



A response from the RSPB to the consultation on the draft National Planning Policy Framework

October 2011

Contact details: Brendan Costelloe, Senior Planning Policy Officer, The Lodge, Sandy, Bedfordshire, SG19 2DL, brendan.costelloe@rspb.org.uk, 01767 693236

Summary

The National Planning Policy Framework (NPPF) in its present form is **not fit for purpose**.

Although it contains some positive environmental policies and a welcome intention to increase local participation in decision-making, these are fatally undermined by the presumption in favour of sustainable development and an overriding emphasis on short-term economic growth. The RSPB therefore welcomes the Prime Minister's assurance that the purpose of the planning system is to balance the environmental, social and economic dimensions of sustainable development.

For this to be achieved, the following issues must be addressed:

- As it stands, the **presumption in favour of sustainable development** is little more than a presumption in favour of development. Significant amendment is required in order to ensure it encourages sustainable development, and to avoid undermining important protective policies, such as those for SSSIs.
- The presumption should link back to a robust **definition of sustainable development** based on the principles of the UK Sustainable Development Strategy (*Securing the Future*, 2005), including the need to live within environmental limits.
- The NPPF as currently drafted would make it significantly **harder to refuse environmentally-damaging development**, including those that threaten nationally-important wildlife sites. The RSPB has obtained legal advice that the draft NPPF would undoubtedly **lessen protection for SSSIs** not protected by European law. Nor does the NPPF adequately reflect evidence about the **economic value of the natural environment** and the need to value it accordingly in decision making.

The RSPB's response comprises: 1) this detailed response to the consultation questions; 2) a revised version of the NPPF with tracked changes (comments link these back to this response), and; 3) the advice provided by Nathalie Lieven QC on the implications of the draft NPPF for Sites of Special Scientific Interest. These three documents should be read together.

Introduction

The Royal Society for the Protection of Birds (the RSPB) is the largest wildlife conservation organisation in Europe with over one million members. We believe that sustainability should be at the heart of decision-making. The RSPB's policy and practical work covers a wide range of issues including planning and regional policy, climate change, energy, marine issues, water and agriculture.

As well as commenting on national planning policy issues, the RSPB's professional conservation and planning specialists engage with over 1,000 cases each year throughout the UK, including development plans and individual planning applications and proposals. We also make over 100 planning applications a year on our reserves and estates.

Following the categories set out in the consultation response form, the RSPB is best described as a 'voluntary sector or charitable organisation'. We would be very happy to discuss our response further.

Response to consultation questions

Below we respond to the specific consultation questions – this response should be read alongside our recommended track changes and legal advice on SSSIs. We have not answered all of the questions; where we have no comment, we have omitted the question altogether.

DELIVERING SUSTAINABLE DEVELOPMENT

Question 1a: The Framework has the right approach to establishing and defining the presumption in favour of sustainable development.

1. We strongly disagree

Question 1b: Do you have comments?

Strategic planning

2. It is disappointing that the draft NPPF has missed an opportunity to provide a spatial, strategic policy framework, which would be the best way to reconcile England's rising population and associated development needs, within its finite space and environmental capacity. A strategic and spatial national plan could optimise relationships between natural resources and socio-economic development in order to co-ordinate and deliver necessary built, natural, and low-carbon and renewable energy infrastructure. This optimisation should be informed by a spatial understanding of demographic change within the UK and internationally, as well as recognition that priorities will differ within and across the different regions¹.

¹ *Natural Planning Framework: Putting the Natural Environment at the Heart of the National Planning Policy Framework*, Collingwood Environmental Planning, 2010

3. Providing a degree of strategic oversight is particularly crucial for the natural environment which operates over wide spatial scales that will often transcend local authority boundaries. The need for strategic oversight will become ever more apparent following the abolition of the regional tier of strategic planning, which has previously been able to mediate local concerns with wider public interests. Challenges such as climate change and protecting and enhancing nature are best addressed by providing strategic direction and guidance from the national level, so that the local level plans, together, can be greater than the sum of their parts².
4. In the absence of a spatial NPPF, it is essential that a non-spatial NPPF provides the right parameters within which local authorities will create their own, or joint, spatial policies to deliver sustainable development. The draft NPPF does not do this, for reasons which we explain in the rest of this response.

Definition of sustainable development

5. The definition of sustainable development in paragraphs 9-11 of the NPPF should be based on the guiding principles of the UK Sustainable Development Strategy³. These principles were endorsed by the Coalition Government's publication *Mainstreaming Sustainable Development*⁴. The principles provide a widely-supported framework for sustainable development, and establish the twin goals of living within environmental limits and providing a just society by means of good governance, sound science and a sustainable economy. The RSPB believes that this definition should also have a legal underpinning through the Localism Bill.
6. These five principles should be at the heart of the planning system and be seen as a golden thread running through both plan-making and decision-taking, but at present, that is far from being the case. For example, the NPPF lacks any explicit reference to living within environmental limits. Although there is implicit reference through policies such as on carbon, the fundamental importance of environmental limits, including those for biodiversity, needs highlighting in the opening sections of the NPPF.
7. Beyond the definition of sustainable development, the NPPF as a whole does not consistently set out a clear vision for planning that has the delivery of sustainable development as its primary purpose. Throughout the draft NPPF, the language used in relation to the environment is either timid in comparison to that used for the economy and housing, or in many cases, reference to the environment is simply absent. For example, although the Development Management section requires local authorities to attach significant weight to the benefits of economic and housing growth, it fails to mention explicitly environmental or social considerations. A more even-handed expression of environmental, social and economic needs would be more effective in encouraging the planning system to deliver integrated objectives.

² *A Natural Planning Framework: Putting the Natural Environment at the Heart of the National Planning Policy Framework*, Collingwood Environmental Planning, 2010

³ *Securing the Future: delivering UK sustainable development strategy*, HM Government, 2005

⁴ *Mainstreaming Sustainable Development: The Government's vision and what this means in practice*, Defra, 2011

8. We welcome the reference to the needs of future generations, the importance of the environmental role of planning, and especially the recognition that the components of the sustainable development should be 'pursued in an integrated way, looking for solutions which deliver multiple goals' (paragraph 11).
9. Paragraphs 9-11 define sustainable development (inadequately), but the statement in paragraph 12 implies that sustainable development is defined by all the policies in the NPPF, when taken as a whole. This is ambiguous and is likely to give rise to legal confusion in the light of the contradiction between the definition in paragraphs 9-11 and the content of the presumption section, as explained below.
10. Paragraph 8 helpfully states that 'The Framework should be read and interpreted as a whole.' The RSPB therefore recommends that paragraph 12 is deleted.
11. We therefore recommend that paragraph 10 should be deleted and replaced with the five principles of sustainable development established in *Securing the Future*³.

The presumption in favour of sustainable development: Paragraphs 13-18

12. Although the NPPF does contain a number of positive environmental policies, these are fatally undermined by the presumption in favour of sustainable development and an overriding emphasis on economic growth.
13. In a radical departure from existing definitions, such as in Planning Policy Statement 1(PPS1)⁵, the Brundtland Report⁶ and the UK Sustainable Development Strategy³, the presumption in favour of sustainable development gives the need to support economic growth clear primacy over social and environmental objectives.
14. The RSPB does not object to increased levels of development, such as the housing and low carbon energy infrastructure that the country needs. Indeed, we support the notions that 'Local authorities should plan positively for new development wherever possible' and that they should 'approve development proposals that accord with statutory plans without delay' in paragraph 14.
15. Development is not, however, inherently sustainable. It only becomes sustainable if it incorporates environmental and social considerations. Likewise, economic growth alone does not constitute sustainable development. There is a clear distinction between economic growth and sustainable economic growth that is compatible with, and ideally enhances, social and environmental objectives. It is vitally important that the NPPF does not conflate, nor substitute, sustainable development with economic growth.
16. Despite this, the text that accompanies the presumption in paragraphs 13-14 amounts to an alternative interpretation of sustainable development that is contrary even to the inadequate

⁵ *Planning Policy Statement 1: Delivering Sustainable Development*, CLG, 2005

⁶ *Our Common Future*, Oxford University Press, 1987

earlier definition of sustainable development set out in paragraphs 9-11. Furthermore, it is the text of the presumption and its emphasis on economically driven development that are given prominence throughout the rest of the document.

17. Development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy⁷ and society relies. To effectively safeguard environmental limits, the planning system should deliver as much development as possible through development plans that are subject to Strategic Environmental Assessment (SEA). Informed by a robust evidence base, SEA can ensure that a development plan provides the amount of development that is needed, whilst also ensuring that this level of development does not exceed environmental limits.
18. An effective plan-led system is also predicated on the fact that planning authorities can, *where necessary*, refuse development that sits outside that which is planned for, where it would not constitute sustainable development (as defined by an appropriate definition). This enables the planning system to deliver the development that the country needs, in a sustainable way, whilst also enabling it to protect the country from potentially harmful development.
19. As it stands, however, the **presumption in favour of sustainable development is little more than a presumption in favour of development**. This would fundamentally undermine the operation of a plan-led system, and crucially, the ability of the planning system to deliver sustainable development.
20. Paragraph 13 states that 'significant weight should be placed on the need to support economic growth through the planning system', yet there is no mention of the weight that should be afforded to environmental or social considerations. The clear implication is that economic objectives are intended to take precedence over environmental and social objectives.
21. Paragraph 14 states that the presumption should apply 'unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies taken in this Framework as a whole.' Yet the presumption is repeated throughout the document, meaning that the above caveat does little more than take a decision-maker back to the presumption and its overriding emphasis on economic growth. Given that most non-domestic development proposals result from economic drivers, under the presumption, almost all non-domestic proposals could be considered sustainable
22. The consequence of the presumption, as currently worded, being allowed to run as a 'golden thread' through the planning system, would be a planning system unable to refuse many environmentally or socially damaging proposals, of which there are likely to be many. This would even include applications for development on wildlife sites that do not benefit from the highest level of protection.

⁷ UK National Ecosystem Assessment: *Understanding nature's value to society*, DEFRA, 2011

23. In order to clarify this threat, the RSPB commissioned legal advice from Nathalie Lieven QC of Landmark Chambers, about the likely impact the draft NPPF would have on non-international SSSIs. This legal advice stated, **“I have no doubt that overall the draft NPPF does materially lessen the protection of SSSIs and has the potential to have a material impact on planning decisions affecting a SSSI.”**
24. **The presumption must therefore be amended** so that it no longer gives economic matters primacy over environmental or social considerations, and sets an appropriate test for development. **References to the presumption must also be removed** from the rest of the NPPF in order to provide other policies in the document their own legitimacy.
25. Paragraph 14 requires local authorities to, ‘grant permission where a plan is absent, silent, indeterminate or where relevant policies are out of date.’ The RSPB appreciates that, at times, planning can be unnecessarily bureaucratic, and that local planning authorities have been slow in adopting local development frameworks (LDFs). Although LDFs were intended to be in place within three years of the Planning and Compulsory Purchase Act 2004, at the present time only 30% of local planning authorities have adopted core strategies. We therefore recognise the need to encourage local authorities to prepare their development plans as swiftly as possible.
26. However, at a time when local planning authorities are being forced to operate at reduced capacity, granting permission in such instances could perversely punish local communities with unsustainable development, simply because their planning authority is under-resourced and is unable to progress its plan. Indeed, the above statistic shows just how many communities would be left vulnerable to predatory and potentially unsustainable development under such a policy.
27. We are also particularly concerned that the word ‘indeterminate’ is far too open to interpretation. Many planning policies necessarily allow for a degree of subjective interpretation by decision-makers, otherwise development plans would be inflexible and massive, by virtue of having to take account of every eventuality. This degree of subjective scope would also mean that developers could claim that most policies were indeterminate. As stated in paragraph 9 of this response, the accompanying caveat is not fit for the purpose of refusing damaging development. Therefore, the third bullet point of paragraph 14 would either make it very hard to refuse applications, or lead to a planning-system by appeal, neither of which would be acceptable.
28. In light of the problems identified above, the RSPB has obtained legal advice that the presumption needs to be amended in accordance with our proposed track changes. These amendments would ensure that policies, such as those relating to SSSIs, would not be compromised by the presumption.

Paragraph 16

29. We are pleased to see that paragraph 16 excludes development proposals that are likely to have a significant effect on international sites, from being considered sustainable under the presumption.

30. However, in line with our international obligations under Article 6.3 of the Habitats Directive, development plans likely to have a significant effect on international sites, should also be excluded from being considered under the presumption. We therefore recommend that paragraph 16 is amended as per out track changes.

Core planning principles: Paragraph 19

31. As stated earlier, the RSPB strongly supports a plan-led planning system. It underpins an intelligent, strategic planning system and is crucial to the delivery of sustainable development, public participation, and ultimately, public faith in the planning system. We therefore welcome the first bullet point in paragraph 19.
32. However, the RSPB strongly objects to paragraph 19, where it states that, ‘Decision-takers at every level should assume that the default answer to development is “yes”, except where this would compromise the key sustainable development principles set out in this Framework.’ This implies that the default answer to development by local planning authorities is currently “no”, but the Government’s own statistics show that the rate of approval for planning applications has been a minimum of 82% for at least a decade, and is currently around 90% for major commercial applications⁸.
33. Such a pre-emptive approach to determining planning applications subverts the principle of good governance that decision-makers should approach issues in an even-handed manner, which is particularly important in the highly-contested arena of land-use planning. Even if there was currently a bias against development (and in some places, for some types of development, the RSPB accepts that this might be the case), it would be entirely mistaken to correct this by swinging the pendulum to the other extreme.
34. We therefore recommend that the NPPF does not contain any reference to the default answer being “yes”.
35. The RSPB are concerned that the third bullet point states that, ‘planning policies and decisions should take into account local circumstances and market signals...’ with no mention of the need to consider the capacity of the environment to absorb further development. We therefore recommend that there is explicit reference to consider environmental limits within the third bullet point. We explain our concerns regarding market signals further in our response to question 5c.

Previously developed land

36. We appreciate that due to differing local contexts it is inappropriate to have a rigid national target for the delivery of housing on brownfield land. However, we do believe that prioritising brownfield land, wherever possible, plays an important role in delivering sustainable patterns of growth, protecting the natural environment and stimulating urban regeneration.

⁸ *Planning application statistics*, [CLG website](#), 2011

37. However, it is also important to recognise that brownfield sites are often havens for wildlife, particularly invertebrates. Between 2005 and 2007, Buglife assessed 478 brownfield sites in the Thames Gateway for their biodiversity potential, focusing particularly on invertebrates⁹. 24% (115) were assessed as having high potential and 22% (105) as medium potential. Despite this, in 2011, over 39% of these sites have now been completely or partially destroyed due to development¹⁰.
38. The policy on previously developed land should therefore not apply where it would conflict with other relevant policies in the Framework, such as those relating to biodiversity. In addition, to avoid the type of damage referred to above, the definition of previously developed land needs to be amended in order to exclude: 1) sites containing habitat listed under Section 41 of the Natural Environment and Rural Communities Act 2006 and; 2) minerals working and landfill and; 3) soil dredging and landfill.

Positive planning for the natural environment

39. It is crucial that local plans put in place policies for the protection and enhancement of environmental assets. This should be as important a role for the planning system as delivering housing and business growth. As such, the need to do so should be couched in the same positive language as that which used in relation to housing and business needs.
40. We therefore recommend that the 5th bullet is amended, as shown in our track changes, to reflect the necessity of enhancing and protecting the natural environment.
41. The RSPB firmly believes in the principle of integrating social, economic and environmental goals, and the delivery of multiple objectives through development. The planning system must play an active role in guiding development to sustainable solutions, mitigating significant impacts and promoting positive strategies for environmental enhancement. We therefore strongly welcome the 6th bullet point of paragraph 19.
42. We are particularly pleased that wildlife is mentioned alongside flood risk mitigation. Flood risk can be managed by protecting, restoring and making use of natural processes – at the same time, creating both wildlife habitat and attractive features for recreation and amenity, and the emphasis on re-using existing buildings in the 6th bullet point. Allowing for flexibility in the existing building stock enables dynamic industries to flourish whilst making the most efficient use of land. Crucially, bringing empty homes back into use prevents the unnecessary use of new land for housing, thereby protecting the natural environment from potentially damaging new development.

⁹ *Developing Brownfield Without Destroying Biodiversity*, Buglife, 2011

¹⁰ This figure does not include all sites for which extant planning permission has not yet been developed, so the actual figure is likely to rise even without any new permissions being granted.

PLAN-MAKING

Question 2a: The Framework has clarified the tests of soundness and introduces a useful additional test to ensure local plans are positively prepared to meet objectively assessed need and infrastructure requirements.

43. We disagree

44. As stated earlier, we do not believe that the presumption should be repeated elsewhere in the document and we therefore recommend that it is deleted from the 1st bullet point of paragraph 48. We firmly believe that objectively infrastructure needs should be met, but this must not conflict with other policies in the Framework, relating to other matters such as the protection of the natural environment.

Question 2b: Do you have any further comments?

Paragraph 20

45. The presumption in favour of sustainable development must be removed from paragraph 20. The inclusion of the presumption throughout the document is unnecessary repetition and implies a weakening of the force of environmental policies.

46. More generally, we are very concerned that the presumption itself undermines the plan-led system. There is a clear tension between the presumption and the 'default answer is yes', and the ability of local authorities to determine applications in accordance with the development plan and other material considerations (Section 38 of 2004 PCP Act). It is difficult to reconcile a plan-making process that has gone through a Strategic Environmental Assessment (SEA), before allocating sites strategically and often sequentially to ensure sustainable patterns of development - with the presumption as it is currently worded.

47. A plan-led system must be predicated on the ability of planning authorities, *where necessary*, to refuse development that sits outside that which is planned for, where it would not constitute sustainable development (as per an appropriate definition that balances environmental, social and economic objectives). The presumption therefore needs to be amended as shown in our response to question 1, in order to preserve the integrity of the plan-led system.

Paragraph 21

48. Supplementary planning documents can play a crucial role in ensuring the delivery of high quality development. For instance, many local authorities produce biodiversity SPDs and these help to ensure that biodiversity is not peripheral to the planning process, and is instead integrated into the design stages. Such integration produces truly sustainable development that delivers multiple goals. This will not, however, necessarily bring forward development 'at an accelerated rate' (although it may do in many cases). What it does do is help to deliver

sustainable development, and this must be the purpose of the planning system. The planning system cannot simply be a tool for bringing forward development as quickly as possible. The wording of paragraph 20 therefore needs to be amended, as per our track changes, so that it does not discourage local authorities from producing SPDs, when doing so may help to deliver sustainable development.

Paragraph 23

49. We are pleased to see that those environmental matters referred to as strategic priorities (paragraph 23) will require cross-boundary working in order to be considered sound at examination. We explore the issue of cross-boundary working in greater detail in our response to question 2c.

50. Green infrastructure can play a crucial role in supporting healthy communities, supporting wildlife and mitigating the effects and causes of climate change. We therefore feel that there should be a clear reference to green infrastructure in the 4th bullet point, as shown in our track changes.

51. Biodiversity is a crucial component of the natural environment and it underpins the ecosystem services upon which the economy and society relies. However, it is often overlooked by decision-makers when considering how best to protect the natural environment. Biodiversity should be explicitly referenced in the 5th bullet point, as shown in our track changes.

Identifying sites for the delivery of renewable energy: Paragraph 24

52. Climate change is one of the most pressing challenges facing our society. The need to mitigate against climate change must be one of the crucial areas that local plans should cover. Doing so will require the identification of suitable sites, based on a robust evidence base. This must be reflected in paragraph 24, as shown in our track changes. We explore the issue of identifying sites and providing suitable policies for their delivery, in our response to questions 2b (necessary evidence base) and 14b.

53. Central government needs to have an accurate picture of the progress achieved in relation to the national renewable targets. The abolition of regional strategies through the Localism Bill will result in the removal of regional renewable energy targets which would have helped translate national aspirations into local delivery. In the absence of targets (and robust monitoring arrangements – see below), it is unclear how the Government will keep track of performance on renewable energy deployment. Evidence from other European countries (e.g. Germany) highlights the importance of political commitment to the delivery of renewable energy at all levels. Local targets are important to ensure that responsibility for delivering national priorities is effectively ‘owned’ by local authorities.

54. We therefore recommend that local authorities should set and report on their own measurable outcomes/targets for renewable energy deployment, developed with reference to national targets and in the context, as shown in our track changes.

Identifying land for protection

55. The word 'genuinely' must be deleted from the 6th bullet point of paragraph 24. Its inclusion implies a rarity of occurrence that is likely to dissuade local authorities from protecting the natural environment - itself a crucial role of the planning system. Planning authorities should be encouraged to protect as much land of environmental value as possible, taking into account other objectives.

Integration of other plans and programmes

56. As currently drafted, the NPPF deals too narrowly with land-use and fails to recognise the need to have a spatial planning system. One of the key principles of PPS1 was that '*a spatial planning approach should be at the heart of planning for sustainable development*', where '*Spatial planning goes beyond traditional land use planning to bring together and integrate policies for the development and use of land with other policies and programmes which influence the nature of places and how they can function.*'

57. Currently decisions about land-use are made by different organisations and government departments all with their own priorities and interests. To tackle cross-sectoral issues such as biodiversity loss and climate change, policies affecting land-use must be taken forward in a co-ordinated way. There is a need to join up the policies and investment decisions of government departments on land, sea and air transport, energy, housing, employment, education, health, agriculture and food supply, protection and enhancement of natural resources, water management, energy generation and supply - which have spatial implications but which are dealt with in different departments. The Government should consider developing those mechanisms in the context of its mainstreaming sustainable development approach.

58. By virtue of the above, as shown in our track changes, the NPPF must contain a clear requirement for local plans to integrate policies for the development and use of land with other policies and programmes which influence the nature of places and how they can function.

Using a proportionate evidence base: Capacity for low-carbon energy infrastructure: Paragraph 31

59. In the context of the Renewable Energy Directive, the UK Government is required to increase the proportion of energy provided from renewable sources from 3% in 2009 to 15% by 2020. Onshore wind power is expected to make the most substantial contribution towards meeting renewable targets, alongside offshore wind and solar energy. England is anticipated to need to install a minimum approximately 9GW of additional onshore wind capacity by 2020.

60. Strategic planning has a key role to play in enabling the renewable energy industry, particularly onshore wind, to grow in a way that minimises conflicts with other objectives, hence avoiding planning disputes. Doing so will involve the collection and a robust evidence base not only of potential to generate energy, but also of other social and environmental factors that need to be considered.

61. The geography and climate of an area will determine its likely capacity to generate renewable energy, and areas appropriate for renewable energy may cross administrative boundaries. We therefore recommend that local authorities use independent and impartial strategic capacity assessments to support their strategic planning. In 2010, DECC funded nine regional energy capacity studies to help local authorities and local communities in England identify and maximise opportunities for the deployment of renewable and local carbon energy technologies in their areas. Seven of the nine assessments for England are now available¹¹, and the final two will be published shortly, and these would be appropriate for this purpose.
62. Local authorities must work together to ensure that policies are put in place that deliver renewable energy in accordance with this evidence base, as shown in our comments in relation to 14b and 14c.
63. Collecting a robust evidence base of capacity must be done in conjunction with the collection of evidence for other key planning objectives, so as to enable a coordinated approach to spatial policies. As such, the requirement to do so must be explicitly made within the section 'Using a proportionate evidence base,' as shown in our track changes.

Environmental assessment: Paragraph 34

64. The potential of the planning system to enhance the natural environment has been identified in both the *Making space for nature* report¹², and *Natural Choice*, the Natural Environment White Paper (NEWP)¹³. Both documents promote the enhancement of the natural environment through the implementation of more and better ecological networks, designed to restore fragmented and insufficient natural and semi-natural habitats.
65. Effective, strategic planning for environmental enhancement requires a robust environmental evidence base to be considered alongside evidence bases for housing and the economy. It is not possible to make space for people or nature, if either is considered independently of the other.
66. The requirement for a robust evidence base on the natural environment should be clearly set out in paragraph 34, just as it is for housing and business requirements (which are both repeated in their relevant sections) within the section, 'Using a proportionate evidence base'. The necessary evidence would require an assessment of existing components of ecological networks and the potential to better integrate those components with each other and the wider landscape. Given that many ecological networks will transcend local authority boundaries, Local Nature Partnerships will have a crucial role to play in coordinating this work.

¹¹ As mentioned in the recently published UK Renewable Energy roadmap (<http://www.decc.gov.uk/assets/decc/11/meeting-energy-demand/renewable-energy/2167-uk-renewable-energy-roadmap.pdf>)

¹² *Making Space for Nature: A review of England's Wildlife Sites and Ecological Network*, Lawton, J.H., et al., 2010

¹³ *The Natural Choice: securing the value of nature*, HM Government, 2011

Paragraph 39

67. The wording of paragraph 39 implies that a local planning authority should seek to reduce the level of planning obligations relating to site allocations in order to make the scheme viable. Local planning authorities should only allocate sites for development, where the development of those sites would constitute sustainable development. The application of planning obligations will often be necessary to achieve this goal. If the level of necessary planning obligations would render the scheme financially unviable, the site should not be allocated. The costs of a development should be borne by the developer, not the environment. Paragraph 39 must therefore be deleted or amended accordingly.

JOINT WORKING

Question 2c: The policies for planning strategically across local boundaries provide a clear framework and enough flexibility for councils and other bodies to work together effectively.

68. We disagree

Question 2d: Do you have comments?

Paragraph 45

69. Effective planning for the natural environment often needs to take place at a landscape or ecosystem-scale that is incompatible with administrative boundaries. Such action will require effective joint-working by adjoining local authorities and should be reflected in paragraph 45, which currently only references joint-working in respect of economic growth. We are therefore pleased to see that those environmental matters referred to as strategic priorities (paragraph 23) will require cross-boundary working in order to be considered sound at examination.
70. At present, neither the Localism Bill nor the draft NPPF offer enough clarity on how the duty to co-operate will function. Therefore, further guidance is needed to clarify what constitutes 'effective' cross-boundary working under the duty to cooperate. This should ensure collaborative work is carried out early in the plan-making process and should encourage continuing cooperation for the duration of the plan-period (e.g. in terms of evidence collation, monitoring and reporting).
71. As recommended in *The Natural Choice*¹⁴, the UK Government's Natural Environment White Paper, Local Nature Partnerships will have a crucial role to play in delivering environmental restoration and enhancement across local authority boundaries, and they should be referenced alongside Local Enterprise Partnerships in paragraph 45. Paragraph 45 should also make reference to the need for cross-boundary working that reflects the spatial nature of ecosystems.

¹⁴ *The Natural Choice: securing the value of nature*, HM Government, 2011

Paragraph 48

72. Planning Inspectors will have a crucial role to play in ensuring that local plans are likely to deliver sustainable development. We are therefore particularly pleased to see that cross-boundary working is identified as a test of soundness, as this is the only way to ensure that local authorities genuinely work together.
73. As stated earlier, we do not believe that the presumption should be repeated elsewhere in the document and we therefore recommend that it is deleted from the 1st bullet point of paragraph 48. We firmly believe that objectively infrastructure needs should be met, but this must be consistent with other policies in the Framework, relating to other matters such as the protection of the natural environment.

DECISION TAKING

Question 3a: In the policies on development management the level of detail is appropriate.

74. We strongly disagree

Question 3b: Do you have any further comments?

Paragraphs 54 & 55

75. The RSPB supports the planning system being used to help deliver sustainable economic growth. However, economic growth will only be sustainable if it integrates, and does not come at the expense of, environmental and social objectives. Despite this, paragraph 54 states local planning authorities should 'attach significant weight to the benefits of economic and housing growth,' yet there is no reference to environmental and social considerations.
76. No one aspect of sustainable development should be isolated or given primacy in such a manner. To do so would undermine the even-handed determination of planning applications and would erode public faith in the planning system as something that operates in the wider public interest, rather than just for business. We would therefore like to see the removal of the requirement to give 'significant weight' to economic and housing growth in paragraph 54.
77. The RSPB recognises the need for a positive planning system. In turn, this relies upon a positive attitude to development within development management sections of local authorities. However, they must be able to determine applications on their own merits and the presumption would fundamentally undermine their ability to do so. We therefore recommended that there is an emphasis on the need to plan positively, but that the reference to the presumption is removed from paragraph 55 and 63, as shown in our track changes.

Paragraph 63

78. We welcome the reference to the importance of the plan-led system in paragraph 62.
79. However, we are very concerned at the inclusion of the presumption in paragraph 63. There is a clear tension between the presumption and the ability of local authorities to determine applications in accordance with the development plan and other material considerations (Section 38 of PCP Act 2004). As such, the presumption must be removed from this section of the document, as shown in our track changes.

Paragraph 70

80. The wording of paragraph 70 implies that a local planning authority should seek to reduce the level of planning obligations relating to a proposal in order to make the scheme viable. However, the purpose of the planning system should be to ensure the delivery of sustainable development, which will often require the use of planning obligations. Therefore, if a proposal requires planning obligations in order to secure sustainable development, and those obligations cannot be delivered, the development should simply be refused. Paragraph 70 must therefore be removed so that local planning authorities do not find themselves having to approve inappropriate development.

Question 4a: Any guidance needed to support the new Framework should be light touch and could be provided by organisations outside Government.

81. We neither agree nor disagree.
82. Local planning authorities and other users of the planning system frequently rely on additional technical and good practice guidance, much of which is currently produced by Government. The RSPB understands the Government's concern to reduce the length and complexity of planning policy and guidance, and agrees that there is scope for a greater role for expert and user groups to be involved in producing this guidance. However, care needs to be taken not to lose valuable guidance from the system, nor to have competing technical guidance which gives rise to uncertainty or is just a waste of resources.

Question 4b: What should any separate guidance cover and who is best placed to provide it?

83. There is still a role for Government in providing supporting guidance, especially on procedural and legal issues, such as development plans and development guidance. From a nature conservation perspective, definitive guidance on statutory obligations for biodiversity conservation and their impact within the planning system (currently in Circular 06/2005) is particularly useful. Circular 05/2005 does, however, need updating and we believe this should be the responsibility of Government, so the RSPB is pleased that it does not appear on the list of guidance to be replaced by the NPPF.

BUSINESS AND ECONOMIC DEVELOPMENT

Question 5a: The 'planning for business' policies will encourage economic activity and give business the certainty and confidence to invest.

84. We agree, but we have concerns that in doing so the NPPF as currently drafted will cause damage to the natural environment, as explained in the rest of this response..

Question 5b: Do you have any comments?

Planning for prosperity: Paragraph 72

85. Missing from this section is also the acknowledgement that there is now a significant weight of evidence which shows that a healthy natural environment is good for the economy. Industries directly dependent on natural capital and natural services, such as agriculture, conservation and nature-based tourism, support significant levels of economic activity and employment. For example, in England in 2004, almost 300,000 jobs were supported by the natural environment through industries such as agriculture, forestry, fisheries, conservation and tourism¹⁵. The recent findings of the UK National Ecosystems Assessment (NEA) emphasise the role that ecosystem services play in supporting and enhancing the economy, revealing that nature is worth billions of pounds to the UK economy.

86. This evidence also highlights the important distinction between economic activity and economic growth. Growth requires enhancing capital, labour and resource productivity and requires investment in regions and sectors with the greatest potential to realise these gains (knowledge based industries and export related business). The Government has recognised the critical need to re-balance the economy but the NPPF will reinforce existing imbalances by stimulating activity in debt financed non productive assets rather than in the productive investment needed to deliver an economical viable, low carbon future.

87. A sustainable economy is therefore reliant on the sustained health of the natural environment. As such, the protection of ecosystem services must be a core economic priority for the planning system and this must be reflected as a bullet point of paragraph 72, as per our track changes.

Question 5c: What market signals could be most useful in plan making and decisions and how could such information be best used to inform decisions?

88. We appreciate how important it is to understand, for example, housing demand, when formulating policies for affordable housing. However, market signals cannot be considered independently of the environment in which the housing would need to be built. Market signals alone are hazardous guides of value because of distortions to land prices, through subsidies and

¹⁵¹⁵ *Revealing the value of the natural environment in England*, Defra, 2004.

taxes, and will often fail to recognise the full environmental value of land, which may be unquantifiable.

89. Market signals are driven by considerations of short term profit. They only reflect a partial value of land use options, not the total economic value which incorporates both market and non market values. The example of Sites of Special Scientific Interest (SSSIs) is illustrative. Recent Government Research¹⁶ reveals that such sites provide huge, non marketed benefits to UK society and that maintaining the network enjoys a benefit to cost ratio of 8 to 1. A focus solely on market values would therefore lead to sub-optimal economic decisions because most of the benefits society obtains from the preservation of SSSIs is not mediated through markets.
90. Market signals alone will also confound the Government's ambitions to geographically rebalance the economy. In much of the South of England, market signals alone would dictate that very little would be left undeveloped. This would almost certainly breach environmental limits and cause irreparable harm to the natural environment, rendering unrestrained developments unsustainable in the long-term. Indeed, serious concerns were expressed at the East of England Draft Regional Spatial that the proposed scale and location of growth could exceed the environmental capacity of the region.¹⁷
91. The RPSB therefore strongly object to market signals being given undue prominence when determining planning policies and applications. Environmental considerations must be factored into and considered on a par with market signals. In particular, we are concerned about the references to market signals in the section housing, and we expand on this further in our response to question 10a.

Paragraph 73

92. Species, habitats, landscapes and green spaces form a network of diverse visitor attractions, which are of great importance to their local economies. In 2009/10, the English adult population participated in an estimated 2.86 billion visits to the natural environment, with visitors spending an estimated £20.4 billion on these trips¹⁸. The contribution of nature tourism to the economy is significant and its importance is growing year by year¹⁸.
93. Economic returns from conservation can also play a crucial role in incentivising conservation itself, something that is likely to become more difficult to fund at a time of government cuts, and an existing conservation funding shortfall in the UK of over £275m a year¹⁹. Furthermore, physical inactivity has serious effects on human health, which cost the UK economy more than £8 billion a year. Research commissioned by the RSPB²⁰ underlines the strong links between good physical health, good mental health and the natural environment.

¹⁶ *Benefits of Sites of Special Scientific Interest*, GHK, 2011

¹⁷ "Building the economy of the future" speech by the Chancellor of the Exchequer, Rt Hon George Osborne MP, at Bloomberg

¹⁸ Natural England, 2010, *Monitor Engagement with the Natural Environment (MENE): Comparison of MENE and England Leisure Visits Survey 2005*, Natural England, 2010

¹⁹ DEFRA, 2010, *Costs of the UK Biodiversity Action Plan – Update*, DEFRA, 2010

²⁰ *Natural Thinking: Investigating the links between the Natural Environment, Biodiversity and Mental Health*, Bird W, 2007

94. However, recreational use of the natural environment is by no means restricted to rural areas. Furthermore, where such areas are located in or around urban areas, they are often of even greater benefit, by virtue of being closer to larger populations of people - many of whom are likely to have less access to open space than their rural counterparts.
95. For example, Saltholme wildlife reserve is located in an industrial area of the Tees Valley of the North-East of England. The area has low economic productivity per person, and also has employment rates well below the national average at around 65% in 2009²¹. However, tourism in the Tees Valley, which supported 5.8% of employment in the region in 2007, increased by over 30% between 2003 and 2008. Saltholme nature reserve was listed among the investments that have supported this trend²¹.
96. It is therefore important to recognise the importance of nature-based tourism in the section 'support economic development,' as shown in our track changes. It is also important to recognise the potential for, and guard against, recreational disturbance. Recreational disturbance can lead to a loss of vegetation through trampling and eutrophication, disturbance of ground-nesting birds (by affecting their breeding and survival). We therefore recommend the inclusion of a caveat in the above policy, as shown in our track changes, to enable local authorities to take this into account when applying the above policy.
97. We are pleased to see a reference to environmental enhancement in the 4th bullet point.

Paragraph 81

98. Tourism in rural areas will often be related to enjoyment of the natural environment, and this is something we strongly advocate, as per our comments in paragraphs 92-96. However, in line with our comments in paragraph 96, human activity can in some instances have a negative impact on biodiversity and this should be taken into account as shown in our track changes.

TRANSPORT

Question 7a: The policy on planning for transport takes the right approach.

99. We disagree.

Question 7b: Do you have any comments?

Paragraphs 82, 83, 84 and 86

100. The transportation of people and goods has a crucial role to play in fostering economic prosperity and social interaction. However, it also accounts for 21% of the total greenhouse gas emissions for the UK, with cars alone accounting for 12%²². Planning can make a significant

²¹ *Tees Valley Economic Briefing: Issue 1, Tees Valley Unlimited, 2011*

²² *Greenhouse gas emissions by transport mode, Department for Transport, 2008*

contribution to reducing these emissions through decision-making on the location, scale, mix, and character of development. In particular, new development should be located so as to enable and support the use of public transport provision and reduce dependence on the private motor vehicle.

101. However, the weakly worded policies in this section fail to require local authorities to include the necessary policies to achieve the above goals. Reducing carbon emissions is not a matter of practicality, it is a necessity, and the wording in the section on transport objectives must be amended, as shown in our track changes, in order to provide a far stronger steer to local authorities.

Paragraph 87

102. Aviation is the fastest-growing source of greenhouse gas emissions and encouraging future growth in emissions is entirely at odds with other efforts to address climate change and in particular, is not compatible with setting and managing a carbon budget for the UK. Aviation also has other significant environmental impacts including noise and decreased air quality caused by aircraft, and site-based loss in the area and quality of wildlife habitat due to airport construction and related infrastructure. Growth in aviation must be constrained and this needs to be reflected in paragraph 87, as shown in our track changes. Only in exceptional circumstance should permission be granted for new aviation infrastructure.

103. The RSPB recognises the crucial role ports have to play in facilitating a sustainable global economy, particularly in light of the pressing need to service the growing offshore renewable energy industry, and to reduce airfreight. However, many English ports also are within or adjoin areas that are designated under domestic or EU legislation for their wildlife importance. For example, DECC has identified 27 port locations in the UK that may be suitable for development to service the offshore wind industry. We estimate that 21 of these are in or adjacent to Natura 2000 sites, and 17 are in or adjacent to Ramsar sites. It is crucial that these designations are taken into consideration both at the strategic and local decision-taking level.

104. By virtue of the above, ports policy should be independent of aviation policy and the two should not be conflated. We therefore recommend a separate ports policy, as shown in our track changes, that ensures careful consideration of any potential impact on biodiversity.

Paragraph 88

105. The RSPB appreciates the difficulty of reconciling the need for some development in rural areas with an ability to serve that development with good public transport provision. However, any development that is likely to generate 'significant movement' and that cannot be served adequately by public transport provision should be refused. The wider implications of climate change dictate that local development cannot be allowed where it compromises the objective of minimising carbon emissions associated with new development. Paragraph 88 therefore needs to be amended so that rural areas are not excluded from the provisions of the policy.

Paragraph 89

106. In this respect, it would not be acceptable for local authorities to allow development that was inappropriately designed or located, simply because it was ‘impractical to do so.’ If a development cannot be sustainably designed or located, it should simply be refused. The caveat, where ‘practical’ is a licence to ignore what are otherwise excellent policies, that are strongly supported by the RSPB. The final sentence of paragraph 89 must therefore be removed.

MINERALS

Question 9a: The policies on minerals planning adopt the right approach

107. We neither agree nor disagree.

Question 9b: Further comments

Minerals restoration and biodiversity: Paragraph 100

108. Minerals sites have the potential to enhance biodiversity and to provide a public benefit at the end of their working lives through restoration. RSPB research showed that focussing efforts on 412 mineral sites within 1km of nine priority habitat types would see existing UK BAP habitat creation targets met for those targets. It is important that the NPPF recognises this potential and we therefore recommend that paragraph 100 is amended accordingly, as shown in our track changes.

109. It is also important to ensure that the extraction of natural minerals does not exceed environmental limits, or serve to undermine the environmental integrity of wider ecosystems. We therefore recommend that paragraph 100 be amended as shown in our track changes.

Peat extraction: Paragraphs 101 - 103

110. Lowland raised bogs are concentrated stores of carbon, with particularly deep peat deposits of up to 10 metres that have accumulated over thousands of years. English raised bogs alone are estimated to contain 57.5 million tonnes of carbon, equivalent to around 40% of the UK’s total annual emissions *if* it were all lost to the atmosphere. As with all peat soils, this is essentially a non-renewable resource as, in UK conditions, peat forms extremely slowly – at a rate of around 1mm a year in active peat-forming bogs. This means that, in order to harvest peat sustainably, only around 10 to 20 cubic metres of peat could be removed each year, for every hectare of active, peat-forming raised bog. Our analysis therefore suggests that active English lowland

raised bogs could, theoretically, supply less than 2% of our current annual peat use for horticulture on a sustainable basis²³.

111. As well as depleting the carbon store and impacting on biodiversity, archaeology and the landscape, extraction activities result in annual greenhouse gas emissions of at least 400,000 tonnes of carbon dioxide (CO₂) from UK extraction sites. This is equivalent to 100,000 cars on the road each year and does not take account of the peat that we import from overseas, principally from Ireland (which supplies 60% of our horticultural peat) and the Baltic States (8%). Current estimates of emissions from domestic extraction activities are also likely to be underestimates as they exclude emissions associated with the initial drainage of peat and subsequent emissions from the bare peat surface. In the context of the Climate Change Act 2008, and the Government's legally-binding carbon budget and target to reduce the UK's emissions to 80% below 1990 levels by 2050, all emission reductions are important²⁴.
112. By virtue of the above, the RSPB **strongly supports** both the second bullet point in paragraph 101 and the 4th bullet point of paragraph 103. However, we feel it is also important to ensure that extant permissions are not renewed and we would like to see the 4th bullet point of paragraph 103 amended accordingly, as shown in our track changes.

HOUSING

Question 10a: The policies on housing will enable communities to deliver a wide choice of high quality homes in the right location to meet local demand.

113. We strongly disagree.

Paragraphs 109 & 11

114. The RSPB recognises that the need for more housing, particularly affordable housing, is a pressing social concern that must be addressed by the planning system. However, there is a profound tension between delivering ever-increasing amounts of housing, and safeguarding finite environmental capacity – which is itself, another fundamental responsibility of the planning system. Housing and its associated infrastructure inevitably require a high degree of land-take. Furthermore, increased local populations resulting from new housing development increase pressure on local ecosystem services such as water provision.
115. The RSPB recognises the need for more housing (particularly affordable housing) is a pressing social concern that must be addressed by the planning system. However, there is also a profound tension between delivering ever-increasing amounts of housing, and safeguarding finite environmental capacity – which is itself, another fundamental responsibility of the planning system. Housing and its associated infrastructure inevitably require a high degree of

²³ Consultation on reducing the horticultural use of peat in England, DEFRA, 2010

²⁴ Consultation on reducing the horticultural use of peat in England, DEFRA, 2010

land-take. Furthermore, increased local populations resulting from new housing development increase pressure on local ecosystem services such as water provision.

116. It is crucially important that the planning system ensures that new housing development, both individually and cumulatively, does not compromise environmental integrity. This task becomes substantially more difficult if the planning system is required to burden the environment with more housing than is actually needed.
117. The RSPB therefore strongly objects to the proposal for local authorities to include an additional housing allowance of at least 20% to 'ensure choice and competition in the market for land.' Such a policy is entirely at odds with environmental objectives and goes way beyond the requirement that 'objectively assessed needs should be met' (paragraphs 14, 20, 48, 110 and 165), to which the RSPB does not object (so long as this is consistent with other policies in the Framework).
118. The accompanying Impact Assessment²⁵ explains that only 61 per cent of sampled local authorities had a verified ('verified' is not defined) five year housing supply. Potential reasons for this are cited as: insufficient allowance of time for relevant actors to work out a deal for the delivery of land; infrastructure requirements; land allocated in inappropriate places; landowner expectations; local market situation; and viability, among others.
119. Taking the above into account, it is difficult to see how, over a plan period, an over-allocation of 20 % would increase the proportion of sites that are actually delivered. Assuming that 61 % of sites will continue to be delivered, the over-allocation of land will result in more disparate and incoherent patterns of growth, as the sites that are actually delivered will inevitably be spread less strategically over a greater geographical area. Such an outcome would run counter to paragraph 19 (8th bullet point) and many of the accepted principles that underpin the ways in which spatial planning can deliver sustainable development, such as those outlined as 'Key Principles' in PPS1 (paragraph 13 (ii)).
120. By giving a greater range of sites to choose from, this policy will undoubtedly provide greater scope for the development sector to deliver allocated sites according to their preferred market signals. However, development according to market signals, will undoubtedly fail to deliver social and environmental objectives, in many cases.
121. For instance, a key objective of the planning system must to redress social inequalities through policies that stimulate urban regeneration. This will often require planning policies to direct development towards sites (often brownfield sites) that would otherwise be subject to weak market signals. Likewise, the planning system must operate to protect the natural environment, the biodiversity it harbours, and the ecosystem services it supplies. These sites, conversely, will often be subject to strong market signals.

²⁵ *Draft National Planning Policy Framework: Impact Assessment*, CLG, 2011

122. Clearly, the planning system should strive to direct development towards sites where this would assist in delivering social objectives, whilst directing it away from sites where this would contribute towards environmental objectives. Allocating land accordingly, can direct development towards the former and away from the latter. If local authorities are forced to allocate more sites than is necessary, whilst also responding to market signals (as per paragraph 111), achieving the above goals becomes considerably more difficult. Allocating 20% more sites than is necessary will invariably make it more difficult to avoid allocating sites of high environmental value, with the consequence that more land of high environmental value will inevitably be developed.

123. As stated throughout this consultation response, the planning system must be a tool for delivering social, environmental and economic priorities. It cannot simply be a crude tool for delivering economic objectives. We therefore recommend that the requirement to deliver 20 % more housing is removed from paragraph 109 and the need to consider market signals is removed from paragraph 111.

Paragraph 110

124. It is right that objectively assessed development needs should be met, where this would not conflict with other relevant policies and objectives of the Framework. However, the presumption must be removed from the housing section of this document. This is especially important in enabling the even-handed determination of housing applications, which are often highly contested.

125. As shown in our comments in response to question 1b, we do not believe that local communities should be punished with unsustainable development because their local authority lacks an up-to-date policy.

126. We appreciate that local authorities must do everything to get their development plans up-to-date and to ensure adequate housing supply. Where this is not the case, applications should be determined in accordance with the relevant policies set out within this plan. Simply granting applications for housing where plans are out-of-date would be entirely contrary to the plan-led system and, the planning system's ability to achieve sustainable development.

Paragraph 110

127. We appreciate that due to differing local contexts it is inappropriate to have a rigid national target for the delivery of housing on brownfield land. However, we do believe that prioritising brownfield land, wherever possible, plays an important role in delivering sustainable patterns of growth, protecting the natural environment and stimulating urban regeneration.

128. We therefore recommend that a policy is included that requires local authorities to deliver as much housing as possible on brownfield land. Guidance should make it clear that this delivery should be backed up by a robust Strategic Housing Land Availability Assessment. As per our

response to question 1a, we would like to see further exclusions from the definition of previously developed land in the glossary.

Question 14a: The policy relating to climate change takes the right approach.

129. We agree, assuming this refers to paragraph 148 only.

130. Climate change is one of the most pressing challenges facing our society. With the appropriate policies in place, the planning system can help to deliver the necessary levels of renewable generation needed for the country to meet its targets on reducing carbon emissions. We therefore strongly agree with paragraph 148 where it relates to climate change.

Question 14b: Do you have any comments?

Paragraph 150

131. The Government's zero carbon standards and any other nationally described targets should be the minimum standard with which a local authority's own standards should comply. A local authority should be free to set higher standards than these as they see fit. Local authorities should be perfectly capable of making this judgement (where backed up by a sound evidence base). Indeed, preventing them from setting higher standards would fly in the face of the Government's own localism agenda.

Question 14c: The policy on renewable energy will support the delivery of renewable and low carbon energy.

132. We disagree.

Question 14d: Do you have any comments?

Paragraph 152

133. Delivering renewable energy infrastructure at the scale required to reduce our emissions and meet our commitments, whilst remaining sensitive to environmental considerations, is a significant challenge. To achieve this, the planning system in England needs to be more than a consent procedure for development; it should also provide a robust and proactive framework enabling sensitive deployment.

134. A comprehensive and structured approach, identifying areas that are more or less suitable for deployment, would offer a valuable steer to developers. It would also help to build public support, reduce risks for all stakeholders, from financiers to conservation groups.

135. It should also be noted that the Planning Act 2008 places a clear duty on local authorities to include policies for their development plans that will make a clear contribution to mitigating climate change. Simply 'considering' the identification of sites for the deployment of low-carbon and renewable energy infrastructure would not comply with this duty. The NPPF must therefore include a specific requirement for local plans to actually identify suitable sites, as per our track changes. These sites should act to guide and incentivise development in these areas, but should not preclude deployment outside of these areas where it can be shown to be environmentally and socially appropriate.
136. As shown in our comments in paragraphs 60-61, the assessment of potential should be based on the relevant regional DECC renewable and low carbon capacity assessment.
137. In order to ensure consistency, we would also recommend that the presumption be removed from this section of the document.

Question 14e: The draft Framework sets out clear and workable proposals for plan making and development management for renewable and low carbon energy, including the test for developments proposed outside of opportunity areas identified by local authorities

138. We strongly disagree.

Question 14f: Do you have any comments?

139. Through the Climate Change Act 2008, the UK has committed to a legally binding target of at least an 80% reduction in greenhouse gas emissions by 2050, alongside a reduction in emissions of at least 34% by 2020. Furthermore, the Planning Act 2008 places a clear duty on local authorities to include policies for their development plans that will make a clear contribution to mitigating climate change.
140. In order to deliver on these objectives, from a strategic perspective, the NPPF must include policies that require local authorities to collect a robust evidence base on the potential for renewable energy deployment, and then identify sites accordingly. Secondly, policies must be put in place to require new development to be designed and located in a manner that reduces associated carbon emissions.
141. As currently drafted, the NPPF falls badly short of ensuring the above objectives are realised. Both Wales and Scotland have announced even more ambitious plans to 2020, based on a spatial planning approach. England, however, appears to be falling behind in terms of ambition and in providing the mechanisms to deliver orderly and sustained growth in investment.
142. The NPPF must therefore be amended in accordance with our comments and associated track changes on Using a proportionate evidence base (69-73); Transport (111-117); Climate change, flooding and coastal change (139-142).

Question 14g: The policy on flooding and coastal change provides the right level of protection.

143. We neither agree nor disagree.

Question 14h: Do you have any comments?

144. Planning has a crucial role to play in delivering climate change mitigation and adaptation. This includes factors such as heat stress and the potential for increased flooding. This should be explicitly recognised in paragraph 154, alongside the need for a robust evidence base to inform relevant policies.

Paragraph 159

145. Coastal areas support some of the most spectacular wildlife in England, including many of our internationally important wildlife sites, with many of these habitats relying on complex biological relationships between marine and terrestrial habitats. Marine resources are also set to play an increasing role in delivering a sustainable, low-carbon economy.

146. Integrated coastal zone management (ICZM) is therefore crucial in enabling a joined-up approach to the management of the many different interests in coastal areas, both terrestrial and marine. We therefore strongly support the requirements of paragraph 159.

NATURAL AND LOCAL ENVIRONMENT

Question 15a: Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment.

147. We disagree.

Question 15b: Do you have any comments?

Paragraph 164

148. The National Ecosystem Assessment (2011)²⁶ outlined the fundamental role that ecosystem services play in underpinning our economy. These services include provision of goods (eg timber, fish etc); regulating (eg disposing of pollutants, storing carbon etc); cultural (eg tourism); supporting (eg maintaining soils etc).

²⁶ UK National Ecosystem Assessment: *Understanding nature's value to society*, DEFRA, 2011

149. Although a value cannot necessarily be put on the nature, the assessment did illustrate that pollinating insects were worth £430m per year, inland wetlands £1.5b. Furthermore, the health benefits of living close to a green space are worth £300 per person per year.
150. The natural world, its biodiversity and its constituent ecosystems are critically important to both our well-being and economic prosperity. The natural environment must therefore be given requisite value in plan-making and decision-taking, and a paragraph 164 must contain an explicit requirement to do so.
151. In England, wildlife is still in unacceptable decline. In 2008, for example, 18 out of 42 priority habitats and 120 of 390 priority species were in decline²⁷. Indeed, much of the decline in England's biodiversity and natural environment can be attributed to the fragmentation and loss of habitats²⁸. This fragmentation is often caused by inappropriately located, poor quality development, something that the planning system can control.
152. Alongside protecting our remaining and depleted levels of biodiversity, the planning system can, and should, restore some of the biodiversity and habitats that have been lost, by striving for net gains in biodiversity, wherever possible. This must start from a basis of avoiding losses in biodiversity, wherever possible. Simply striving to 'minimise' losses in biodiversity is an unacceptably weak starting point. We therefore recommend that the word minimise is 'deleted' and replaced with 'avoid'. We strongly support the requirement to strive for net-gains wherever possible.

Paragraph 165

153. As stated previously, it is essential that any reference to the presumption is removed from other sections in the document. This is particularly important in the Natural Environment section, where many of the policies are needed in order to protect sites from development. The inclusion of the presumption text in this section creates circularity back to the presumption that weakens the force of these policies. This would be entirely unacceptable and potentially conflicts with the statutory requirements of the Natural Environment and Rural Communities Act 2006.
154. We do not object to the principle that objectively assessed development needs should be met. However, this must be consistent with other objectives such as the protection and enhancement of the natural environment, and this is reflected in policies elsewhere in the Framework. Paragraph 165 must therefore be amended to remove the presumption and allow for other policies to be considered alongside objectively assessed development needs.

Ecological networks: Paragraph 168

155. Without action to restore some of the habitats that have been lost, biodiversity will continue to decline. Here again, there is a crucial role for strategic planning. *The Making Space for Nature*

²⁷ *The Natural Choice: securing the value of nature*, HM Government, 2011

²⁸ *Making Space for Nature: A review of England's Wildlife Sites and Ecological Network*, Lawton, J.H., et al., 2010

report (the 'Lawton review') sets out a practical vision for addressing the fragmentation of our natural environment by restoring ecological networks across the country, based on five components:

1. Get sites into favourable condition.
2. Increase the size of protected sites.
3. Create new sites.
4. Improve the connectivity between sites.
5. Manage the wider countryside more sympathetically to reduce pressures on sites.

The exact 'mix' of actions required will vary from place to place, and decisions are often best taken at a larger-than-local ecosystem-scale, through close co-operation between local authority and a range of other partners (i.e. statutory bodies, NGOs, communities, land owners and businesses).

156. The Natural Environment White Paper established the linked concepts of Nature Improvement Areas (NIAs) and Local Nature Partnerships (LNPs), both of which are expected to work across administrative boundaries to deliver improved ecological networks, as set out in the Lawton review. The RSPB believe that the NPPF should reflect the crucial role of planning in delivering for the natural environment, and meeting the ambitions of the White Paper by explicitly linking to these two important initiatives.

SSSIs: Paragraph 169

157. Sites of Special Scientific Interest (SSSIs) form the backbone of biodiversity conservation and recovery in the UK. In underpinning the Natura 2000 network of Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) they are central to delivering the objective of the EU's Birds and Habitats Directives of restoring and maintaining species and habitats of European importance to a favourable conservation status. The majority of SSSIs, 3108 of the 4113 in England, lie outside the Natura 2000 network but nonetheless form a critical part of the country's ecological network.

158. By virtue of their importance, it is crucial that SSSIs are afforded the same level of explicit protection in the NPPF as they are in PPS9²⁹. This is extremely important given that PPS12³⁰ encouraged local authorities not to repeat national level guidance in their local development frameworks. Therefore, when the NPPF does eventually supersede PPS9, there is a real danger that many LDFs would not have specific policies for non-international SSSIs. Such a scenario would leave these sites badly exposed to potentially damaging development. We therefore strongly recommend that a new paragraph is inserted that summarises the level of protection given to SSSIs in PPS9.

²⁹ *Planning Policy Statement 9: Biodiversity and Geological Conservation*, CLG, 2005

³⁰ *Planning Policy Statement 12: Local Spatial Planning*, CLG, 2005

IMPACT ASSESSMENT QUESTIONS

Question QB4.2: What impact will the Local Green Space designation policy have and is the policy's intention sufficiently clearly defined?

Paragraph 131

159. The RSPB strongly supports the inclusion of a policy which enables local people to protect green spaces that are important to them. Green space is not only important for wildlife, but also for healthy communities and a healthy economy. We are particularly pleased that these sites can be allocated for the 'richness' of their wildlife.
160. For local green spaces to be able to maintain the wildlife features for which they may have been designated, they may however need to encompass relatively large tracts of land. We therefore recommend that paragraph 131 be amended so as to allow local authorities to allocate larger tracts of land, where this is reasonable and necessary in respect of maintaining the features for which they were designated. Any such allocation would need to be supported by a robust evidence base supporting the proposed size of the site.