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CONSERVATION PLANNER

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Planning in the limelight

Has planning ever been the subject of such public debate, or had such a high profile in the media? In England, the controversial draft National Planning Policy Framework (NPPF) has been frequenting the front pages for over a month! The debate has been fierce – and rightly so. The draft NPPF emphasises economic growth to such an extent that it even lessens protection for SSSIs. The stakes are high and the RSPB will continue campaigning hard to get a Localism Bill (p.2) and NPPF (p.3) for England that can help deliver the aspirations of the Natural Environment White

Paper (p.3) and the National Ecosystem Assessment (p.4). Elsewhere, the debate over High Speed 2 (HS2) is gathering pace (p.4) and England has its first marine plan (p.5). Northern Ireland has a new Planning Act (p.6), and there are proposals for a new wind farm near Belfast Lough SPA (p.6). In Wales, both residents and developers have been stepping up for nature (p.7). There's been further Nature After Minerals projects in England (p.7), and experts have come together in Scotland to try to find sustainable solutions to energy grid expansion (p.8).

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The Localism Bill has far-reaching implications for the planning system

Andy Hay (rspb-images.com)

The Localism Bill

The Localism Bill does not need much in the way of introduction to readers of Conservation Planner, but suffice to say that it is central to the Westminster Government's planning reforms. At the time of writing, this huge piece of legislation, of which only part relates to the planning system, was in the final throes of scrutiny by the House of Lords.

The RSPB has been campaigning on the Localism Bill throughout its passage through the Houses of Parliament as part of a wider coalition called Greenest Planning Ever. Our key demands for the final stages of the Localism Bill are:

- That the purpose of planning be reaffirmed as sustainable development, linked to a robust definition that this encompass all five of the widely-accepted pillars (living within environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; using sound science responsibly)
- That the new Duty to Co-operate must apply to cross-boundary working on the natural environment, as well as on economic and infrastructure development
- That clause 130, which makes local financial considerations a material consideration in determining planning applications, be removed from the Bill.

Having a robust definition of sustainable development is critical to ensuring that the environment, and social justice, are at the heart of the reformed planning system. The controversy over the presumption in favour of sustainable development" in the National Planning Policy Framework shows how critical establishing a robust, un-biased, definition in statute is.

The Duty to Co-operate is the Government's new approach to enable strategic planning. Successful strategic planning is critical for the natural environment – it facilitates the right developments happening in the right places, and allows the cross-boundary enhancement of the natural environment. If the Duty to Co-operate is to fulfil this role, it must apply to cross-boundary working on natural environment issues.

Clause 130 could encourage local decision makers to sanction a development that brings short-term financial rewards without giving sufficient regard to its longer-term social and environmental merits. This could undermine the plan-led system, and raise fundamental concerns over the ability of local authorities to act as impartial arbiters and make decisions in the public interest.

We will be coming back to what will be the Localism Act, and what it means for England's wildlife, in our next issue of *Conservation Planner*.

White Paper: The Natural Choice

In June 2011, the UK Government published its Natural Environment White Paper (NEWP), covering England and fulfilling some international functions. The RSPB, along with other nature NGOs, has worked long and hard both to get a White Paper and to influence its content.

The White Paper, entitled *The Natural Choice*, states: "The Government wants this to be the first generation to leave the natural environment of England in a better state than it inherited". It commits to a net gain of 200,000 ha of priority wildlife habitat, and to have 90% of priority wildlife habitats in recovering or favourable condition.

To realise these aims, the new approaches identified in the White Paper will need support from government departments and a wide range of partners. The White Paper highlights the role planning has to play in delivering a sustainable future. In particular, it draws on the recommendations of Professor Sir John Lawton's *Making Space for Nature* report (see the Spring issue of *Conservation Planner*).

The White Paper establishes two mechanisms to allow planners to work with other partners to achieve England's ecological network: Local Nature Partnerships (LNPs) and Nature Improvement Areas (NIAs). *Making Space for Nature* found that there are "areas of the country where the opportunities and benefits for the whole ecological network justify focused effort on a grand scale." With this in mind,

the White Paper established a competition for 12 NIAs; a flagship scheme to demonstrate working at a landscape scale. Achieving the Government's ambitions will depend upon the White Paper being translated into practice through the new National Planning Policy Framework (NPPF). At the time of writing, the Government's consultation draft of the NPPF is not fit for this purpose. The RSPB is pushing the Government to make the links and establish a planning system with the natural environment at its heart.



Ray Kennedy (rspb-images.com)

The Natural Choice White Paper advocates that planners work with partners

Framework for planning policy falls short

In July 2011, the Government published the draft National Planning Policy Framework (NPPF), a welcome exercise in consolidating the reams of existing national planning policy.

However, the content of the draft NPPF has been the subject of much controversy, particularly the infamous presumption in favour of sustainable development. This is intended as a "golden thread running through both plan making and decision taking". In a radical departure from existing policy, when considering what constitutes sustainable development, the need to support economic growth is given clear primacy over social and economic objectives. As it stands, the presumption in favour of sustainable development is little more than a presumption in favour of development. If the planning system is to operate in the wider interests of the public, it must not allow short-term economic growth at the long-term expense of the environment, society and ultimately the economy itself. The RSPB will continue campaigning to ensure that any presumption in favour of sustainable development is linked to an appropriate definition of sustainable development.

Alongside protecting our depleted levels of biodiversity, the planning system can, and should, restore some of the wildlife and habitats that have been lost. The NPPF must also require local authorities to enhance the natural environment. This principle is timidly referred to in the draft when it needs to be emphasised in the same strong language that requires local authorities to plan positively for new housing and business development.

There must be a requirement, not simply a consideration (as in the draft), for local authorities to allocate sites for low-carbon and renewable energy infrastructure – based on evidence of potential capacity. Such evidence studies should be carried out between neighbouring authorities and should follow the Department of Energy and Climate Change methodology for renewable and low-carbon capacity assessment.

Consultation for the draft NPPF closed on 17 October 2011.

To view our consultation response, please visit: www.rspb.org.uk/ourwork/policy/planning/reform/englandreform.aspx Blogs on planning reform can be found at: www.rspb.org.uk/savingspecialplaces



Andy Hay (rspb-images.com)

High Speed Rail needs to be integrated with strategy on climate change

Will UK climate change goals hit the buffers?

The recent consultation for the preferred route of the High Speed 2 railway link from London to the Midlands ignited intense arguments over the costs and benefits of the proposal. The RSPB's response centred on dealing with the project's likely impacts on wildlife, and the climate change implications in its own right and as an integral part of UK Government transport policy.

The UK must tackle rising carbon emissions from land transport, and fast. The Committee on Climate Change says that we need at least a 60% cut in domestic emissions by 2030 to be on track to secure a 90% cut by 2050. High Speed

Rail therefore needs to be planned and justified as a strategic element of a sustainable, near zero carbon transport system.

The Government took a bold move in announcing no new runways in the South East, alongside a new High Speed Rail network as key to upgrading our transport system. More boldness is needed to avoid derailing the UK's climate change strategy. For starters, any flight slots freed by High Speed Rail must be kept permanently vacant, and pricing on all forms of transport must encourage people to choose rail.

To read the RSPB's full response about High Speed 2 visit our website,

www.rspb.org.uk/ourwork/casework/transport.aspx

The value of nature

"The natural world, its biodiversity and its constituent ecosystems are critically important to our well-being and economic prosperity, but are consistently undervalued in conventional economic analyses and decision making." (NEA, 2011)

The National Ecosystem Assessment, launched in June 2011, provides the first comprehensive overview of the UK natural environment. The study, by examining past and future flows of ecosystems services, across urban and rural environments, seeks to measure the current and potential future benefits that nature delivers to people and the economy.

A key finding is that across a broad range of habitats, 30% of ecosystem services are currently declining. Although the exact connections between biodiversity and the different services are still being understood, it is clear that damaging biodiversity ultimately puts services at risk. Furthermore, the study found that four of the five drivers of biodiversity loss are increasing in the UK, highlighting the challenge that we face to hold on to what we have.

The assessment also models future outcomes, using a number of alternative "storylines", estimating the different values of total ecosystem service flows to 2060 under

each scenario. The results show that when the value of ecosystems services is taken into account, rather than just monetised market values, storylines that emphasise environmental awareness and ecological sustainability (eg "Nature at Work" and "Green and Pleasant Land") result in significant economic gains compared with storylines that emphasise national self-sufficiency and/or unfettered economic growth (eg "National Security" and "World Markets").

The NEA has clear policy relevance. Ultimately, decision making and planning must change at all levels if our natural resources are to be used efficiently, sustainably, and in a way that delivers the best overall outcomes to society.

"Ecosystems and the services they deliver underpin our very existence. We depend on them to produce our food, regulate water supplies and climate, and break down waste products. We also value them in less obvious ways: contact with nature gives pleasure, provides recreation and is known to have a positive impact on long-term health and happiness." (National Ecosystem Assessment, 2011)

Marine spatial planning

Under the Marine and Coastal Access Act 2009, the Marine Management Organisation (MMO) has to create a new marine planning system. Marine spatial planning is following a similar approach to terrestrial planning and aims to work with all marine users to ensure a sustainable future.

To aid this, England's seas and intertidal zones have been divided into 11 marine plan areas. The East Inshore and East Offshore areas have been selected as the first two and will be planned together. It has not yet been decided which areas will be planned next but the whole process is likely to take place over the next 10 years.

The final Statement of Public Participation for the East Inshore and East Offshore plan areas was approved by the Secretary of State in April 2011 and has now been adopted by the MMO. It sets out how to become involved in marine

planning within the plan areas, and briefly describes the main stages and activities involved.

The objectives for the East Inshore and East Offshore areas should be agreed by autumn/winter 2011. These marine plans will be developed during 2012. Marine plans for the East Inshore and East Offshore areas will be published in March 2013 onwards if an independent investigation is not required. However, if the latter is necessary, this could be delayed until September 2013 onward.

The RSPB has long been a keen advocate of marine planning. As the marine planning process continues, keeping the conservation of sealife high on the agenda will be one of the RSPB's top priorities. We will be sharing our knowledge and seabird data with the MMO to help develop these plans.



Andy Hay (rspb-images.com)

Planning for marine areas is underway to secure their future

A new start for planning in Northern Ireland?

The RSPB and other environment and community organisations took a great interest in the recently-passed Planning Act for Northern Ireland. The Act places a duty on the Department of Environment to act with the objective of furthering sustainable development and promoting or improving well-being. There is much greater emphasis on community participation, but a proposed amendment to leave the door open for third party rights of appeal was vetoed by requirement for cross-party support amidst concern that this was an inappropriate use of that political mechanism. The Act will not be commenced until changes have been made under the Review of Public Administration, which will give planning powers to a reduced number of local authorities.

We also responded to the consultation on the Regional Development Strategy, which gives a spatial framework for development in Northern Ireland. The RSPB was pleased to see headline commitments to the environment and tackling climate change, but we would like to see more detail particularly around support for, and mapping of, ecological networks. The Regional Transportation Strategy was also out for consultation, but is confined to overarching policies and themes rather than specific route proposals at this stage.

The long-awaited draft Planning Policy Statement on nature conservation has also been published. The RSPB is pleased with many of the policies, which translate legal protection for designated sites and species into planning policy. We would like to see a positive policy, encouraging developers to be proactive in restoring and enhancing biodiversity.

Offshore turbine storage in Belfast Harbour

The RSPB has been working with the Belfast Harbour Commissioners as the landowner and competent authority, and developers DONG Energy, on a proposed storage and part-construction facility of offshore wind turbines immediately adjacent to the RSPB Belfast Harbour reserve. The reserve is the last remnant of lagoon and associated vegetation after the last large-scale reclamation of Belfast Lough. It hosts thousands of wintering waterbirds and is home to many species of breeding birds, notably common and Arctic terns in the summer. As part of Belfast Lough Special Protection Area, designated under the Birds Directive, it deserves full protection and we are keen to ensure that the reserve will not be affected by the proposal.

The main concern was disturbance from noise or human activity. We have worked with the Commissioners and their consultants to ensure that appropriate mitigation will take place (including screening of the site) and that the reserve will be closely monitored to check for impacts. We know that birds habituate to noise elsewhere, and the levels during piling operations are predicted to be low, but we want to make sure this is the case. An Environmental Steering Group will oversee the implementation of mitigation and monitoring measures, and make sure action is taken if there are any unforeseen effects on the birds.



Arctic terns are among the breeding birds of Belfast Harbour



Andy Hay (rspb-images.com)

Creating a new lagoon and other water features

Collaborative working – minerals and conservation

Nature After Minerals (NAM) – a partnership between the RSPB and Natural England, with support from the Mineral Products Association (MPA) and the British Aggregates Association (BAA) – supports and facilitates the delivery of UK Biodiversity Action Plan (BAP) habitat creation targets on minerals sites. It seeks to achieve this through close partnership with key stakeholders in the minerals sector, including mineral planners.

In August 2011, NAM was invited to jointly host a Stakeholder Consultation Workshop with Wiltshire County Council and Swindon Borough Council. The aim was to look at developing restoration options for the eight minerals sites proposed for inclusion in Wiltshire's draft Minerals Site Allocations DPD. NAM helped facilitate early discussion at the beginning of the planning process, identifying the best outcomes for people and wildlife.

Please contact Charlie Butt, NAM Programme Manager on: 01767 693316 or charles.butt@rspb.org.uk, to explore any options for close collaborative working.

Local people and developers step up for nature in Wales

Mr Hugh Davies, from Llanelli in Carmarthenshire, was concerned that a nearby development would impact upon nesting skylarks, a UK and Welsh red-listed bird and so he stepped up for nature to prevent disturbance to or destruction of the nest site. Mr Davies took photographs of the site, took notes on the development and contacted the RSPB.

Persimmon Homes, which had received planning permission, was also undertaking work on Phase 1 of the development when Mr Davies noticed skylarks in an underdeveloped part of the site and became concerned that the development might disturb or destroy the nest site. Mr Davies contacted the RSPB Cymru's Senior Conservation Officer, James Byrne, who contacted the local county ecologist, Ms Isabel Macho, who in turn contacted Persimmon Homes. Persimmon Homes confirmed that they would not be undertaking any work on the site until after the breeding season the following year.

Furthermore, Welsh Water/Dŵr Cymru (WWDC) was due to undertake some preparatory work on the site when Ms Macho contacted WWDC and informed the company about the likely presence of nesting birds. WWDC then sent its

ecologists to carry out a survey to identify potential nesting sites, from which they confirmed that nesting skylarks were indeed present. All works were subsequently stopped and an action plan will now be developed by the site team to protect the nesting site.

Owing to the issues raised, Carmarthenshire County Council sent out a note with all planning permissions informing developers that all wild birds and their nests are protected by the Wildlife and Countryside Act 1981 (as amended). Thank you to both Mr Davies and Ms Macho for stepping up for nature.



Andy Hay (rspb-images.com)

Nesting skylarks prompted Carmarthenshire County Council to take action

Power line planning for renewable energy expansion

The RSPB and BirdLife International are calling for a renewables revolution in harmony with nature. In November 2011 we will publish a major new report showing how Europe's ambitious 2020 targets can be met, with minimal impacts on birds and biodiversity.

Of course new renewable electricity generation requires new power lines – to connect up generators, and also in the higher-voltage transmission network to accommodate dispersed, intermittent supplies. Obtaining permits for new power lines often takes too long for the renewable targets to be achievable. Just as the UK has sought to speed up consent procedures in the UK through the National Policy Statements process, the European Commission is drawing up legislation to streamline consenting procedures for major international projects of European interest.

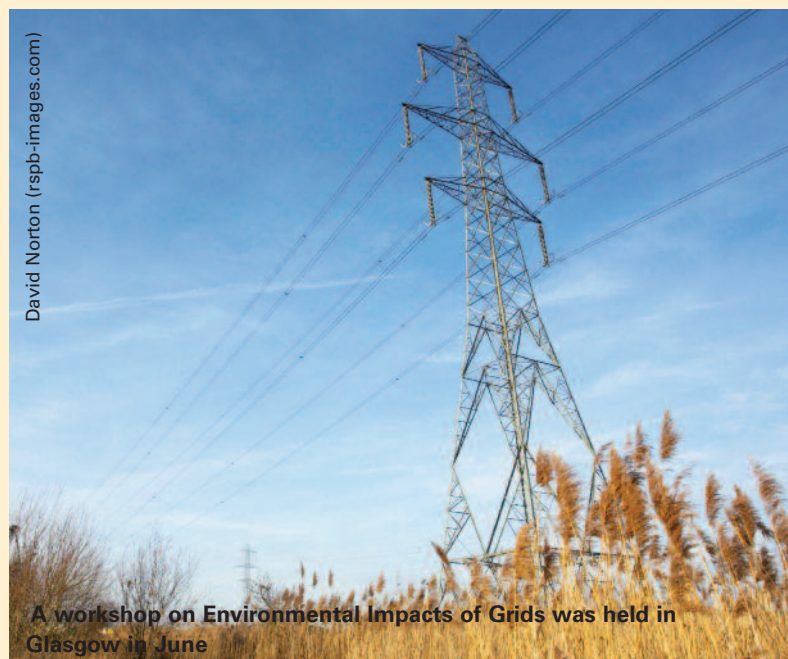
As a member of the Renewables Grid Initiative (RGI), the RSPB is working in coalition with some of Europe's transmission system operators (TSOs) and other NGOs to ensure that grid expansion proceeds quickly enough – and with minimal impacts. The challenge is to find ways to make consenting more efficient without sacrificing the quality of environmental assessments or nature protection. Towards these goals, the RSPB and National Grid hosted an RGI workshop on the Environmental Impacts of Grids in Glasgow on 16 June 2011.

With Scotland's recent announcement that it will match its electricity consumption with renewable power by 2020, and the opportunity to join the next day's technical visit to Europe's largest wind farm at Whitelee, the location at Glasgow's University of Strathclyde was ideal.

After brief introductory talks from DG Energy, the Scottish Government, BirdLife and others, the remainder of the

workshop was taken up by practical, interactive sessions. These covered understanding impacts, developing guidelines and environmental assessment procedures. A major outcome was agreement on the need to draw up a Memorandum of Understanding (MoU) between environmental NGOs and TSOs, setting out how we can work together towards common goals. The RSPB and TenneT (the Dutch TSO) are leading on development of the MoU, as a building block towards more detailed guidelines on environmentally sensitive grid expansion.

The RSPB would like to thank National Grid, the University of Strathclyde, Scottish Power Renewables and the Renewables Grid Initiative for helping to make the event a great success.



David Norton (rspb-images.com)

A workshop on Environmental Impacts of Grids was held in Glasgow in June

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The RSPB speaks out for birds and wildlife, tackling the problems that threaten our environment. Nature is amazing – help us keep it that way.

We belong to BirdLife International, the global partnership of bird conservation organisations.

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