delayed progress with the local plan. Additionally, many authorities have allocated sufficient land, and/or granted permission for developments to meet housing needs. The timeframes within the NPPF, should reflect a time lag in build-out rates, as well as the additional burden on councils in meeting these new requirements, to ensure that adopted local plans are not considered out-of-date, and to enable those without plans to adapt to the new NPPF.

### **Glossary**

#### **Q43 Do you have any comments on the glossary?**

Links comments on the Glossary are set out in body of the response; please refer to individual Link members responses for specific wording.