

CONSULTATION

Response Document



Institute of Ecology and Environmental Management

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**Draft National Planning Policy Framework
(Department for Communities and Local Government)**

17 October 2011

IEEM Company Limited by Guarantee, No. 2639067
Established 1991

Introduction

The Institute of Ecology and Environmental Management (IEEM), as the leading membership organisation supporting professional ecologists and environmental managers, welcomes the opportunity to comment on the **draft National Planning Policy Framework**.

Institute of Ecology and Environmental Management

IEEM was established in 1991 and currently has over 4,000 members drawn from local authorities, government agencies, industry, environmental consultancy, teaching/research, and voluntary environmental organisations. The Institute has led the way in defining and raising the standards of ecological and environmental management practice with regard to biodiversity protection and enhancement. It promotes knowledge sharing through events and publications, skills development through its comprehensive training and development programme and best practice through the dissemination of technical guidance for the profession and related disciplines.

IEEM is a member of:

- Society for the Environment
- European Network of Environmental Professionals
- IUCN - The World Conservation Union
- Europarc Federation
- Professional Associations Research Network
- United Nations Decade on Biodiversity 2011-2020 Network

National Planning Policy Framework

Consultation questions

(a) About you

(i) Your details

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(ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response

(iii) Are your views expressed on this consultation in connection with your membership or support of any group? If yes please state name of group.

Yes

Name of group: Institute of Ecology and Environmental Management

(iv) Please tick the *one* box which best describes you or your organisation:

Professional body

(v) Would you be happy for us to contact you again in relation to this consultation?

Yes

Preamble

IEEM understands the need for economic recovery and the part that planning and development has to play in this respect. In addition we realise that simplifying the planning process may benefit the economy but we must emphasise that this must not be at the expense of our natural assets, which underpin our economy, health and well-being.

IEEM strongly believes that the NPPF should be used as an opportunity to integrate biodiversity *gains* into economic development (as alluded to in Paragraph 169) but such an approach appears to be entirely over-ridden when reading the NPPF as a whole.

Whilst the Framework does establish a presumption in favour of sustainable development it does not define it sufficiently clearly for it to be interpreted and implemented effectively and wisely. Beyond being heavily biased towards economic development, the Framework is also frequently contradictory.

IEEM believes that the reform of the Planning System provides an opportunity for a win-win outcome for both the natural environment and the economy. However this is extremely unlikely to be achieved using the Framework as it currently stands.

Furthermore, it is clear that sustainable development cannot be achieved without safeguarding biodiversity:

- *We have also recently begun to better understand (or perhaps remember) that our natural world is not a luxury: it is fundamental to our well-being, health and economy. The natural environment provides us with a range of benefits – ecosystem services including food, water, materials, flood defences and carbon sequestration – and biodiversity underpins most, if not all, of them. The pressures on our land and water are likely to continue to increase and we need to learn how to manage these resources in ways which deliver multiple benefits, for example, achieving profitable and productive farming while also adopting practices which enhance carbon storage, improve flood water management and support wildlife.’¹*
- *‘Losses in the natural world have direct economic repercussions that we systematically underestimate. Making the value of our natural capital visible to economies and society creates an evidence base to pave the way for more targeted and cost-effective solutions. We are facing a biodiversity crisis even though we are major beneficiaries of nature’s multiple and complex values. ... The list of benefits provided by nature is vast. Yet species are still being lost and nearly two thirds of ecosystem services have been degraded in just fifty years (Millennium Ecosystem Assessment (MA) 2005). We have become only too familiar with the gradual loss of nature – this ‘death by a thousand cuts’ of the natural world. Our natural capital is being run down without us even knowing its real worth. The cost of these losses is felt on the ground but can go unnoticed at national and international level because the true value of natural capital is missing from decisions, indicators, accounting systems and prices in the market.’²*
- *‘Given the very large financial and economic values (stock and flows) that are provided by healthy functioning ecosystems, future economic development can best be sustained through policy directed at the safeguarding of the natural capital that ecosystems represent. Proper long-term management of ecosystems can lay the foundations for a thriving ‘green’ economy and an improving level of general well-being in society as social*

¹ Making Space for Nature: A review of England’s Wildlife Sites and Ecological Network, chaired by Professor Sir John Lawton CBE FRS, submitted to the Secretary of State for the Department for Environment, Food and Rural Affairs, September 2010

² TEEB (2009) The Economics of Ecosystems and Biodiversity for National and International Policy Makers – Summary: Responding to the Value of Nature

capital stocks are nurtured in parallel.³

- *'[Our natural environment] underpins our economic prosperity, our food security, our health, our ability to adapt to a changing climate and to reduce the greenhouse gases which cause this change. Yet despite our growing knowledge of the real value of our natural environment, and the significant improvements made in some areas over the last twenty years, it faces major challenges. For years, the economy and the natural environment have been pitted against each other as if they were competing choices, rather than being mutually interdependent. For too long, we have been content to just limit the damage, rather than grow and enhance the value of a healthy natural environment. Globally, it is estimated that the degradation of our planet's ecosystems is costing us €50 billion each year – a figure that could rise to the equivalent of 7% of global GDP by 2050. We are choosing to lose the valuable benefits of a healthy natural environment on a massive scale. A vibrant natural environment is not a luxury for the good times – it is a necessity for economic recovery and sustainable growth for the long term. We have the opportunity to be the generation which puts this right. It will take an ambitious and radical transformation, in our economy, our society and in securing our future. But the prize is worth it – and essential for our wellbeing. We must grow a leaner, greener economy. One which properly reflects the true value of nature's services in the way it works – in its prices and markets. Working with the grain of nature will prevent the unnecessary costs of environmental degradation, open up new business opportunities and create new jobs.'*⁴
- *'The more we understand about the natural world, the more we realise that it supports us in ways which may not always be visible but which have real value. Our natural environment is a source of personal relaxation and enjoyment, community pride, public health and economic security. For example, the value of natural resources extracted for use in the UK economy in 2007 was £41 billion. There are also costs to economy and society from environmental degradation, for example, the annual cost of soil erosion in the UK is around £40 million. And there are opportunities to create additional value – for example, action to prevent degradation can have a benefit to cost ratio of as much as 100:1. But these costs and benefits are often not adequately reflected in the way we make the decisions that impact on our natural environment, leading us to squander valuable natural resources.'*⁵

Unfortunately, the NPPF fails to provide the confidence that biodiversity will be afforded the appropriate weight in planning decisions, and consequently, it is unlikely that the 'sustainable development' alluded to throughout the document, will be achieved.

³ UK NEA (2011) UK National Ecosystem Assessment: Technical Report (Chapter 22: Economic Values from Ecosystems)

⁴ Defra (2010) An invitation to shape the Nature of England

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(b) Consultation questions

Delivering Sustainable Development

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

1(a) – Do you agree?

Strongly Disagree

1(b) Do you have comments? (please begin with relevant paragraph number)

Paragraphs 9, 12, 13 and 164 – IEEM believes that it is right that planning should work with a presumption in favour of sustainable development. However, the draft NPPF gives a definition of ‘sustainable development’ that is weak, unclear and contradicts other statements within the document (e.g. ‘*The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. A positive planning system is essential because, without growth, a sustainable future cannot be achieved. Planning must operate to encourage growth and not act as an impediment*’ Paragraph 13). There is a clear emphasis on development equating to growth which creates a tension within the document and amongst key stakeholders. It will not be easy to implement at the local level and may require case law to set precedents. Reading the document as a whole, ‘sustainable development’ could easily be interpreted as ‘sustained economic development’ as it is heavily biased towards the economic aspect and underplays the environmental and social aspects, which contradicts Paragraph 164 and the intention to not just protect biodiversity but actually enhance it where possible.

Paragraphs 20-26 – The draft NPPF is very high level, ideological and simplistic, and by removing all of the existing practical guidance it will be almost impossible to implement. In particular, the draft NPPF contains no technical information, no guidance and no definitions. Many IEEM members, including consultants and local authority ecologists, rely heavily on the existing planning guidance to help ensure that informed and balanced decisions are made regarding development proposals. We would particularly urge that the previous Government Circulars ODPM 6/2005 and Defra 1/2005 which accompanied PPS9 Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system, are revised in the light of subsequent case law and then reissued.

We must also make it clear that the right skills and training are required in both the public and private sectors to deliver appropriately balanced sustainable outcomes. Further to this, it is not enough that the right guidance merely exists, practitioners must know where to find it and be competent to implement it. We are thus very concerned by the lack of ‘in house’ ecological expertise within many planning authorities.

Paragraphs 14, 15, 20, 26, 54 and 169 – There is an unacceptable discrepancy between the presumption for development, being rejected only if there will be *significant* and *demonstrable* impacts. This is clearly contrary to the aspirations set out in the recent Government White Paper on the Natural Environment. For example, many local planning authorities lack the expertise to assess the potential value of the ecosystem services that may be lost through a development proposal and will need some mechanism of determining this. Even so, the methodologies for quantifying the value of ecosystem services are still under development. Requiring local planning authorities to grant planning permission where

Local Plans are '*absent, silent, indeterminate or where relevant policies are out of date*' (Paragraph 14) is completely inconsistent with delivering 'sustainable development' and contradicts the requirement to evaluate the potential effect on biodiversity (as intimated within Paragraph 169). Moreover, Paragraph 14 blatantly removes a core function of the Planning System to act as a 'failsafe' in safeguarding the environment. We **strongly object** to this statement. In our view it is very likely to lead to less well thought out development which would be detrimental to the local community and environment, and thus ultimately to the economy. In particular, this approach contradicts some of the core planning principles outlined in Paragraph 19, such as '*in considering the future use of land, planning policies and decisions should take account of its environmental quality or **potential** quality regardless of its previous or existing use*'.

Plan-making

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.

2(a) Do you agree?

Neither agree or Disagree

2(b) Do you have comments? (please begin with relevant paragraph number)

Paragraphs 23 and 24 – Paragraph 23 bullet point 5 should include a reference to biodiversity. An additional bullet point should refer to the maintenance and enhancement of ecosystem services.

The emphasis in Paragraph 24 is still very much on identifying land to protect because of its environmental value which is consistent with a 'no net loss' approach to biodiversity, although it is arguable that no net loss would be achieved. However adopting a more creative and positive approach by requiring Local Plans to '*identify opportunities to achieve biodiversity gain through sensitive sustainable development*' would lead to opportunities for greater synergy between those looking to develop land and those looking to enhance its biodiversity potential. Such an approach could have real benefits for local communities.

Decision taking

In the policies on development management, the level of detail is appropriate.

3(a) Do you agree

Disagree

3(b) Do you have comments? (please begin with relevant paragraph number)

Paragraph 59 – IEEM agrees that access to the right information is crucial to good decision-

making. In terms of assessing the biodiversity value, or potential value, of a site we would urge the Government to consider the advantages of including charges for accessing existing biodiversity data within the application process as this is currently an area where some developers seek to cut costs. As a result, development proposals may be assessed by local planning authorities without access to the best available biodiversity information. Payment 'up front' for biodiversity data analysis appropriate to a site would overcome this. Additionally, whilst the reasons for speeding up the planning process is understandable, planning officers and developers need to be aware of the seasonality of effective species survey in order to gather required new data. Where a local authority has its own ecologist this is well understood but, given that many planning authorities do not have their own ecologist, planning officers need guidance on when such species surveys can be effectively undertaken.

Paragraphs 67-70 – These paragraphs are unclear. We do not see how, if a development proposal has unacceptable impacts that cannot be addressed through planning conditions, they can be made acceptable through planning obligations.

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

4(a) Do you agree

Strongly Disagree

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

Simplifying and clarifying planning policy and guidance is a worthwhile exercise and provides the opportunity for a creative, innovative and 'joined-up' approach to truly sustainable development. However there is danger inherent in having so 'light' a touch that planning policy is open to wide variation in interpretation. This is likely to lead to a much greater volume of planning appeals and a slowing down of the planning process. This approach also places undue reliance and pressure on planning officers and makes planning authorities vulnerable to inadvertent breaches of European and UK law.

It has been referred to elsewhere and should again be noted that, with regard to biodiversity, many local planning authorities do not have access to in-house ecologists in order to properly judge the likely impacts (and potential for enhancement) of development proposals on biodiversity. As such planning officers need to draw heavily on guidance if they are to avoid breaches of European Directives and regulations.

We believe that detailed guidance is essential and that this must necessarily be produced by Government with the support of relevant stakeholders. IEEM would be pleased to contribute to the development of guidance in relation to the protection and enhancement of biodiversity through the planning system.

With regard to biodiversity we urge the Government to revise and update Circular 6/2005 as a matter of priority, taking account of subsequent case law.

Business and economic development

The 'planning for business policies' will encourage economic activity and give business the

certainty and confidence to invest.

5(a) Do you agree?

Disagree

5(b) Do you have comments? (please begin with relevant paragraph number)

Paragraph 71-73 – These paragraphs again place too much emphasis on built development rather than other aspects of sustainable development. In this regard the whole document is muddled and inconsistent.

Minerals

The policies on minerals planning adopt the right approach.

9(a) Do you agree?

Neither Agree or Disagree

9(b) Do you have comments? (please begin with relevant paragraph number)

Paragraphs 101-103 – We support the recognition that, in securing future minerals supplies, designated landscapes and areas of peat should be avoided. However, this should be extended to include other sensitive habitats (such as limestone pavements) and make reference to both statutory and non-statutory wildlife sites.

We support the view that in granting planning permission for mineral development, it is ensured that there are no unacceptable adverse impacts on the natural and historic environment.

Natural and local Environment

Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment.

15(a) Do you agree?

Strongly Disagree

15(b) Do you have comments? (please begin with relevant paragraph number)

Paragraphs 163-166 – Rather than complementing the commendable intentions of the Natural Environment White Paper, IEEM feels strongly that the draft NPPF as a whole undermines it because of its overwhelming presumption in favour of *economic* rather than truly sustainable development. We refer back to the Natural Environment White Paper

published in June this year which clearly stated that the Government would '*retain protection and improvement of the natural environment as core objectives for local development and planning management*'. It does not appear that this commitment has been translated effectively into the NPPF. Indeed Paragraph 164 refers only to '*minimising impacts on biodiversity and providing net gains where possible*'.

There is a real opportunity in this reform of the planning system to encourage creative and innovative initiatives to achieve significant biodiversity gain through development. We are disappointed that the language of the document, the contradictions and conflicts within it and the confusion that this has created may well lead to such opportunities being missed. In our view the NPPF reinforces the misconception that we can either protect the environment or have development but not both. This is, in our view, unfortunate and unnecessary.

Overall there is insufficient emphasis on the vital ecosystem services that the natural environment provides – services that are essential to our well-being. A healthy natural environment is not a desirable asset, it is essential. The NPPF does not give enough weight in recognising this.

Paragraphs 166-170 - In addition, it is unclear how designated nature conservation sites outside of European sites, SSSIs, AONBs and National Parks will be safeguarded. Overall the approach is one of protecting a series of sites in isolation which is unlikely to reverse the impacts of fragmentation that have taken place in recent decades. This is at odds with recognition of the importance of landscape-scale initiatives (such as the Nature Improvement Areas outlined within the Natural Environment White Paper) and the implementation of the recommendations of the *Making Space for Nature* report authored by Sir John Lawton. The loss of regional planning undermines our capacity to reverse habitat fragmentation.

Again this whole approach undermines the recent acknowledgement of the importance of understanding the natural environment in terms of functioning ecosystems delivering vital services.