

Local Nature Partnerships - Response to National Planning Policy Framework Consultation

Introduction

Local Nature Partnerships (LNPs) are a key commitment in the Government's 2011 Natural Environment White Paper, which recognised the need for stronger cross-sector collaboration in order to reverse the loss of biodiversity and degradation of ecosystems - which we all rely upon - and to secure nature's return to health. Locally established, LNPs work to embed the value of nature at the heart of local decision making to enable landscape-scale conservation and deliver a net gain for nature. LNPs are prescribed bodies per the Localism Act 2011 and, according to the 'Duty to Cooperate', should be consulted regarding the impacts of planning policy on the local environment.

Summary of position

We welcome the policy support for a net gain in natural capital through development, which is a key ambition of the 25 Year Environment Plan (25 YEP). However, we are concerned that some of the themes in the NPPF do not reflect this ambition. In particular, we are highly concerned by the lack of clear mechanisms to deliver 'net gain', and the framing of aspects in the NPPF that appear to directly contradict this ambition.

We want to establish strategic, flexible and locally tailored approaches that recognise the relationship between the quality of the environment and development. That will enable us to achieve measurable improvements for biodiversity and natural capital while ensuring economic growth and reducing costs, complexity and delays for developers.

It is essential that effective environmental protection and improvement measures are incorporated into spatial planning guidance and requirements if the Government's stated intent of this being the first generation to leave the environment in a better state than the one it inherited is to be realised. We present the areas where there is consensus amongst the signatory Local Nature Partnerships on the revisions required to the draft NPPF in order to enable this.

We call for:

1. The securing in policy of the **Nature Recovery Network**, supported by increased clarity on **net biodiversity gain** and **net natural capital gain**. A key commitment of the 25 YEP, such a network is critical to safeguarding our natural assets and is a cornerstone of our ability to deliver a net gain.
2. The protection of **Local Wildlife and Local Geological Sites** in the planning system. These are a core component of the Nature Recovery Network but are currently unprotected in the NPPF. We are very concerned that reference to these important, locally determined sites has been removed from the proposed revised NPPF.
3. Protection in perpetuity of '**irreplaceable habitats**' and **robust and transparent framework** for judgements regarding developments affecting SSSIs.
4. **Developer contributions** to extend to delivery of net gain, for example through the establishment and maintenance of the Nature Recovery Network, and be consistent with the 25 YEP on biodiversity accounting.

5. The ability to deliver a net gain to be a core component of the **viability** of development. The presumption in favour of development undermines policy efforts to deliver net gain.
6. Review the definition of the **Green Belt** and related policies to allow development when it demonstrably provides the best way to deliver exceptional sustainable development.
7. That **quality** as well as extent of **green space** is clearly defined and stipulated as part of stronger new standards for green infrastructure outlined in the 25 YEP.
8. The current requirement of LPAs to produce a **Local Plan** to remain and reinstatement of the requirement for **planning decisions to be based on up-to-date evidence**.
9. A robust **planning enforcement process** that enables Local Planning Authorities to enforce penalties on retrospective planning and hold developers to account for any planned mitigations.

Detail on these positions is provided below.

Nature Recovery Network

The proposed NPPF makes no reference to the 'Nature Recovery Network' to take through the aspirations from the 25 Year Environment Plan or provide a definition within the glossary. It is important to note that some vital components of ecological networks will not be wildlife-rich habitats in their own right. Paragraph 172 needs to be amended to ensure that important corridors and connections are afforded the same level of importance as wildlife-rich sites.

Whilst the removal of 'wherever possible' in relation to biodiversity net gain is welcome, the term 'environmental net gain' is unclear and not sufficiently strong (paragraphs 168, 172). There should be a specific requirement for developments to deliver 'net biodiversity gain'.

The natural capital approach is not as strong within the NPPF as the ambition within the 25 Year Environment Plan. Policy needs to indicate where developments should deliver 'net natural capital gain' and this must be additional to net biodiversity gain requirements.

Clear definitions of net biodiversity gain and net natural capital gain should be provided within the glossary.

Local Wildlife and Geological Sites

We are particularly concerned that the revised NPPF appears to have weakened its position on the protection of non-statutory designated local sites (locally designated sites) as these are no longer referred to in the policy text (previously paragraph 117 and now complete removal of paragraph 113) or the glossary. This does not support the recommendations of the 2010 Lawton Review which advised that in order to establish a strong and connected natural environment that we must better protect our non-designated wildlife sites.

The weakening of the protection of non-statutory designated local sites would also seem to contradict aspirations to create a 'Nature Recovery Network' where 'recovering wildlife will require more habitat; in better condition; in bigger patches that are more closely connected'. This would only be achievable if greater protection is afforded to these locally important designated sites in the planning system to prevent further fragmentation of our habitat network. We call for reference to local wildlife and geological sites to be reinstated in footnote 7 and paragraphs 168 and 172.

Irreplaceable Habitats requirement

We welcome the principle of refusal on irreplaceable habitats (paragraph 173), but ask that this is without exception and that an agreed list of irreplaceable habitats is provided in the glossary. We note footnote 7 and suggest that ‘irreplaceable’ applies to any habitat of principal importance for which the timescale involved in completely recreating it would go beyond the period of the strategic planning cycle. We suggest that the following terrestrial habitats should be considered irreplaceable: ancient woodland; ancient/veteran trees (which are often found outside of ancient woodlands); ancient hedgerows; traditional unimproved meadows/ancient grasslands; limestone pavements; grey & mature dunes; blanket bog; lowland raised bog; and fen.

There needs to be a clear and transparent framework for determining the exceptional or unavoidable circumstances when developments impacting a SSSI can be permitted and such developments should be required to deliver appropriate net biodiversity gain to compensate for this impact.

Developer Contributions

We recommend that developers are required to contribute to the delivery of net biodiversity and natural capital gain through a new mechanism that enables more effective and strategic use of mitigation funds. For example, to fund the restoration and maintenance of the Nature Recovery Network and other landscape-scale interventions. At present, developer contributions to natural capital are ad-hoc, subject to negotiation and generally insufficient to mitigate for the impact of development.

We also strongly advocate the explicit mention of the Defra metric or equivalent best practice biodiversity accounting method in paragraphs 168 and 172b to help secure a net biodiversity gain, ensure consistency in the methodology to achieve it and to avoid “measurable” being open to different interpretation.

Viability

The revised NPPF outlines that the three overarching objectives of sustainable development (economic, social and environmental) should be pursued in a mutually exclusive way. We welcome this approach, which, if enabled through appropriate policy and mechanisms, can enable the securing of net gain. However, the subsequent presumption in favour of development, which runs throughout the rest of the Framework, contradicts this statement and ultimately undermines significant other policy - including the 25 Year Environment Plan’s ambition for net gain and climate change commitments.

Para 34 specifies: *‘Plans should set out the contributions expected... including green ... infrastructure. Such policies should not make development unviable, and should be supported by evidence to support this.’* In the current system, the financial mechanisms available to LPAs to realise net gain through development (e.g. Section 106 payments and the Community Infrastructure Levy) are often reduced beyond their initial set rate due to the challenge that such spend will make development unviable. This typically results in funding far below that needed to effectively mitigate for the loss of natural capital.

We are highly concerned about the legal priority of development and its ‘viability’ over the healthy functioning of our ecosystems, which underpin the health of society, the nation’s biodiversity and many parts of the economy. The concept of ‘viability’ should be mutually exclusive across all three aspects of sustainable development.

Green Belt

The current system favours protecting Green Belt locations from development over ecologically sensitive sites. We recognise the importance of the Green Belt for place-shaping and for the wellbeing benefits to those who are able to

enjoy this protected countryside where publicly accessible. There is a public perception that it is an ecological designation and that the planning system is delivering for biodiversity by protecting Green Belt land.

We call for a definition of Green Belt that makes it clear that it is not a biodiversity or natural capital designation. We also ask that Local Planning Authorities cannot consider protecting or creating Green Belt as a contribution to net biodiversity gain or net natural capital gain unless it demonstrably delivers this.

Development on Green Belt consisting of intensively farmed land could deliver net benefits for biodiversity and natural capital and represent a good option to deliver sustainable development. We request that the paragraphs 142 and 143 are amended to allow development where it will deliver exceptional net gains for biodiversity and natural capital.

Green Infrastructure Standards

We welcome the recognition (paragraphs 97 and 98) that the quality of open space is a key factor in determining its value to communities, particularly in regard to health and wellbeing (paragraph 92). We are concerned that there is no guidance on how green infrastructure quality should be measured, following removal of reference to the 'Garden City Principles'. This does not align with the 25 Year Environment Plan commitment to providing '*stronger new standards for green infrastructure*'. Without stronger guidance on quality, supported by benchmarking standards and local plans, the planning system will not make an effective contribution towards a Nature Recovery Network.

The document also backtracks from the previous and more accurate definition of green infrastructure provided by MHCLG in 2016, which recognised that it is a network of multifunctional spaces and not just conventional open spaces. Increasing access to green infrastructure can help tackle health inequalities, but access is determined by quality as well as proximity and paragraph 92 should refer to this. By not providing guidance on green infrastructure quality the NPPF is missing an opportunity to contribute to delivering a key aim of Public Health England's Strategic Plan. Guidance on quality should also extend to water management. We welcome the commitment to incorporating sustainable drainage systems (paragraph 163), but to make a real difference this needs to extend to all developments and be based on a strategic assessment of local need.

We recommend that green infrastructure is mapped and planned for, early and strategically, to provide an ecological network at the landscape and local scales and identify natural capital resources and needs.

Local Plans

The revised NPPF appears to have removed the requirement for Local Planning Authorities to produce local development plans, with the minimum requirement now a higher level strategic plan (paragraph 17). This position is reinforced on page 37 of the revised Planning Policy Guidance.

Local Plans are critical delivery vehicles of the strategic planning of green infrastructure at a landscape scale - a key mechanism for delivering the Nature Recovery Network. We strongly recommend that the requirement to produce local plans is reinstated, as they are integral to the ability of local communities and stakeholders such as LNPs to support implementation of the NPPF by shaping development around local priorities. We also request a requirement for LNPs to be consulted when producing strategic and local plans.

Without Local Plans it will be difficult to deliver many of the policies in section 15. This also goes against current policy for Public Health England and the NHS which aims to work with the planning system on a local place-based

approach and forms part of the LNP remit. Neighbourhood plans cannot fill the gap created by the absence of a local plan and do not enable effective LNP engagement.

Mechanisms for, or requirements on, local authorities to cooperate need to be made explicit to ensure that the policy (in paragraph 169) for the enhancement of natural capital at a catchment or landscape scale - across local authority boundaries - is implemented consistently by all authorities.

In order to achieve the best outcomes for the economy, society and the environment, it is vital that both local plans and planning decisions are based on up-to-date evidence (paragraph 33), in line with best practice guidance including BS 42020:2013.

Planning Enforcement Process

LNP partners often observe issues with failed implementation of promises of enhancement and obligations for mitigation and compensation. We believe a stronger steer on monitoring and enforcement is needed rather than the more discretionary approach set out in proposed paragraph 59. This would enable local planning authorities to hold developers to account on delivery. It is also important that retrofitting of mitigation, compensation and enhancement be obligatory before retrospective applications may be consented.

Response issued on behalf of the following Local Nature Partnerships

Bedfordshire Local Nature Partnership
Buckinghamshire and Milton Keynes Natural Environment Partnership
Gloucestershire Local Nature Partnership
Greater Manchester Natural Capital Group
Kent Nature Partnership
Natural Cambridgeshire
Nature Connected
North East England Nature Partnership
North Yorkshire and York Local Nature Partnership
Pennine Prospects
Surrey Nature Partnership
Sussex Local Nature Partnership
Tees Valley Nature Partnership
Warwickshire Coventry and Solihull Local Nature Partnership
West of England Nature Partnership
Worcestershire Local Nature Partnership