



RTPI

mediation of space · making of place

Royal Town Planning Institute
41 Botolph Lane
London EC3R 8DL
Tel +44(0)20 7929 9494
Fax +44(0)20 7929 9490

Email online@rtpi.org.uk
Website: www.rtpi.org.uk

Registered Charity Numbers
England 262865
Scotland SC 037841

Patron HRH The Prince of Wales KG KT PC GCB

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Chris Kent
Communities and Local Government
Planning Resources and Environment Policy
Zone 1/A1
Eland House
Bressenden Place
London
SW1E 5DU

Email response sent to: NEOS_Consultation@communities.gsi.gov.uk

Dear Sir/Madam,

RESPONSE TO PLANNING POLICY STATEMENT CONSULTATION: PLANNING FOR A NATURAL AND HEALTHY ENVIRONMENT (ENGLAND)

Thank you for the opportunity to respond to this consultation. The RTPI represents over 22,000 spatial planners, existing to advance the science and art of town planning for the benefit of the public.

This document responds to the *Draft Response to Planning Policy Statement Consultation: Planning for a Natural and Healthy Environment (England)*.

The response has been formed drawing on the expertise of members, including the RTPI Environmental Planning and Protection Network, the RTPI Development Planning Network, the South West Region, and the RTPI Climate Change Champions.

The RTPI fully supports the Government in simplifying, slimming down and streamlining the existing suite of planning policy documents, to make them clearer and more accessible and, in so doing, more effective. It is understood that this process is a fundamental reform of strategic spatial planning policy, starting with the core policy document – PPS1 - and including attempts at coordination with the relevant spatial dimensions of wider policies across strongly related areas such as health (including the inequalities of health across communities), communities, housing and the environment. The intention to provide shorter, sharper, clearer identification of fundamental policy that planners must follow, supported by more detailed guidance covering methodologies, the evidence base and developing good practice illustrations are fully supported by the RTPI. It was not the intention to miss out important material, but to provide two complementary and supporting documents covering the broad planning policy areas.

The RTPI is concerned that the draft PPS reads as a compilation of a number of PPSs and PPGs rather than an integrated approach to environmental planning, with the socio-economic concerns of

sport, recreation and play not always sitting easily with the protection and enhancement of the natural environment. There are positive aspects of the draft PPS with evidence of useful work in gathering together policies on the natural environment and on open and green spaces in urban and rural areas, to ensure that the planning system delivers healthy sustainable communities which adapt to and are resilient to climate change and give the appropriate level of protection to the natural environment. We welcome an approach that reduces repetition and provides a clearer and more coherent national policy framework for England.

Nevertheless, we consider there to be scope for improvement. In revising this draft PPS the RTPI believe an overall vision should be included, one which supports the structure and composition of national planning policy documents. The PPS is very broad in its coverage of the natural environment, including green infrastructure, open space, sport, recreation and play. While it replaces in entirety PPS9 on Biodiversity and Geological Conservation, and PPG17 on Planning for Open Space, Sport and Recreation, it is more selective in removing only parts of the existing PPS7 on Sustainable Development in Rural Areas and PPG20 on Coastal Planning.

While the draft PPS clearly attempts to integrate environmental, social and economic considerations across both urban and rural areas, we suggest it does also leave PPS7, PPS9 and PPG20 weakened in both purpose and value. For some features, the reduction in detail resulting from the streamlining process has weakened the value of the document and increased its blandness at the expense of focussed policy directions that stem from a clear vision for the future. It might be tempting to suggest that there is a reduction and dilution in the emphasis given to the natural environment as a result.

The lack of specific technical detail that is essential for both planning officers and developers is of concern. The existing PPS7 in particular was a serious attempt to integrate and coordinate rural planning considerations, but rural planners are now expected to look far more widely across the policy base. Urgent consideration is needed over the future of the rural planning policy framework and guidance.

Although health elements are properly integrated which will help refute the calls for a separate PPS on health, there is no attempt to define what is meant by a healthy environment. PPS9 is also weakened, which is worrying since less than 40% of Local Planning Authorities (LPAs) have access to a dedicated professional council ecologist for technical guidance. Additional guidance will be essential in providing a structured approach to considering significant adverse effects on biodiversity. We have responded separately to the *Draft Government Circular: biodiversity & geological conservation – statutory obligations and their impact within the planning system (DEFRA/DCLG 9/03/10)* where we highlight the need to clearly reference this circular within the final PPS and recommend that additional guidance containing the key detailed, technical advice is released in conjunction with both documents to help planners better understand the material diluted in the draft PPS.

The RTPI is supportive of the aims in the opening paragraph on page 7, with a need to fully define and understand the multifunctional role of open space, green space and green infrastructure. A link to and from green belt and green wedge policies would also demonstrate coordination. Annexes A and B are very important in helping to clarify these important terms. Whilst there may be subtle differences between planning for open space and that for green infrastructure, it is vital that the differences are made very clear for both plan makers and plan users. In the final paragraph on this page, the reference should be to both rural and urban areas contributing to the quality of life and wellbeing of all communities.

The policy background very usefully includes the Council of Europe's European Landscape Convention (page 8) and stresses the key policy advice that '...all types of landscape, whether they are outstanding, ordinary or degraded ... be valued, and advises that the characteristics of different areas be identified and assessed and landscape quality objectives identified for them'.

Reference to Safeguarding our Soils: A Strategy for England (page 9) is strongly supported, but

additional material would be welcome, including the Defra Soil Toolkit for Planners; inclusion of the Natural England Position on Soils, and a separate policy specifically covering soils. This page also contains good links to social issues relating to the quality of the built environment, and to health challenges. Audits of existing and future needs of communities for open spaces, recreation and sport must be mandatory on local authorities to ensure the provision is effective.

Placing green infrastructure as the core element of the Government's vision for World Class Places is strongly supported and this should ensure that it is more effectively developed than has been the case previously. The final two paragraphs (page 11) are very important, with a strong emphasis on green infrastructure for the very first time in planning policy. The differences and links between planning for open space and planning for green infrastructure, while perhaps subtle, must be boldly and clearly stated in the PPS. They are not only of strategic importance but also of local significance in order to identify areas of deficit. The issue of floodlighting versus amenity and community/biodiversity and species protection is an important one and identifying the correct balance will require good planning expertise. The production of vital complementary practice guidance outlined on page 12 must be undertaken as a matter of urgency if this PPS is to be fully effective.

Enclosed is the RTPI's response to the formal consultation questions and other more specific comments.

If you require further assistance, have any queries relating to the enclosed or require clarification of any points made, please contact Matt Thomson, Head of Policy and Practice on 0207 929 9494 or email policy@rtpi.org.uk .

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Matt Thomson', with a long horizontal flourish extending to the right.

Matt Thomson
Head of Policy and Practice

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DETAILED COMMENTS

1. **Page 14.** Further dismemberment of PPS7 and PPG20 is a cause for concern in providing a coordinated and holistic approach to rural planning policies.
2. **Page 15.** There is strong support for paragraph 1, with its aim of protecting/enhancing the natural environment, and reducing social inequalities.

PLAN MAKING POLICIES

3. **Policy NE1.** This policy is broadly supported, but there must also be reference to a local dimension (NE1.2) and clarity is required in the differences between the various types of provision (NE1.3). How far is it the intention for audits to include natural green space within a local authority, in addition to the more managed and formal areas of green space? Community needs should also be included in the audits (NE1.3 (ii)). It would be helpful to state the value of green space and open space needs, and to list the essential requirements and methodology for an evidence base, including relevant landscape character assessments, capacity studies and management plans. Above all, green space coordination should be integrated across local authorities, to provide a comprehensive set of data covering natural environment, green infrastructure and open space. It is important to take account of the local population dynamics in considering green space for future generations. Databases must be kept up to date and working closely with local wildlife organisations and Natural England should help to ensure this.
4. **Policy NE2.** The importance of the regional planning approach is supported, but the reasoning for it must be made clear and links are necessary between this and both the sub-regional and local planning approach. We believe there should be a stronger requirement for cross-boundary collaboration between different local planning authorities as well as between the strategic (i.e. County) and local (i.e. District) levels to ensure proper consideration of the wider context or of any strategic level frameworks in decision-making. This should also apply beyond 'areas of growth and renewal' (NE2.1) and include those areas with particular and sensitive landscape quality.
5. **Policy NE3.** The requirement in PPS9 paragraph 5ii for Local Development Frameworks (LDFs) to identify any areas or sites for the restoration or creation of new priority habitats has been an important policy driver for local authority action, but is not sufficiently covered by NE3 or the complementary green infrastructure policy NE4. The draft PPS omits the wording in PPS7 that planning policies in Local Development Documents (LDDs) and where appropriate, Regional Spatial Strategies (RSSs), should also support suitably located and designed development necessary to facilitate the economic and social well-being of these designated areas and their communities, including the provision of adequate housing to meet identified local needs. While we recognise that PPS3 deals with housing, we believe that this should be retained in the PPS and clarified that normally only such development should be permitted within nationally designated areas.
6. **Policy NE4.** This policy importantly integrates the national, regional, sub-regional and local planning approach to green infrastructure networks. Both verbal and visual clarity over the differences between urban green space and green infrastructure should be made. Local data will be essential in defining these differences, which are about more than open space for recreation, and encapsulate habitat networks/wildlife corridors and sustainable drainage amongst other things. The supporting guidance note should demonstrate how objectives and proposals for green space and green infrastructure should be incorporated into local plans.
7. **Policy NE5.** A multifunctional approach to open space is needed, complementing NE4 and indicating the link with green infrastructure so that sport/recreation/play becomes a part of the green infrastructure network, alongside and equal to biodiversity, flood water storage

etc. The issue of deficiencies is especially important (NE5.3), but it requires mandatory action. There are some areas known to be deficient in open space provision since at least the 1970s, but where the issue is still not being adequately addressed when development proposals are considered. A timescale for addressing deficiencies is important. Exactly how will local authorities be able to provide appropriate open space in areas of recognised deficit? Will they have to display how they have taken account of clearly set out criteria? Care will need to be taken in designing and locating sports and recreation facilities for local communities in rural areas, particularly those in protected landscapes.

8. **Policy NE6.** This is supported, but protection and enhancement should be afforded to the amenity of both access routes and areas for recreational rights of way.
9. **Policy NE7.** This is supported, but access should be a primary consideration in any necessary development proposals along the coast. This illustrates the reduction in detail from PPG20, since PPG20 contains a number of detailed conservation policies identifying and highlighting important issues such as the vulnerability of coastal areas to visual intrusion and the fragility of the interrelationships between livelihoods dependent on coastal resources, the diversity of wildlife and the beauty and historic interest of the landscape. The RTPI believes that this information be included in supporting practice guidance. There is a need to be specific in exactly how account will be taken of the likely impacts of climate change and coastal change.

DEVELOPMENT MANAGEMENT POLICIES

10. **Policy NE8.** The hierarchy of approach for any harm should be made clear, running from first looking at alternatives; then adequate mitigation including conditions; then compensation and finally refusal. This policy approach should be mandatory and clearly transparent in dealing with development proposals. The Landscape Character profiles all play a helpful role here. The policy should include a reference to international and European biodiversity designations (cross-referenced to the guidance in the replacement to Circular 06/2005), making clear that, as a matter of policy, potential Special Protection Areas (pSPAs) and candidate Special Areas of Conservation (cSACs) included in a list sent to the European Commission should be considered in the same way as if they had already been classified or designated. Ramsar sites should receive the same protection as designated SPAs and SACs.
11. It is important that all obligations and conditions are agreed in association with appropriate conservation organisations and bodies **(8.3)**
12. **Paragraph 8.5** is key to indicating where the weight will fall during decision making. What is meant by 'great weight' should it not be made clear that natural beauty is of paramount importance in the National Parks and takes precedence in case of conflict, through the Sandford Principle?¹ In the AONBs wildlife and cultural heritage are only considered to be an 'important consideration' and yet the paramount criteria of these designations are surely the conservation of the natural beauty of the landscape which is significantly influenced by them? Both National Parks and AONBs should be given equal weight with regard to all components of natural beauty. It must also be made clear that these designated areas are also affected by developments that take place outside the areas and yet are close enough to have an impact on them. This is yet another example of weakness emanating from com-

¹ Section 11A (2) of the 1949 [National Parks and Access to the [1949 c. 97.] Countryside] Act 1949 (National Parks) Act (inserted by section 62 of the 1995 Act) requires **any relevant authority** (such as various public bodies and statutory undertakers), when exercising or performing functions which relate to or affect land in a National Park, to attach greater weight to the purpose of 'conserving and enhancing' if it appears that there is a conflict between the two National Park purposes. This enshrines in legislation the long established Government policy often referred to as the "**Sandford Principle**". *From National Parks and Broads Circular (DEFRA 2010)*

binning policy together and reducing not only its size, but also its effectiveness. Clearer definitions are required to include 'significant harm', 'acceptable harm'; 'due regard' and 'high environmental standards'.

13. The point covering the building in of biodiversity or geodiversity features in and around developments is supported, but landscape features should be included. It is welcomed that the biodiversity interest of previously developed land is recognised and duly protected **(8.7)**. Treating applications favourably that aim to do this should act as a positive encouragement **(8.8)**.
14. The importance of Best and Most Versatile Land is clearly stated, but there are important relationships between, especially, pastoral agricultural activities on such land and those on the lower grade land (8.9). It would help to have greater clarification of 'other sustainability considerations' (does this include biodiversity?), and to link to both the current Farming and Food Strategy (January, 2010) together with the other ecological services that can often dominate poorer graded agricultural land, including carbon sinks on upland peat areas.
15. **Policy NE9**. This can be supported, especially the last sentence of 9.1. The policy should apply not just to proposals that would result in loss, but also to proposals that would adversely affect existing areas of open space. A sound practice guide should include clear criteria of 'all functions that the open space can perform', including ecological services and meeting community needs for all age ranges.
16. The RTPI supports **Policy 9.2**, while **9.3** provides positive encouragement to developers to help overcome identified deficiencies, through the positive use of conditions and obligations. Urban open space in particular should encourage people to sit, stay and linger, which will require controls over the noise and pollution that can emanate from motorised traffic. Older people can also be seriously inconvenienced simply by problems of getting across busy local roads to reach green spaces. In addition, overlooking a play area might well improve security and therefore the amenity of residents **(9.4(ii))**.
17. **Policy NE10**. No specific comments.
18. **Policy NE11**. It is important to consider the impact of any extended floodlight hours on amenity/local communities, particularly already disadvantaged sectors of the community. Available resources must be guaranteed to enforce any conditions so that they can bite. The RTPI would like to see greater priority be given to amenity/local communities in the protected landscapes, although the impacts can be just as significant in all landscapes. Further consideration should be given to the impact of floodlighting on species, particularly nocturnal wildlife. Developers can often exceed requirements over floodlighting and either more robust justifications are needed from them or some access to an independent assessment of the real requirements.
19. **Policy NE12**. This is broadly accepted, although the Sandford Principle should once again be mentioned and landscape character should be added as a consideration.
20. **Policy NE13**. It is important to refer to the recently revised National Parks and Broads Circular (2010), which identifies motorised recreation and large caravan sites/rallies as not always suitable for areas such as these. Good practice needs to be widely used here, with the 'silencing' of Lake Windermere very relevant in pointing the way forward for less noisy and intrusive activities in the National Parks. The Sandford Principle is again relevant here, with priority given to conservation and enhancement of natural beauty within nationally designated landscapes. The current PPG17 is stronger on this point, stating that 'In Areas of Outstanding Natural Beauty local planning authorities should look to meet the demands for sporting and recreational activities where the proposals are consistent with the primary objective of conservation of the natural beauty of the landscape...'

21. **Policy NE14.** Policy NE14.1 is strongly supported ‘on paper’, but are policies such as these being followed in practice, with some grounds less accessible by public transport than the ones they replace. Major sports developments in nationally designated landscapes should be subject to more stringent assessments in the interests of wider public concerns.

SPECIFIC QUESTIONS

Q1. Do you support the consolidation and streamlining of policies on the natural environment, green infrastructure, open space, sport, recreation and play into a single planning policy statement?

Broadly, yes.

However the RTPI questions how far the PPS will produce an effective, coordinated approach to a set of disparate policy areas without weakening the key principles that form the core of the natural environment: biodiversity. Additionally, the RTPI is concerned that the structure has been lessened to the extent that it is more difficult to relate specifically to urban or rural contexts. The terminology needs to be very clearly understood.

Q2. Does the proposed PPS address sufficiently all the issues that planners and others face in relation to protecting the natural environment, delivering green infrastructure and other forms of open and green spaces, and land and facilities for sport, recreation and play?

No, since the PPS contains insufficient material on the application of biodiversity principles; the emerging issue of soils and on the application of Landscape Character Area profiles to development management. Complementary practice guidance published simultaneously is essential for planners to effectively implement the PPS.

The policy (or guidance) could make reference to the professional contribution of Primary Care Trusts in identifying public health needs and benefits in relation to open space provision. The health elements are properly integrated which is welcomed and will help refute the calls for a separate PPS on health.

Q3. Do you agree with the requirement for local planning authorities to continue to produce, and keep up-to-date, open space strategies which are based on assessments of local need and audits of existing provision (NE1.3)?

Yes, with audits becoming mandatory and covering all segments of the community.

Q4. We propose that local planning authorities should take a strategic approach to the delivery of green infrastructure (NE4), but not to produce and publish a formal strategy (although they can do so if they choose). Do you agree with this proposal?

A distinction needs to be drawn here between a requirement to publish evidence in support of a strategic approach within the LDF, and a requirement to publish a separate green infrastructure strategy. Clearly, it is a general requirement that development plan policies need to be supported by published evidence (and this evidence may be in the form of a separate formal green infrastructure strategy – practice guidance accompanying the PPS should give an indication of appropriate evidence), but it should not be a requirement that all LPAs produce a separate green infrastructure strategy.

Q5. Do you agree that the proposed policy NE4 will deliver the Government’s objectives without imposing any significant new burdens?

Yes. This is useful and working in conjunction with other authorities and organisations involved in green infrastructure, should help make better planned, coordinated decisions which should

not impose significant costs on the planning system. It might also help in keeping open space strategies up-to-date.

Q6. The amended wording of planning policy relating to the floodlighting of sports and recreation facilities (NE11) makes it clear to local planning authorities that they should balance the impacts on amenity and biodiversity against the wider benefits to the community in terms of health and wellbeing and the additional provision of facilities. Do you agree with this proposal?

Yes. Local authorities already do this – balancing competing pressures is a key planning skill. In practice, it is difficult to weigh up residential amenity versus wider community benefits, though this would clearly be judged on a case by case basis. Floodlighting is a delicate local issue and design technology can no doubt help to provide some floodlighting with lower amenity/community impacts built into the design of towers and the nature of lighting whilst retaining night skies; preventing suburbanisation; providing designs appropriate to the nature of the locations involved. Provision for facilities should not become paramount over and above amenity issues and community concerns. The PPS must ensure that biodiversity and species protection considerations are a key and equal element in all floodlighting applications. We point out that weighting against biodiversity would be unlawful under the mandatory requirements of the Habitats Directive.

Q7. Do you agree that the proposed policy NE11 will deliver the Government's objectives without imposing any significant new burdens?

Yes - again this will be a question of balancing the potential costs and benefits.

Q8. Do you agree with the conclusions of the consultation stage impact assessment?

Broadly, yes, but it is difficult to determine without practice monitoring. It is important that there should be a link to green infrastructure in PPS1.

Q9. Do you think that the policies in this proposed PPS will have different impacts, either positive or negative, on people because of their gender, race or disability? If so, how in your view should we respond? We particularly welcome the views of organisations and individuals with specific expertise in equality and diversity matters.

No comment.

Q10. Do you have any additional comments to make on this proposed PPS?

There may be benefit in producing a separate but complementary soils policy, developed from the Soils Strategy (England), and linked to the DEFRA Soils Planning Toolkit; Landscape Character Areas and the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. This policy must help planners to consider soils in the development process; should make clear that soil is fully recognised as a key component of biodiversity and environmental quality and is 'deserving of consideration in decision making equal to that given to water and air quality'. (Soils Strategy); should relate to key threats to soil; how such threats are visible at local levels and what measures might best protect the most vulnerable soils. A soil policy should stress the importance of actively retaining soil functions in the built environment; reduce the cost of having to employ consultants all the time; the importance of planning conditions in soil protection; use of the Natural England Position on Soils document as the basis of local policy. It seems that soils are not always properly accounted for in land use planning. Finally, there must be good links to planning practice guidance, with Natural England working with planners to bring them up to speed with tools and skills. Further information can be accessed in 'A return to Safeguarding the Soil', in Town & Country Planning Association, Vol.72 No.2.February, 2010.

The RTPI has responded separately to the *Draft Government Circular: biodiversity & geological conservation – statutory obligations and their impact within the planning system (DEFRA/DCLG 9/03/10)* but there clearly needs to be a link between these two documents, as far as those areas which are common are concerned. In many areas the draft PPS provides too little detail and could even be seen as misleading in places on the implications of environmental law. At the same time, is it realistic to require practitioners to ‘delve into the recesses’ of the Circular in order to become adequately informed?

There is also a need to consider the future of PPS7; PPG20 and the rural dimension to planning. It would be helpful for the PPS to draw out the needs of different age groups, which would identify potential areas of conflicting uses that will require management proposals and solutions. There is also need for a better definition of green infrastructure, and we would welcome further information on how the proposed Planning Policy Statement on Green Infrastructure will tie in with the PPS.