

**Briefing for Second Reading of the Neighbourhood Planning Bill on 10 October 2016**

Wildlife and Countryside Link (Link) brings together 45 voluntary organisations concerned with the conservation and protection of wildlife and the countryside. 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 are concerned about the following two issues, which we believe could undermine the Government's commitment to involve more communities in planning and place-making and to protect our natural environment.

**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. A recent survey by the British Property Federation (BPF)<sup>i</sup> has identified that this under-resourcing is 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 forwards.

This under-resourcing also extends to 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>ii</sup> and that the majority of local authority planners lack ecological qualifications and have had very little ecological training<sup>iii</sup>.

Without sufficient resourcing of LPAs, the planning system will continue to face long delays, providing 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. Equally, 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 delivering a net-loss in biodiversity.

**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.

**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.*

There has been much rhetoric on pre-commencement conditions slowing down the delivery of development. 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 and encourage 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 in the Bill itself and in its supporting guidance and that it should be a matter for the Parliamentary record rather than verbal assurances. **We would therefore encourage MPs 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.**

**We would also like to propose a new clause as set out below which provides a statutory definition of sustainable development.**

**New clause: A statutory definition of sustainable development to make it a meaningful, enforceable duty.**

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. Nor has it resulted in a more balanced approach between the three dimensions - economic, social and environmental - of sustainable development.

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>iv</sup> and on the five principles set out in the UK Sustainable Development Strategy<sup>v</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.

**Proposed New Clause: ‘Sustainable development’ means development that meets the social, economic and environmental needs of the present without compromising the ability of future generations to meet their own needs. The five principles of sustainable development are: (i) living within environmental limits; (ii) ensuring a strong healthy and just society; (iii) achieving a sustainable economy; (iv) promoting good governance; (v) using sound science responsibly.**

This briefing is supported by the following nine Link members:

- Bat Conservation Trust
- Campaign to Protect Rural England
- Friends of the Earth
- Open Spaces Society
- RSPB
- The Wildlife Trusts
- The Woodland Trust



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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.’  
Chair: Dr Hazel Norman Director: Dr Elaine King

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- Wildfowl and Wetlands Trust
- Wildlife Gardening Forum

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

<sup>ii</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

<sup>iii</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

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

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

