

Written evidence submitted by Wildlife and Countryside Link [FPS 075]

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.

Introduction

1. The reform of the planning system is an opportunity to harness planning and development to do more for improving the natural environment. Planning should not just mitigate and minimise harm, it should actually contribute to nature's recovery. The planning system should integrate the protection and restoration of the environment, building of natural infrastructure, planning well-designed and green places, and delivery of housing to deliver a healthy environment, people, and economy.
2. Nature is in decline. 41% of the UK's species have declined in abundance and distribution since 1970 and 15% of all species are currently threatened.¹ Important and irreplaceable habitat, such as ancient woodlands, have been lost through conversion to plantation forestry, increased agricultural activity, increased land and resource use efficiency, land drainage, and urbanisation. They continue to face threat from infrastructure and housing development. Climate change is also driving widespread changes in the natural and human environment. Nature is crucial to peoples' health and wellbeing. Unfortunately, good access to quality green spaces is limited and unequitable: 11 million people in England live in areas with limited green space and 42% of people from ethnic minorities live in England's most green space-deprived neighbourhoods, compared with just one in five white people.²
3. Nature is a key tool to help us address habitat loss, access to nature, and mitigate and adapt to climate change. Nature must be embedded in the planning system and the present moment offers several opportunities to do so. Current environmental measures in the planning system, designed mainly to prevent environmental harm, have not been enough to turn the tide in nature's decline. The Government has set out its ambitions for nature in the 25 Year Environment Plan, in the Environment Bill, and its recent announcement to protect 30% of land by 2030.
4. Unfortunately, the Government's White Paper proposals not only fail to integrate its environmental improvement aims and mechanisms into the planning system to work towards nature's recovery, the reforms also pose severe risk to the environment.
5. Improving strategic planning is crucial, but without the granularity of up-to-date local environmental data, extending permission in principle at a large scale is likely to lead to acute environmental damage. These proposals weaken protection for nature in areas designated for growth and renewal, while offering no enhanced environmental protection for areas earmarked for protection.
6. The Government's proposals to simplify and digitise Local Plans and the consultation process also undermine the role of local people in identifying and protecting natural spaces and in

¹ <https://nbn.org.uk/wp-content/uploads/2019/09/State-of-Nature-2019-UK-full-report.pdf>

² <https://friendsoftheearth.uk/nature/access-green-space-england-are-you-missing-out>

scrutinizing development applications and the planning process. Local knowledge and public participation are crucial to delivering sound planning outcomes for people and nature.

7. By embedding the objective of nature's recovery in the planning system, ensuring local authorities are well-resourced with access to up-to-date and comprehensive environmental data, and fostering the meaningful democratic engagement of local communities, the Government can seize this opportunity to integrate its environmental improvement programme with the planning system and go beyond ensuring protection for the environment to enhance nature's recovery.

Responses to questions posed by the Committee

Q1: Is the current planning system working as it should do? What changes might need to be made? Are the Government's proposals the right approach?

8. The planning system is important for nature's recovery and can play a huge part in addressing the climate and ecological crises. Planning should not just be about maximising development and minimising environmental harm; it should also play a positive role in protecting vital habitat and species and creating new biodiverse landscapes.
9. The current planning system could certainly be improved, and the Government has identified some of those aspects. We agree that (1) more strategic planning; (2) more capacity for local authorities and statutory agencies; (3) better building design standards; and (4) improved data and digitisation (including access to data), could all help reduce delays and save money in a way that is compatible with nature's recovery.
10. Unfortunately, the Government's initial ideas in these areas favour speed and simplicity at the expense of environmental protection and wide societal benefits. The Government has recognized the potential for harnessing planning and development to contribute to nature's recovery in the Environment Bill, where its proposals for biodiversity gain and Local Nature Recovery Strategies (LNRSs) aim to contribute funding and improve strategic planning for nature. More broadly, the Prime Minister has recognized the need to protect 30% of the land for nature by 2030. While there is some incorporation of the Government's ambitions for nature in the White Paper, at present they are weak and do not contribute to tackling the climate and ecological crises. In fact, the current proposals risk serious environmental harm.
 - a. The Government's proposals weaken protection for nature in areas designated for growth and renewal, while offering no additional safeguards for areas earmarked for protection.
 - b. The extension of permitted development rights and automatic permission in principle over large zones would undermine local ecological diligence that helps identify and protect habitats and species of local, national, and international importance.
 - c. Consideration of forthcoming proposals to amend Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) appear to be based on the false premise that environmental regulation is responsible for housing shortages and delayed development in England.

- d. The proposed abolishment of the Duty to Cooperate and the lack of explicit links between the planning system and Local Nature Recovery Strategies (LNRSs) are lost opportunities for crucial cross-boundary strategic-level planning. LNRSs are not legally linked to the planning system or given any role in informing Local Plans or zoning, with only a weak duty to “have regard” to LNRSs in setting local environmental policies.
 - e. The proposals to expand Development Consent Orders (DCO) under the Nationally Significant Infrastructure Planning Projects (NSIP) regime and for Development Corporations to be used more extensively for housing development risk lifting large areas of development out of the requirements for biodiversity net gain.
 - f. Weakening of Section 106 and the Community Infrastructure Levy (CIL) risks removing the percentage of developer contributions which are ring-fenced for local green projects, unless dedicated environmental allocations were included in the proposed new levy. These funds are key for creating and maintaining local green and blue spaces and delivering the objectives in the 25 YEP.
 - g. Proposals to simplify and digitize Local Plans with a statutory 30 month timeline risk losing important local-level data and knowledge and threaten meaningful and democratic public consultation.
11. The Planning White Paper is a missed opportunity to integrate the Government’s environmental improvement programme with the planning system. With robust policies, sound governance, proper resources, and democratic oversight, the planning system can go beyond ensuring adequate and reasonable protection for the environment and actually enhance nature’s recovery and turn the tide in nature’s decline. This is an opportunity for the Government to deliver on its ambitions in the 25 YEP, other targets set under the Environment Bill, and its aim to protect 30% of UK lands by 2030.
12. A planning system in England should have these three key criteria: (i) nature’s recovery is embedded into the planning system; (ii) well-resourced local authorities with access to up-to-date and thorough environmental data to inform decision-making; and (iii) democratic involvement of local communities in all aspects of their local planning system. The following describes how the White Paper falls short on all these areas and concrete recommendations for how the Government can address these shortfalls.

i. Nature’s recovery is embedded into the planning system

13. A planning system designed to not just minimise environmental harm but to foster nature’s recovery and thriving and resilient communities requires a connected system of national, strategic, and local planning.
14. **Local site-based survey work must be maintained, complementing improved strategic-level environmental data.** While strategic planning is important, it should complement, not replace, detailed local site-based survey work, which remains at the heart of the planning system. Ecological data and mapping at the strategic level fall far short of the detail and accuracy needed to give outline planning consent or permission in principle without on-site ecological assessments. Nature does not adhere to areas or boundaries. Instead, by improving

baseline assessments for nature and mapping important habitats accurately, delays can be avoided and savings made, while maintaining on-site survey work.

15. **Strategic planning should instead identify “highly protected areas” and “nature recovery areas”.** In “highly protected areas”, there should be a presumption against damaging activities and not to rely on mitigation measures as a way to permit development. Existing designations could be reinforced and buffered with stronger planning protection. In “nature recovery areas”³—which could be an area under new proposals or a novel designation—damaging development could be limited and planning for habitat creation could be streamlined, in coordination with spending on enhancing and restoring nature. Planning reforms should use Local Nature Recovery Plans as the environmental basis for strategic planning. “Highly protected areas” and “nature recovery areas” could be the spatial articulation of Local Nature Recovery Strategies, giving them weight in the planning system. They could add up to an effective Nature Recovery Network.
16. **LNRs and Biodiversity Net Gain should be properly integrated into the Town and Country Planning regime and the NSIP regime.** All development, including major infrastructure projects, should be included in requirements for biodiversity net gain in the Environment Bill and should contribute to nature’s recovery. Both systems should be informed by the same evidence base and environmental data infrastructure and be supported by statutory obligations and skilled staff at Local Planning Authorities and the planning inspectorate.

ii. Well-resourced local authorities with access to up-to-date and thorough environmental data to inform decision-making

17. **The proposals for allocating land for permission in principle without adequate site-based survey and mapping work should not be taken forward.** On-site survey work remains crucial to delivering good planning outcomes for communities and the environment. Even with the best data available, strategic-level mapping will not be capable of replacing on-site survey work for the near future. There is too much variation and fine detail in habitats and species, with highly site-specific ecosystems, which will need to continue to be assessed by an expert ecologist. Granting permission in principle with outline planning consent across large areas would short-circuit the crucial role of expert ecologists in assessing individual sites for species and habitats that are important locally, nationally or internationally. Once permission in principle has been granted for a site, it is difficult to prevent development, even where ecologically important habitats or species are found by later survey work.
18. **Environmental data that informs strategic planning must be updated, comprehensive, and well-resourced to inform good decision-making.** Strategic planning, to complement rather than replace site-based surveys, can facilitate a more efficient and effective planning process by identifying important environmental considerations more clearly upfront and by facilitating cooperation across administrative boundaries. However, many baseline

³ Note: this would be a separate, distinctive concept to the Nature Recovery Areas outlined in the 25 YEP (which are landscape scale project areas - discrete project areas serving particular functions and not something that is integrated across the planning system.) “Nature recovery areas” in the planning system would be as described in the text above.

environmental data and systems required to facilitate strategic-level planning are not yet adequate to achieve the aspirations of the 25 YEP and a reformed planning system. Environmental data are not available for all areas, including up-to-date information on the condition of protected sites and the location of important habitat types that imposes costs and delays on development. There need to be updates to: the Ancient Woodland Inventory, the Ancient Grassland Inventory, the Open Mosaic Habitats Inventory, Priority Habitat Inventory, and Scheduled Ancient Monuments. Other critical, irreplaceable habitats such as peatlands, including shallow and degraded peat, should be mapped. Local Environmental Records Centres Historic Environment Records and Local Wildlife Site partnerships require increased support. There should be a costed audit of the national environmental information infrastructure against the needs, targets, and reporting requirements of planning and strategic environmental improvement as part of the announced 'Natural Capital and Ecosystem Assessment.'

19. **Local Authorities must have adequate capacity, skills, and resources.** Where environmental data is available and accessible, there is a lack of obligation to use the evidence base, and often a lack of skills to interpret it. This is exacerbated by a high proportion of applications of poor quality which omit required environmental information and fail to consult the available local evidence base, leading to delays and additional costs for Local Authorities. Local Authorities must have access to ecological and planning expertise, with in-house ecologists, environmental planners, strategic planners, and development management officers. Local ecological specialists should be encouraged to participate and provide advice at the outset of the planning application process. Natural England must have increased funding in order to have the resources to review and improve its statutory planning functions and environmental advisory services. The quality of information required by Planning Authorities to validate applications should be clarified.

iii. Democratic involvement of local communities in all aspects of their local planning system

1. Good environmental governance requires meaningful and democratic public participation, transparency, and accessibility. Local democracy and nature's recovery are interlinked: local communities play a central role in determining the management and creation of the area they live in. There are many tools and mechanisms needed for effective public engagement, some of which the current planning system already has in place, including Neighbourhood Plans. However, some of the White Paper's proposals risk undermining the democratic public scrutiny that ensures good planning outcomes for people and nature.
2. The White Paper's proposal to extend permission in principle is a serious undermining of democratic process within the planning system and will lead to loss of public scrutiny of development proposals and worse outcomes for nature. Limited controls within Growth or Renewal areas will lead to fewer policies within Local Plans and a loss of control by elected members through planning committee decision-making.
3. **There should be meaningful community consultation throughout the planning process, with opportunities for face-to-face discussion.** Reforms should always include planning committees on large and controversial plans. The government should keep the statutory requirement for two consultations for new developments as a minimum. Community consultation earlier on in the process is welcome, but not at the expense of further

consultations down the line. Local knowledge and interest helps to identify and protect important natural spaces. Access to natural green space and meaningful public engagement are important aspects of ensuring health and wellbeing of people and communities.

4. **In any planning system, there is a continued need for SEA or a similar equally robust procedure** to inform the development of plan policies and identification of site allocations and ensure both of these, and alternatives, are consulted on before the plan is submitted for examination.
5. **There should be public engagement at all tiers of the planning system.** The integration of a Nature Recovery Network and LNRs into Local Plans must go hand-in-hand with public participation to ensure that stakeholders and the public are playing a meaningful role in the planning process at each tier of governance. Cross-boundary cooperation and meaningful public engagement will ensure that pressure to develop is not placed on areas already struggling with a lack of environmental capacity and would help develop a connected network of nature across England.

Q2: In seeking to build 300,000 homes a year, is the greatest obstacle the planning system or the subsequent build-out of properties with permission?

6. A proven obstacle in delivering homes is the slow build-out of properties with permission. Slow development has been proven to be caused by land-banking and intentional delay on the part of developers.⁴
7. The government's proposals to speed up decision-making in the planning system in the effort to build 300,000 homes a year are based on the false premise that environmental regulation (such as Environmental Impact Assessments (EIA) or site surveys) are responsible for delays.⁵ The government's proposals to speed up decision-making which involve the removal of environmental and democratic consultation processes (i.e. the granting of permission in principle to development in allocated 'Growth Areas') are not grounded in evidence. Furthermore, the government's proposals are risky for nature and undermine meaningful democratic public consultation.
8. Instead, proposals to address the housing shortage should address the causes of slow development: slow build-out rates, and delays in the planning system from land-banking and intentional delay.
9. Sir Oliver Letwin's review of build out rates proposes a number of solutions.⁶ In order to ensure the timely and fair delivery of biodiversity net gain and green infrastructure on larger sites, proposals to address slow build-out rates should be integrated with strong locally-directed plans that have nature at their core. Measures to increase build-out rates should not increase pressure for development in unsustainable locations or adversely affect the contribution that development can make to high quality green infrastructure with accessible natural green space. Instead, these measures should ensure more timely build out of

⁴https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752124/Letwin_review_web_version.pdf

⁵ https://ec.europa.eu/environment/nature/legislation/fitness_check/docs/nature_fitness_check.pdf

⁶https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752124/Letwin_review_web_version.pdf

environmentally appropriate development. One way these measures to increase build-out rates can be integrated with nature's recovery is by ensuring Biodiversity Net Gain (BNG) requirements are appropriately allocated and met.

10. In general, quicker decisions should not come at the cost of positive outcomes for nature and the environment. Up-front incorporation of nature can reduce delays in the planning system by considering nature earlier in the mechanisms and processes in the system, including better data mapping, surveying, interpretation, and community consultation, facilitated by well-resourced and skilled Local Authorities. For example, screening for biodiversity using site-specific work should happen early in the planning process, accompanied by clear guidelines of how applications and development proposals will be properly assessed for biodiversity. For more examples of concrete recommendations to better integrate nature into planning to speed up the planning system, please see Q1, Points 12 and 13.

Q3: How can the planning system ensure that buildings are beautiful and fit for purpose?

11. Nature is integral to beauty. The COVID-19 pandemic has revealed the importance of natural beauty to people across England.⁷ Access to quality greenspace sustains peoples' health and wellbeing. The definition of beauty in the planning system (which remains undefined by the government's proposals) must go beyond aesthetics and incorporate an understanding of nature and environmental sustainability.
12. The beauty of buildings is linked to the wider place and natural landscape. A definition of beauty must extend beyond buildings to incorporate nature and environmental sustainability into placemaking.
13. If nature and environmental sustainability are integrated, the government's proposal to improve the production and use of design guides and codes has the potential to deliver high quality buildings and places which benefit species, habitats, the environment, and communities - through high quality green infrastructure with accessible natural green space that connects to the Nature Recovery Network. Nature is integral to beauty: there should be no trade-off in design guides and codes between the aesthetics, protection of habitats and species, and environmental sustainability of buildings and places.
14. The government's proposals could be further improved by integrating design guides and codes with LNRs and the delivery of Biodiversity Net Gain (BNG).
15. However, we do not support a fast-track for beauty. While the improvement of design guides and codes has the potential to secure better designed developments and places that reduce and avoid adverse environmental impacts, the loss of scrutiny that would result from fast-tracking risks overlooking impacts which could cause significant environmental harm. Even the most considered design guides and codes are not a substitute for site-specific work that ensures that important habitats and species are not adversely affected by any new development.

⁷ <https://orb-international.com/2020/04/24/covid19-uk-perceptions-and-behaviours-week-6-22-24-april/>

Q5: What is the best approach to ensure public engagement in the planning system? What role should modern technology and data play in this?

16. Local communities ought to play a central role in the planning system. Facilitating the public's meaningful engagement will help deliver sound planning outcomes for nature and the environment. Locals' in-depth knowledge of their communities and natural spaces is crucial to informing a nature-enhancing planning system.
17. Well-designed and accessible digital tools can widen access to information and help facilitate public participation and should be used to do so.
18. However, digital tools are not a replacement for in-person engagement.
19. Web-based Local Plans should not replace a detailed 'traditional' Local Plan. True community engagement requires a diversity of approaches that are accessible and legible for a diversity of audiences. Access to hard copy documentation and in-person consultations are necessary to engage those with limited or no access to the Internet.
20. In-person consultations and the right to be heard in person at a Local Plan examination in public should be retained. Face-to-face communication facilitates a level of engagement and discussion that cannot be replicated through digital technologies. These processes allow people to engage alongside other stakeholders, fostering consensus and understanding among diverse parties.
21. In summary, in-person opportunities to engage in the planning system are crucial to facilitate meaningful and democratic public scrutiny, which will lead to well thought out planning policies and sound outcomes for nature. Digital tools should be expanded, but not at the expense of 'traditional' public consultation.

Q6: How can the planning system ensure adequate and reasonable protection for areas and buildings of environmental, historical, and architectural importance?

22. To deliver the Government's ambitions for nature, the planning system must not just protect, but actually enhance nature. These planning reforms are a missed opportunity from the Government to integrate their environmental improvement programme with the planning system.
23. The Government's proposals at present do not give adequate and reasonable protection to nature and the environment. While there is some incorporation of the Government's ambitions for nature in the White Paper, at present they are weak. Indeed, the current proposals risk serious environmental harm. We outline the risks of the Government's proposals in Q1, Point 4.
24. To both ensure protection of the environment and work positively towards nature's recovery, a planning system must have: (i) nature must be embedded into the planning system; (ii) well-resourced local authorities with the environmental data to inform decision-making; and (iii) democratic involvement of local communities in all aspects of their local planning system. The Government's proposals fall short of these requirements. We put forth positive recommendations for a planning system to fulfil these requirements in Q1, Points 7 – 19.

Q7: What changes, if any, are needed to the green belt?

25. The Green Belt is a valuable resource, but could do more to serve people and the environment. The Green Belt can have many environmental benefits, from absorbing air pollution to providing habitat for wildlife. It can bring benefits for people too, including valuable recreational opportunities and enhanced opportunities to connect with nature closer to where people live.⁸ Unfortunately, this potential is not always realised.
26. The Green Belt remains an important protection for landscape and greenspaces close to where people live and should not be exposed to deregulation or chipped away by incremental development. Nevertheless, supporting biodiversity is not a core purpose of the green belt and in some areas – while it remains important for communities – green belt is not managed well for nature. In these places, there are significant opportunities for adding additional protection and investment for nature, enhancing the way areas of green belt are managed to contribute to environmental improvement.
27. Biodiversity protection and enhancement is not featured in the five purposes of Green Belt. There should be a strengthened duty to enhance nature in the Green Belt, perhaps in the form of a ‘greener belt’ or as part of a ‘wild belt’ designation. These changes would preserve the fundamental planning ideas behind the Green Belt (limiting urban sprawl, cultivating natural beauty, and bringing people in urban areas into closer contact with nature) while improving the protection and management of the Green Belt in order to enhance nature’s recovery and peoples’ health and wellbeing.

Q8: What progress has been made since the Committee’s 2018 report on capturing land value and how might the proposals improve outcomes? What further steps might also be needed?

28. These funds generated by the Community Infrastructure Levy (CIL) and Section 106 (S106) are vital for local conservation and environmental mitigation projects associated with new developments. Local Planning Authorities (LPAs) can allocate the revenue generated through these levies towards enhancing local wildlife parks and contributing to BNG. If properly funded, LPAs can play a crucial role in helping deliver the Government’s ambition of protecting 30% of land for nature by 2030 by protecting and restoring nature in new developments.
29. Land uplift, particularly for greenfield developments, remain high and more value could be captured for public benefit. The government’s proposed consolidated Infrastructure Levy should aim to capture a larger portion of the value of the land.
30. If the government proceeds with the idea of a consolidated Infrastructure Levy, it should also include a mechanism to ensure the equivalent provision of essential high-quality infrastructure with nature built in for all communities. Low value areas which risk generating insufficient funds should still have the funds to support greater investment in high quality green infrastructure, green and affordable housing, and well-designed accessible natural spaces.
31. Crucially, the consolidated Infrastructure Levy should allocate a significant proportion of its funds to environmental enhancement. Since 2018, the proportion of the CIL and S106 funds

⁸ https://www.cpre.org.uk/wp-content/uploads/2019/11/Our_Green_Belt_-_worth_investing_in.pdf

allocated toward environmental improvement has fallen. It is concerning that there is no indication of ring-fenced funds for nature in the government's proposals to replace the revenue generated by CIL and S106 for LPAs, which allow them to allocate revenue toward high quality green infrastructure including accessible nature green space and local parks. Any CIL and S106 funding secured for a particular environmental project must be ring-fenced if the process is to be credible. If properly funded, LPAs can play a crucial role in helping deliver the Government's ambition of protecting 30% of land for nature by 2030 by protecting and restoring nature in new developments.

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