

October 2016

# **Local Plans: Campaigner's Guide**

## About this guide

This guide is designed to provide information and advice on participating in the planning system through Local Plans. It sets out the basics of what Local Plans are all about and how you can get involved in their preparation. The second section explains what should be in Local Plan policy in some more detail, and provides some examples of 'good' policies.

## Why is it important to participate?

The English planning system is complicated and long-winded, and you might be thinking "why bother?" ...But the planning system will ultimately shape your local community and have a major impact on your local environment and your quality of life. It is absolutely vital that you engage in the system to ensure that local development is driven by community needs and to ensure that the 'goods' and 'bads' are spotted and dealt with accordingly.

### Health Warning!

**The recent Housing and Planning Act 2016 makes fundamental changes to the planning system including planning 'Permission in Principle' (see page 21 below) and government take-over of Local Plan making in certain circumstances.**

**Keep checking back to [www.foe.co.uk](http://www.foe.co.uk) for more information on developments.**

## The land-use planning system

Most people think of the planning system in terms of individual decisions taken when somebody wants to build something. These decisions however are taken in the light of a body of national and local policy. So there are very good reasons to get involved in deciding this policy – the development planning system – before it gets to the stage of an individual planning application, by which time it may be too late.

There has been an almost constant process of reform of the planning system over the last decade, and it is ongoing now:

- Regional Strategies (RSs) are no longer part of the planning system.
  - Local Plans are set by local councils: either unitary authorities, or district councils in two-tier areas (where there is a county as well as a district council). They add local detail and are a lot more specific in saying what can happen in the local authority area and where it can happen. These are guided by the national planning policy framework.
  - Neighbourhood Plans and Development Orders are introduced by the Localism Act 2011 and install a more local tier of planning (below the local authority). They have to be in line with Local Plans where these exist.
  - New planning acts such as the Housing and Planning Act 2016 (introducing permission in principle) and Infrastructure Act 2015 (moving towards deemed consent for planning conditions) demonstrate the government's approach in making incremental changes to the system, but which are viewed as rather piecemeal and disjointed rather than wide-ranging focussed reform.

Taken together, Neighbourhood Plans and Local Plans make up the statutory development plan for an area. If a proposed project conforms to the development plan then there is a legal presumption that councils will allow it; if it doesn't then they have grounds to refuse. It isn't as simple as that of course and much depends on the interpretation of policies in development plans and the specifics of each proposed project, which is why it is so important that they are well written in the first place.

## Presumption in favour...

There is a “presumption in favour of sustainable development” in the national planning policy framework (NPPF). This essentially means that where there is no plan in place, if a developer puts in a planning application, for example for a housing development or supermarket, the local authority will have to approve unless there are very strong reasons not to. Developers will be able to apply speculatively, and this could threaten environmental sites and town centres.

The flow chart on page 6 gives you a picture of how the new system fits together. It might look mind-bogglingly complicated. Hopefully this guide will help to shed some light.

## Regional Planning – history

Regional strategies have now gone, and there is no similar evidence base available or means to work in a plan-led way on larger than local issues.

A new ‘duty to co-operate’ has effectively replaced regional strategies as the mechanism for dealing with issues that affect more than on local authority area. However, while this cooperation is one of the things that the plan is tested on before it can be adopted, it is less likely to be a driver for strategic planning on larger than local issues than regional planning. This means that in effect there is no formal mechanism to ensure that many cross-boundary issues such as water, climate change, housing, transport and waste are not properly tackled at a larger than local level.

## London Plan

Despite the above, London still has its London Plan which the Mayor is in charge of. (*N.B. a Full Review of the London Plan is scheduled to commence at the end of 2016 into 2017, and consultation towards this should be possible*). Friends of the Earth’s Regional Campaign Co-ordinator should be contacted for information relating to the latest on the London Plan.

New City Devolution Deals include giving planning powers to Greater Manchester, Liverpool City Region, the North East, Sheffield City Region, Tees Valley, West Midlands Conurbation, Greater Lincolnshire Conurbation, West of England Conurbation and East Anglia Conurbation. Where they are in place these Deals offer an opportunity for strategic planning at a more regional level.

## Local Planning

- Local Plans are developed by Local Planning Authorities. Local Plans have gradually replaced older types of plan, unitary development plans and structure plans.
- County Councils and some Unitary Authorities must also prepare and maintain a minerals and a waste development scheme and develop minerals and waste (or separate) plans also
- They must take into account of national planning policy and online planning guidance (known as Planning Practice Guidance).

## What are Local Plans?

Local Plans are the folder in which local development documents sit. Local Plans comprise of two main parts:

1. Development Plan Documents (DPD): These are local development documents and contain, amongst others, Core Strategy; Development Plan Policies; Area Action Plans, a proposals map, and now Neighbourhood Plans.
2. Other documents: These documents contain, amongst others, the Statement of Community

Involvement (SCI), the Local Development Scheme (LDS), and Supplementary Planning Documents (SPD).

It is important to distinguish between these different kinds of document since Development Plan Documents are significantly more powerful in policy and legal terms. Supplementary Planning Documents are intended to provide more detail in support of policies within the relevant Development Plan Documents (i.e. they should not include new policies).

Any of these documents can be in the process of writing or revision at any time, and it can be difficult for campaigners or community groups to know where they stand.

This is where the Local Development Scheme (LDS) comes in. It is a kind of timetable, setting out what Local Development Documents will be prepared, when, in what order and whether or not they are to be jointly prepared with other Authorities. Local Development Schemes should be available from all local planning authorities, and can also be found through the Planning Portal (see references at end) (*N.B. it is however good worth bearing in mind that slippage in document development can mean some LDSs quickly become out of date. We would recommend either contacting the council direct or keeping an eye on their website to give you a better idea as to when the next public consultation will occur*).

The Statement of Community Involvement (SCI) will set out how your Local Planning Authority intends to achieve continuous community involvement in preparing development documents in their area. It is very important that Council's planning consultations allow for full participation of local communities in the shaping of their future, be accountable and allow for a right of redress in land-use decisions. Three questions which should be asked of a local SCI:

- Does it help people to know what is going on?
- Does it allow them to shape the decisions?
- Does it give them an opportunity to seek redress if the process lets them down?

All Development Plan Documents (DPDs) will have to be subject to an independent Sustainability Appraisal (SA).

## Public involvement

All Development Plan Documents and Statements are subject to an Examination, where everyone who has made written representations (to object) has the right to turn up and be heard.

The important piece of legislation is the Planning and Compulsory Purchase Act 2004:

20 (6) Any person who makes representations seeking to change a development plan document must (if he so requests) be given the opportunity to appear before and be heard by the person carrying out the examination.

*This approach is also supported by Planning Practice Guidance (para 023 - Reference ID: 12-023-20140306)*

The job of the Inspector is to make the plan "sound" and legally compliant. They may recommend modifications to the plan (main modifications) to ensure that it is "sound". Sometimes, where a lot of work is required to make the plan "sound" the Local Planning Authority will withdraw the plan to make (and re-consult) on the changes. Where the Inspector feels that the plan can be made "sound" with some modifications, the Local Planning Authority can request that the Inspector recommends these

changes. The Local Planning Authority has to consult on these changes and the Inspector has to consider the responses received before the Plan can be adopted.

### **Timetable of Local Plan preparation**

The Local Development Scheme (LDS) document will lay out the detailed timetable for the preparation of the Local Plan. The LDS is reviewed annually and replaced every three years. Find out what the timetable is from your local authority or the Planning Portal (see references at end) and refer to Friends of the Earth's guide to Local Development Schemes.

# The English planning system and Local Plans

## National Planning Policy

The Government's vision for housing, employment, energy and transport is set out in white papers, the National Planning Policy Framework (NPPF), and National Policy Statements. Online Planning Practice Guidance is also material to policy formation.

## Sustainable Community Strategies

The Duty to prepare these strategies under the Local Government Act 2000 has now been repealed under the Deregulation Act 2015. These strategies set out a long-term vision for the area. Local Plans (formally Local Development Frameworks) were meant to be based on the objectives of the Sustainable Community Strategy, but they are now optional.

## Duty to co-operate & Enterprise Zones

With the revocation of Regional Plans, Local authorities are required to co-operate on strategic issues. More importantly in planning terms are the establishment of Local Enterprise Partnerships and Enterprise Zones. If there is an Enterprise Zone near you, it is an area where planning regulations are relaxed. This means planning permission may be given in the form of development orders so that planning applications (which usually require more detailed information) do not need to be made.

Contact your Friends of the Earth regional coordinator.  
[www.foe.co.uk/england](http://www.foe.co.uk/england)

If you are already campaigning on housing, industrial development or nature conservation – or plan to do so – look at the proposals map closely.

**Presumption in favour of development**

This is where a plan is out of date or hasn't been finalised. Developers can bring forward applications, and the local authority will be expected to give permission unless there are strong reasons to refuse. This undermines the planning system and encourages speculative behaviour by developers.

## Local Plan (previously LDF)

District Councils and Unitary Councils have a Local Plan. The plan is intended to be more flexible and will have two key parts:

- 1. Development Plan Documents**
  - These contain amongst others:
    - Core Strategy
    - Area Action Plans
    - Proposals Map
    - Site Specific Allocations
- 2. Other relevant documents:**
  - Supplementary Planning Documents
  - Statement of Community involvement
  - Local Development Scheme

## Neighbourhood

**Neighbourhood Development Plan/Order**

Once adopted these become part of the local plan and relevant to the specific area covered.

**Area Action Plan (optional)**

Pay attention to this to check proposals for out-of-town retail developments and transport changes.

**Reviewing and Replacing Local Plans**

The whole Local Plan (all parts) must be revised at regular intervals. So for practical purposes policy will always be under some form of review. Each part of the Local Plan can be prepared separately and you don't have to have a Statement of Community Involvement before you start the rest – yes, it doesn't make sense.

**Ask your local council:**  
Q. How can your local group be involved?  
A. There is no formal template for involvement.

Make sure your local SCI includes basic opportunities to participate, including things like the right to speak at planning committees.

## The Local Plan preparation process in England

<b>Stages of the Local Plan Process</b>	<b>What you can do</b>
Your local council will draw up a Local Development Scheme	Get hold of a copy and check online for consultation updates! Also refer to our overview of LDS.
Council Planners gather evidence and come up with options	You could be proactive and write to councillors and planners with your ideas at any time – even if the plan is in place, it does have to be reviewed.
Issues and Options stage	There may be opportunities to be consulted on versions of the plan before it goes forward to be consulted prior to the examination. Find out!
Consultation	Use the Friends of the Earth Local Policy guide to help you respond.
Preferred Options/ Approach	Planners finalise – based on feedback received – the best policy options and put them forward into the Preferred Approach Document
Consultation	Use the Friends of the Earth Local Policy guide to help you respond.
Council Policy planners write up the final version of the draft plan	
Full Draft Plan is placed on deposit	This is your opportunity to make formal representations to object or support policy. You must object in order to be heard at the Examination in Public (EiP).
Consultation	Use the Friends of the Earth Local Policy guide to help you respond.
Plan Public Examination (held by the Planning Inspectorate)	This is your only right to be heard in person or make written representations.

Inspectors report	The inspector has the final say on whether the plan is “sound”
Plan adopted	You can seek redress if the process has not been properly followed by a legal challenge which is known as Judicial Review.
<i>Reporting</i>	Annual Monitoring Reports will no longer be required but your local authority should report on progress. Ask them to do this, and lobby your councillors.
<i>Review</i>	Ask your local authority how you can be involved in the development of new policy.

It is important to remember that this is your chance to get rid of the bad policies and to promote the good ones. For example, ‘bad policy’ approaches may include greenbelt housing, new road infrastructure, fracking, greenfield retail development (et al). ‘Good policy’ approaches may include renewable energy development, sustainably designed and affordable housing, promotion of walking and cycling infrastructure and green spaces.

### The Neighbourhood Plan/Order preparation process in England

Neighbourhood Plans are a means by which local communities can have a say in aspects of development in their area. The process allows a neighbourhood forum/ town/ parish council to create a plan relevant to their area –a plan which by its nature covers a small area, and has to reflect national planning guidance and be in line with the Council’s local plan.

People or organisations proposing new development in a neighbourhood area which has a plan will have to adhere to the policies of this Neighbourhood Plan. In summary, neighbourhood plans can contribute to:

- Deciding what type and where development should be allowed to happen in an area;
- Providing more bespoke design policies in terms of what development proposals will look like; and
- Promoting development in line with the aims and aspirations of the Local Plan in that area

Neighbourhood plans *cannot* contradict policies of a local plan from which they draw their strategic outlook (such as housing delivery targets, housing and employment allocations et al). In addition, they can’t be used as a tool to prohibit development *or* be prepared by anyone other than a town or parish council (or neighbourhood forum in the absence of such local councils). They are however a positive tool and can help better define the type and location of development within a neighbourhood area.

<b>Stages of the NP Process</b>	<b>What you can do</b>
Local organisation applies to become a neighbourhood forum for a specific area (this does not apply where there is a Parish Council).	Local authority makes decision to give Neighbourhood Forum status to an organisation and agrees the area it covers.
Neighbourhood Forum or Parish Council prepare plan/order.	You can join any Neighbourhood Forum, or attend parish council meetings (although generally only as an observer).
Plan/order goes out for consultation	Use the Friends of the Earth local policy guide to help you respond in terms of suggesting alternative policies. Use your local knowledge of areas and issues to back up your views.
Local authority checks the plan/order	You can also raise any issues with regard to national planning policy or EU requirements if you think that the neighbourhood plan/order is not covering these issues.
Examination	You may not be able to participate in the examination but you can submit written evidence. Make sure yours is well-researched and considered. Keep a copy for future reference.
Report	The examiner prepares a report.
Local authority to hold a referendum on the adoption of the Neighbourhood plan/order	This is the final check on the plan or order going ahead. Over half of those voting have to vote in favour in order for it to be passed.
Plan adopted	You can seek redress by a legal challenge which is known as Judicial Review.
Time period	Neighbourhood Development orders are only valid for a certain number of years.
Renewal	The plan will need to be refreshed to be kept up to date.

## How you can get involved

### Regionally

- Contact Friends of the Earth's regional campaigners. There is no right to be involved at the regional level in the duty to co-operate or in Local Enterprise partnerships but you can ask for information and report failures to respond to the Department for Communities and Local Government. They will also be active on important developments for the regional area.

### Locally

- Get hold of the Local Plan and submit a response to the consultation, object to any 'bad' policies, and get involved in the local plan inquiry.
- Get hold of the latest Local Development Scheme (LDS) from your local council and share it with your group. This will give you the timetable and the scope of the plan.
- Find out where your council is at in writing its Statement of Community Involvement and ask them to include the major principles as set out in the Friends of the Earth Guide on SCI's (N.B. Government is currently consulting on legislation to make local planning authorities publish policies for giving advice or assistance to groups preparing or updating neighbourhood plans)
- Look closely at the Area Action Plan to see what your local authority has identified as being 'areas of change' e.g. your airport.
- Look at the proposals map – are the locations outlined for development sustainable and with a good evidence base?
- Get involved with your Neighbourhood Plan

### Neighbourhood Plan Level

- Speak to your local parish council members or your local council to see whether a neighbourhood forum exists in your local area.
- If one does not, seek best practise principles and speak to your local planning officer in terms of the process, especially as they are expected to assist neighbourhood forums with the process as it evolves (check out our separate guidance note also on Neighbourhood Plans).
- Check out whether any funding is available for neighbourhood plan formation, especially as the plan formation timescales could go into the medium to long term.
- Get familiar with policies of the Local Plan, especially as Neighbourhood Plan will have to be in accordance with the remit of this framework.
- Think about ideas for how neighbourhood plan policies could enhance aspects of the Local Plan in your area, with the aim that these could be adopted and development proposals would have to take the neighbourhood plan into regard.
- Speak to others in your local area and get ideas going, with the first step being an application for Friends of the Earth offers a forum for people to discuss planning issues but unfortunately is unable to

#### **Neighbourhood Planning Bill Update (2016)**

The proposed Neighbourhood Planning Bill (which is currently making its way towards becoming an Act of Parliament next year) aims to put a duty on local councils to support neighbourhood planning groups and improve community engagement with the formation and consultation process.

provide individual Local Plan or neighbourhood plan advice.

## **Top tips on submitting responses to your local planning authority**

### **1 Intelligence**

In order to mount the best planning case, you need to make sure you know about the Local Plan process early. You can find out about Local Plan progress by:

- Checking the council web site
- Look at the Government's planning portal website [www.planningportal.gov.uk](http://www.planningportal.gov.uk)
- Looking out for site notices (e.g. libraries and community centres)
- Checking the local press
- Talking to local councillors
- Write to your Council to say that you are interested in knowing more about the new Local Plan. Request that you are kept informed of everything to do with Local Plan preparation and they should add you to their consultation email address list.

### **2 Building Good Relationships**

- It pays to be on good terms with your local authority planners (including policy planners who will be key in formulating new policies).
- Always try to meet planning officers face to face to make them aware of your concerns. They will also be able to explain local policies to you.
- It is also worth building links with other community based organisations.
- Talk to councillors too, but understand their position at public meetings – getting angry with them may not help your case.
- Make sure that you have a good clear message for the media and public about the impacts that Local Plan proposals will have – the local media love planning battles but you do not always want to be portrayed as being negative.
- Remember that this battle could be a long one, so keep some good stories up your sleeve to keep the media interested.

### **3 Get them on their weakest points**

It is important to concentrate your fire in complex planning cases. Rather than trying to say something about everything in your draft Local Plan, you need to work out the key areas of concern and make them into powerful arguments.

In Planning Speak, your local authority will have ultimately to prove that their plan is “sound”. The government's guidance in the National Planning Policy Framework says:

*182. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and*

*procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:*

**Positively prepared** – *the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*

**Justified** – *the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*

**Effective** – *the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*

**Consistent with national policy** – *the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.*

It is worthwhile therefore to think about your evidence for a particular policy or for a response to a site allocation when making your objection to the Local Plan, or when talking to planners and councillors. You should also think about how your local policy is “in accordance” with policies in the Framework. But remember that the policies in the framework are conflicting – development or protection of a wildlife site? – and therefore that some policies will be considered more important than others, as planners and councillors ultimately have to make a judgement. It is really important therefore that you have an evidence base which shows how important your policy is to delivering sustainable development according to the definition at the front of the National Planning Policy Framework.

### **Responding (Summary):**

- Be aware of consultations and try and keep up-to-date with local plan (or minerals/ unitary plans for polices linked to fracking) so that you can give yourself enough time to respond
- Build positive relationships with your local planning authority, and participate in public consultation events they may have for various stages of the local plan
- Make sure that you have a clear and concise plan in terms of what you feel is wrong with the draft policy being proposed (e.g. does it past the tests of soundness above?) and then about how you can incorporate positive amendments which are beneficial for your area and incorporate evidence – see below for our draft policies that should give you more ideas.
- Focus on an approach to policy aims to embrace true sustainable development (i.e. where environmental, social and economic balance can be achieved) and attempts to tackle climate change.

#### **Note!**

The following policy guide is based on the National Planning Policy Framework (2012). Further consultations on changes to national planning policy are expected later this year and early 2017, including an update to the NPPF. In addition, there is likely to be adoption of new planning legislation/ law in 2017. Things aren't helped by the possibility that each local planning authority will “interpret” the policy differently, and of course arguments between developers and others over what the policy means. It's important that both national and local government are held to binding commitments on sustainable development and climate change.

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## Local Development Policy Guide

### A word about planning policy

Don't be put off by the jargon that goes with planning policy. At heart, it is all about delivering the right development in the best place. Don't feel you have to dress up what you say in any special language. There are two top tips:

1. When you read a plan you'll find some text in **bold type**. This is the **key policy** which will be applied by the council. Other normal text that goes before or after the policy explains the policy but doesn't carry the same importance (it's called the policy justification).
2. Use plain English where you can but making reference to the national planning policy framework, and the council's evidence base, will make your submission much more effective.

## 1 Sustainable development

Sustainable development should be at the heart of the future development of our society. It provides planning with its core purpose to enhance the quality of life of communities by promoting the highest quality forms of development in the most appropriate locations, within environmental limits. Such development should seek to promote social equity over private gain and the wise use of limited natural resources to protect the interests of future generations.

Government policy can help support your arguments. The National Planning Policy Framework contains the following reference to sustainable development:

*The UK Sustainable Development Strategy Securing the Future set out five 'guiding principles' of sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.*

However, paragraph 6 goes on to say that virtually the entire document, from paragraph 18 to paragraph 219, taken as a whole is the government's view of what sustainable development is in practice. It is essential that the inherent contradictions in the national planning policy framework are boiled down when making judgements back into the five principles outlined above in any of your key arguments. This is where the battleground is for the future of sustainable development in terms of town planning.

Paragraph 8 explains: "*Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.*"

Friends of the Earth promotes the following sustainable development principles in land-use planning:

- **environmental justice:** putting people at the heart of decision making, reducing social inequality by upholding environmental justice in the outcomes of decisions; (*empowering people to shape their surroundings, para 17, NPPF*)
- **inter-generational equity:** ensuring current development does not prevent future generations

from meeting their own needs; (Ministerial Foreword: *Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations.*)

- **environmental limits:** ensuring that resources are not irrevocably exhausted or the environment irreversibly damaged. This means for example, supporting climate protection by reducing harmful emissions, protecting and enhancing biodiversity and promoting the sustainable use of natural resources; (e.g. *support the transition to a low carbon future in a changing climate, para 17, NPPF*)
- **resource conservation:** ensuring that planning decisions assist in the prudent and sustainable use of finite natural resources; (e.g. *use natural resources prudently, para 7, NPPF*)

Any Local Plan principles on sustainable development will have to work hard to find links within the NPPF document and evidence to support decision-making that would fulfil these principles. There is no mention of the following principles in the NPPF:

- **the precautionary approach:** the precautionary principle holds that where the environmental impacts of certain activities or developments are not known, the proposed development should not be carried out, or extreme caution should be exercised in its undertaking;
- **the proximity principle:** seeking to resolve problems in the present and locally, rather than passing them on to other communities or future generations.

Local Plan policies should be encouraged to reference them however as they closely concern new developments such as 'fracking'. Please refer to our briefing note on fracking for more information.

It is also important because of the new "presumption in favour of sustainable development" that the term "sustainable development" is consistently referenced in short as the UK Sustainable Development Strategy five guiding principles.

**Friends of the Earth recommends the following DRAFT policy for inclusion in core strategies:**

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development and the definition of Sustainable Development set out in the UK Strategy, Securing the Future as living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

The Council will always work proactively with applicants and the community jointly to find solutions which mean that proposals can be approved wherever possible, in order to secure development that as a whole, improves together the economic, social and environmental conditions in the area, and in particular tackles climate change.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) and with the principles of sustainable development, and which have benefited from meaningful public participation, will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will take into account: a) sustainable development; b) specific policies in that Framework indicate that development should be restricted; and c) local considerations indicate that the development should be restricted.

## 2 The sequential approach

A key way of implementing the principles for sustainable development set out above is to adopt a sequential approach to development. The sequential test is referenced for retail, leisure and office development and flood risk aspects of development and is specifically excluded for rural offices or other small scale rural development in the NPPF.

In order to achieve sustainable development and travel patterns and to protect and conserve areas of recognised environmental and amenity importance, Local Plans should adopt the following sequential approach in their policy towards the identification of locations for development:

- the *re-use of previously developed land and buildings* (brownfield sites) within urban areas provided it is not of high environmental value;
- on *other previously developed land* well connected to public transport links;
- in *new locations within urban areas*, subject to the need to protect and conserve areas of recognised environmental and amenity interests;
- on *other sites and locations* which are well located for achieving sustainable development and reduce the need to travel.

To ensure that the sustainable development objectives are met and that consequently the most sustainable mix of locations within, adjoining and outside of urban areas is selected within any development plan area, the Local Plan should use the following criteria in establishing the suitability of individual sites:

- The accessibility of development sites by non-car modes, and the potential to improve such accessibility. (*Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised* - para 34, NPPF)
- The capacity of existing infrastructure, including public transport, utilities and social infrastructure (such as schools and hospitals) to absorb further development.
- Physical constraints on the development of land, including for example, the level of contamination, stability and flood risk. (*To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location.* para 120, NPPF)
- The impact that the development of sites will have on the area's environmental carrying capacity and in particular their implications for resource conservation, natural resources and biodiversity: (*...minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;* para 109, NPPF)
- The impact that the development of sites will have on the area's cultural resources. Local authorities should recognise the contribution of heritage assets (e.g. listed buildings, scheduled monuments) to the social and economic regeneration of an area: (*...recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.* para 126, NPPF)
- The impact of the development on general pollution levels. Local authorities should recognise the existing problems of poor air, water and soil quality in many areas and acknowledge the potential

negative cumulative impact of further development on these areas: (...*preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;* para 109, NPPF)

- The suitability of sites for mixed use development and the contribution that development might make to the social, economic and environmental fabric of local communities.

This can be described as a general policy, described in the core strategy of the Local Plan. It should also be seen to be applied in the issues and options stage of the Local Plan preparation process. Finally, it should also be part of the policy for development management.

### 3 Employment Land

The proposals map and site specific allocations within the Local Plan will include the allocation of any new sites for employment. The Core Strategy, and/or policy guidance within the site specific allocations should follow the sequential approach as set out above to ensure that brownfield sites are given priority over the development of greenfield sites and that strong emphasis is placed on the reuse and adaptation of existing buildings (para 111 & para 55, NPPF).

The Local Plan should make provision for smaller, flexible employment sites where these can help to diversify the local economy and lead to the development of indigenous businesses, in particular self-employed people and start-ups. The majority of new jobs are in smaller businesses. Local authorities should employ phasing mechanisms for the release of such sites to ensure that priority is given to sites on previously developed land. In identifying suitable sites, local authorities should have regard to:

- the sequential test, which places an emphasis on the reuse of developed land as well as a site's accessibility by public transport;
- their contribution to areas in need of regeneration and other areas of high unemployment, where it is likely that investment will be required to make the sites attractive to investors;
- local landscape and environmental factors;
- suitability for small business needs (e.g. size, accessibility).

### 4 Retail Development

The approach which favours town centre development over out-of-town retail development is a vital component of a sustainable retail strategy (para 24, NPPF, *sequential test*). However we also believe that large format stores located on the edge of town centres can equally damage the vitality of town centres. It is essential that a threshold to restrict the development of large scale retail outlets that would otherwise damage existing retail centres is adopted based on sound evidence that assesses the maximum retail capacity and protects a share for local retailers to enable choice. (...*promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;* para 23, NPPF).

There are many examples nationwide where out of town developments have had impacts on the

vitality of principal town centres. As a result existing town centres suffer in terms of lower occupancy rates and reduced footfall (i.e. less customers) visiting the centre by more sustainable transport modes.

The current planning system is already stacked in favour of the major retailers over small businesses and communities, with 82% of all retail floor space approved in 2010 going to the big four. For example, any retail development that would lead to trade diversion of significance from existing centres should be refused (*...Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.* para 27, NPPF).

**Friends of the Earth therefore recommends that in addition to the approach set out in the NPPF, the following draft policy be incorporated into the Local Plan:**

All proposals for retail development will be capped at most 3,000 m<sup>2</sup> of net retail floor space in retail outlets. This is to ensure the vitality and retail offering within existing centres is not jeopardised.

In some local authority areas it will be necessary to set the cap at a lower level, for example; in areas where the aim is to protect existing, or encourage new provision of a diverse range of shops and services; in areas where a large proportion of the retail floor space is already provided in large format stores; in local centres or smaller town centres where a large format store would not be appropriate in scale or catchment to that centre.

**Friends of the Earth also recommends the following draft policy be incorporated into the Local Plan to control retail development:**

Of existing retail and planned retail space in the area, at least 50% of all convenience and comparison retail floor space is to be allocated for 'small scale' retail space.

This is a way to protect local retail diversity and choice, by encouraging policies that would limit local market dominance by placing a cap on the amount of trade diversion allowed from existing centres and by retaining space for smaller independent operations.

### **Promoting diversity and vitality in existing retail centres**

The Local Plan should play a positive role in promoting vibrant, diversified and localised retail development in an area. Retail planning policy should therefore reinforce investment in urban renewal by supporting the continuing role of town and district centres. This should include the effective use of master planning, action plans and supplementary planning guidance on issues such as urban design. In assessing the need for additional retail floorspace in or adjacent to existing centres, local authorities should not simply consider the quantitative need for floorspace but should also assess the format in which the additional floorspace will most likely contribute to the vibrancy and diversity of existing retail centres (i.e. qualitative).

There is welcome protection for markets: *...retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;* (para 23, NPPF), and your Local Plan should identify local markets and allocate spaces for new ones, where possible.

Growth areas provide an opportunity to put the principles of sustainable development into practice and to demonstrate the benefits of a pro-active approach to encouraging vibrant district and local centres.

Local Plan policy should ensure that in any significant new area of housing development, provision should be made for local retail outlets which:

- avoid an overall increase in travel;
- provide access to essential shopping facilities for those without access to a car;

- encourage vibrant and diverse neighbourhood/district retail centres.

### **Retail policy and support for the rural economy and local communities**

Planning policy has a key role to play in delivering on the Government's policies on sustainable rural economies. It should be supportive of local facilities in small to medium towns and villages which provide an effective and valuable service to the local community, particularly the elderly, disabled and those with no access to a car or those who are poorly served by public transport.

## **5 Climate Change and Renewable Energy**

Local planning authorities should recognise *the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.* (para 97, NPPF). Local Plans should reflect clear targets on renewable energy generation based on the European commitment of 20% to come from renewable sources by 2020 (N.B in the UK the target is 15%). The Paris Agreement 2015 also binds the UK to a universal, legally binding global climate deal, due to enter into force in 2020 (which the UK aims to ratify later this year). The responsibility of Local Plans to map for resources should be properly explored, and build upon the evidence base collected by regional strategies.

Local Plan strategies should be clear that they are looking for evidence that the proposal (in so far as it is capable of doing so) would:

- make a significant contribution to reducing greenhouse gas emissions; (para 93 and 94, NPPF) and
- make a significant contribution to reducing vulnerability and building resilience to climate change impacts (para 99, NPPF)

Localised CO<sub>2</sub> reduction targets should be evidence-based and should take account of national commitments as the NPPF specifically references the Climate Change Act (para 94, NPPF) and local development plan documents are required by law to consider climate change as follows:

*Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. (Cl 19, Planning and Compulsory Purchase Act 2004, as amended by the Planning Act 2008)*

In plan-making, planning officers and Inspectors should be encouraged to consider the following questions: Has a greenhouse gas emission audit been completed to enable the progress of the plan against this commitment to be measured? Is the local plan designed as a whole achieve a net reduction in greenhouse gas emissions in line with the provisions of the Climate Change Act?

Despite the drastic reductions in the feed-in-Tariff (FIT) for solar and wind, the need to promote different types of renewable energy developments within emerging Local Plans is still paramount going forward.

Local planning authorities should draw on assessments of technical resource potential and develop targets for deployment of renewable technologies and overall targets for greenhouse emissions reductions over the life of the local plan.

The best plans will positively encourage RE installations which maximise efficiency and minimise environmental impacts.

Friends of the Earth has the following **draft policy on emissions reduction targets**:

Consistent with the trajectory of carbon emission reduction required to meet the overall 80% reduction required by the Climate Change Act, the Council seeks to achieve an overall reduction in at least 40% greenhouse gas emissions carbon dioxide emissions of (below 1990 levels) by 2030. The Council will monitor progress towards its achievement annually.

All LPAs have a shared role in facilitating the deployment of the **renewable energy** technologies we need to ensure we meet national and international carbon reduction obligations.

In addition to the above, Community renewable energy targets should also be part of the Local Plan.

Friends of the Earth has the following **draft policy on community owned renewable energy**:

The social and economic benefits of **community owned renewable energy generation** proposals which demonstrate ownership by and led by local communities will be actively encouraged and supported.

Communities will be encouraged to consider sites for appropriate renewable energy installations. Where communities wish to bring such schemes forward utilising a community ownership model, the authority will support and facilitate this as appropriate through the planning process.

Given the need for widespread deployment and the benefits of community owned schemes in delivering local decentralised energy supplies therefore contributing to the sustainable development of their locality - there will be a presumption in favour of supporting such development within the authority area.

This core strategy policy would need to be supported by areas of search / appropriate site allocation policies within the proposals map part of the local plan.

Energy efficiency and on-site renewable energy generation should also be encouraged within new development, including both residential and non-residential development types.

Friends of the Earth has the following **draft policy on energy efficiency and renewable energy**:

Major housing developments will be required to be zero carbon (or equivalent) from 2016.

All new residential and non-residential buildings which cut energy demand, encourage efficient use of energy and maximise renewable on-site generation will be supported.

This is to reflect paragraph 95 of the National Planning Policy Framework which is as follows:

*95. To support the move to a low carbon future, local planning authorities should: plan for new development in locations and ways which reduce greenhouse gas emissions; actively support energy efficiency improvements to existing buildings; and when setting any local requirement for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings policy and adopt*

*nationally described standards.*

Given the increasing potential for unconventional onshore oil and gas development (including methods that incorporate highly contentious methods such as hydraulic fracturing), it is worthwhile promoting the following policy for your relevant *minerals plan (or within your Local Plan if you live in a Unitary Authority)*. The Infrastructure Act 2015 sets out planning responsibilities in relation to the environmental effects and cumulative impact of such developments.

Friends of the Earth has the following **draft policy on shale gas**:

Applications for fracking or shale gas operations (including test drilling and extraction) must demonstrate by appropriate evidence and assessment that reasonable scientific doubt can be excluded as to adverse impacts of the proposed development alone or in combination with other developments:

- On the quality and quantity of water resources, including groundwater and water courses
- On air quality (including through emissions of methane and sulphur)
- On seismic activity
- On local communities
- On greenhouse gas emissions and climate change.

Planning permission for fracking or shale gas operations (including test drilling and extraction) will not be granted unless

(a) the Council is satisfied that all reasonable scientific doubt that there is any risk of adverse impacts has been eliminated;

(b) the proposal will not compromise the Council's duties in relation to climate change mitigation, including on a cumulative basis; and;

(c) the proposal and any cumulative effect is environmentally acceptable, including (but not exclusively) on noise, transport, landscape, amenity, public health and wildlife or it can be made so by planning conditions or obligations.

In view of the UK Government's coal phase out announcement, we are of the view that it is appropriate to introduce a general presumption against new open cast coal mining.

Friends of the Earth suggest the following **draft policy on coal**:

Permission for opencast coal will not normally be granted unless:

- (a) the proposal will not compromise the council's duties in contributing to climate change mitigation;
- (b) the proposal will not compromise the phase out of coal power generation by 2025;
- (c) Schemes would introduce net benefits to existing residential amenity, noise, landscape and visual impact, highway safety, dust, pollution and other planning matters.

## 6 Housing

Housing is of pre-eminent importance in the National Planning Policy Framework. Unfortunately there are issues around the emphasis on quantity rather than quality and affordability. Local planning authorities are being encouraged to allocate more land for housing, and this is also seen as being an important part of the soundness test. The viability test needs to be made very strong otherwise there is a risk that market developers and landowners will be arguing against the delivery of affordability and sustainability considerations.

Further consultation on changes to the NPPF are expected later this year/early 2017, notably a fundamental change to the definition of 'affordable housing' to include discounted homes for ownership, known as 'Starter Homes' (although this change has yet to be introduced by secondary legislation from the Housing and Planning Act). A new requirement for 20% of all new developments to be Starter Homes under the Housing and Planning Act 2016 will make it even harder for communities to achieve social rented housing in new developments.

Friends of the Earth believes that new housing development should be based on the principles of:

- **Social Equity:** Access to good housing is a basic human right (by delivering social housing needs through greater public sector investment);
- **Sustainable Development:** Communities which maximise quality of life and minimise resource use by operating within the environmental limits of the locality;
- **Demand Management:** The redistribution of housing demand from areas of high to low demand;
- **Urban Capacity:** By a greater sensitivity of social and environmental capacity of existing communities to accommodate new housing and of the housing needs of those communities;
- **Design Innovation:** By promoting innovation and high sustainability standards in housing design, construction and layout, particularly taking into account climate change mitigation and adaptation;
- **Participative Processes:** A planning system which places the views of local people at the heart of the planning system.

The NPPF is clear that '*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*' (para 64, NPPF).

## **Housing Land Provision**

Friends of the Earth strongly supports the use of a sequential approach to the provision of housing land with an aim of increasing the percentage of housing development which takes place on previously developed land and the conversion of redundant buildings (para 51, NPPF). Alongside this, we strongly support the use of phasing mechanisms to ensure that land allocated for development is proactively brought forward at a rate which encourages the reuse of urban land except where this land is of high environmental value, and an important green or public space which should be protected. (para 111, NPPF). Despite the withdrawal of national brownfield targets, local authorities can set local targets for the use of brownfield land, and Friends of the Earth recommends a target of 75% where this is feasible and can be supported with evidence. It is worth mentioning that some councils are now pioneering brownfield land registers, which give up-to-date and publicly available information on all brownfield sites available for housing locally.

### Permission in Principle

Under the Housing and Planning Act 2016 Councils will need to keep a register of land allocated for development, which along with sites in the development plan documents and neighbourhood development plan documents could be given planning 'Permission in Principle' (PIP). Under PIP the location, use and amount of residential development scheduled is agreed, but all other details would need to be decided at a detailed matters stage. While in some ways similar to local development orders (which have been in existence for a number of years), PIP represents another means by which the Government intends to "speed up" the planning system for the benefit of developers. In effect the Government's aim is to bypass fundamental aspects of the planning system which was put in place to stop badly designed and speculative developments that fail to incorporate key principles of sustainable development. While PIPs should cover sites allocated within development plan documents, Friends of the Earth reemphasises that the point of the planning system is to safeguard communities and the natural environment from ill-conceived housing development and that applications for housing should have to undergo rigorous design, sustainability and environmental screening as part of the normal planning application process (i.e. the more usual outline and reserved matters application process). Friends of the Earth therefore does not support PIPs and believe that Development Management Officers and planning authorities should be trusted to deliver high quality, sustainable and energy efficient housing schemes without the need for a blanket approval approach delivering development.

## **Housing Density**

Friends of the Earth supports the need for increased densities to be encouraged and recommends that minimum acceptable density levels are included as a guide in the Local Plans, alongside minimum provisions of public, accessible green space. Density should not be at the expense of accessible green space, care should rather be taken to reduce hard standing and the dominance of the road in development schemes.

Friends of the Earth would also recommend a more proactive policy stance in regard to the reuse of vacant properties and the promotion of 'homes above shops' as part of a comprehensive package to revitalise urban areas.

## **Low Impact Housing**

Local Plan policy should encourage new developments in housing design which combine elements of traditional building techniques with innovation in sustainable building materials, energy conservation and water and refuse recycling. The highest possible standards should be set for commercial housing developments, while low-impact development should be encouraged on a self-build basis and specific policies set out which encourage these developments to come forward.

### **Affordable housing**

Housing equity is a vital part of the sustainable development of an area. There is the need not just to increase the supply of affordable housing, but to ensure a range of size, types and tenures of housing to be provided so as to ensure a greater level of equity in housing provision than that which currently exists. The Local Plan should make a clear commitment to ensure that at least 30% of all new homes are affordable. Such targets may need to be exceeded in some areas depending on local circumstances, and will have to be clearly evidence based to survive the test of soundness and the viability test.

Affordable housing has traditionally been delivered in the form of social rented housing, discounted rent, discount-for-sale and shared equity schemes.

The Housing and Planning Act 2016 requires Starter Homes to be included within the definition of affordable housing. This will make it more challenging for local councils and housing associations to deliver traditional forms of (truly) affordable housing for those who don't have the means or aspirations to own their own house outside of the private sector. Friends of the Earth believes that developers should therefore continue to deliver a mix of affordable housing tenures going forward, including those that are affordable to either prospective renters or aspiring owner occupiers.

## **7 Transport**

Rising traffic levels are causing major environmental, economic and social problems throughout the country. Friends of the Earth believe that the only way to tackle all the problems caused by the way we currently travel is to reduce the volume of traffic on our roads. Local Transport Plans are key here for local authorities. The contents of Local Plans will be very significantly determined by what is included in these plans – e.g. supported road schemes will have to be included in Local Plans.

Local Plans should include transport policies on the following topics:

- Demand management (the evidence base in regional strategies showed that transport was the main contribution to increasing climate change emissions, and therefore a link is required to the policies on climate change) (para 30, NPPF)
- Charging (making use of the powers provided by the Transport Act 2000) (para 39, NPPF)
- Land use, climate change and transport integration (para 30, NPPF)
- Hierarchy of transport users (usually from the most to least sustainable uses)
- Soft measures and road safety
- Airports (including surface access schemes)
- Road-building (to be regarded as the option of last resort)
- Rail schemes
- Buses (seeking to increase bus patronage by safeguarding routes and accessibility)
- Cycling (to meet the targets of the national cycling strategy)
- Walking

### **Hierarchy of transport use**

Establishing a hierarchy of transport use should be integrated into Local Transport Plans and Local Plans (para 35, NPPF).

**Friends of the Earth recommends the following policy for local transport plans:**

The plan will consider and provide for the needs of different modes of transport in accordance with the following hierarchy of transport users:

1. pedestrians
2. the mobility-impaired
3. cyclists (including electric cycles)
4. public transport users
5. powered two-wheelers
6. commercial users
7. shoppers and visitors by car
8. car commuters

### **Land use, climate change and transport integration**

The major impacts of transport policies on land use and climate change require that the connection between them is controlled by policy.

In order to mitigate the climate change consequences of transport activity and proposals, local authorities should:

- implement policies which will reduce existing and forecast growth in climate change emissions from existing transport activity by the less sustainable modes (road and air); and
- undertake and then act on climate change impact appraisals of significant new transport proposals and programme (Travel Plans, Transport Statements and Transport Assessments).

Local authorities should minimise the resource demands of transport by:

- integrating land use and transport so as to reduce the need and demand for travel (including focusing major new developments around public transport hubs or equally linked to major new transport infrastructure and new proposals being mindful of sufficient critical mass of users to make new infrastructure viable);
- Encouraging all new major developments to provide Travel Plans to demonstrate how they will encourage shifts to sustainable modes of transport for their development's users.
- restricting the development of individual car travel to locations with good quality public transport.

This is supported by para 35 of the NPPF which states:

*Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to*

- *accommodate the efficient delivery of goods and supplies;*
- *give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*
- *create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;*
- *incorporate facilities for charging plug-in and other ultra-low emission vehicles; and*
- *consider the needs of people with disabilities by all modes of transport.*

## **Cars and Roads**

Road-building does not provide a medium or long-term solution to traffic problems. The Government has accepted that we cannot build our way out of congestion. Despite movements to promote modal shifts away from car based modes of transport, the fact that most new developments still have to include minimum parking standards (i.e. providing enough car parking spaces for its users) is indicative of a reliance on car based modes of transport that still persists. This is despite the increased air pollution and congestion of the existing road network that will inevitably result. The result is that new road capacity is often viewed as the only option to overcome congestion.

Friends of the Earth recommends the **following policy**:

Road-building will be regarded as the option of last resort as a solution to transport problems. Support will not be given to any road-building proposal unless it can be demonstrated that all other possible options, including non-road-building options and making more efficient use of existing infrastructure, have been fully considered and it has been concluded that these do not provide an adequate solution.

The Local Plan will not commit to supporting any specific infrastructure project where this support might prejudice the outcome of a full Environmental Impact Assessment (EIA).

## **Walking**

Walking is a healthy and sustainable mode of transport that should have a key role for short journeys. A quarter of all journeys are under a mile long, and thus can be walked by most people. The government has recently consulted on the Cycling and Walking Investment Strategy (CWIS) that aims to increase levels of walking and cycling at local the national scale, encouraging these two modes for all short journeys. Benefits cited by the most recent consultation document include improvements to public health, reductions in obesity, improved employee well-being (et al).

Friends of the Earth recommends the following **policy on walking**:

The Council recognises the potential for significant modal shift to walking for short journeys and will aim by the end of the plan period to increase substantially the frequency of journeys under one mile long made on foot. This will be achieved by:

- providing direct, well-maintained and well-lit walking routes, including to and from schools;
- providing quality footways in towns and cities and Quiet Lanes in rural areas;
- slowing down traffic through the use of 20mph zones and Home Zones.
- Improving walking related infrastructures;
- Consideration of groups with disabilities or ageing members of the population when designing infrastructures (e.g. increasing pedestrian crossing timeframes)

## **Cycling**

Cycling is seen as a minority mode of transport in the UK, but 43% of all journeys are under 2 miles long and over 60% under 5 miles long (National Travel Survey, 2002), and therefore able to be cycled by most people. The CWIS (cited above) promotes the wider benefits of cycling, and Government's aims to propose support initiatives to encourage cycling and walking at the national and local scales, including multi-use paths, better promotion of cycleway/ footpaths within new developments and promotion of the benefits of cycling/ walking in schools.

Friends of the Earth therefore recommends the following **policy on cycling**:

The Local Plan recognises the potential for a significant modal shift to cycling for short and medium journeys and aims, as a minimum, to quadruple the frequency of journeys made by bike by the end of the plan period. This will be achieved by providing a network of cycle-friendly streets, multi-use paths and cycle routes in both urban and rural areas.

## 9 Natural Environment

Friends of the Earth is deeply concerned that the emphasis on growth in the NPPF will allow for the intrinsic value of the natural environment to be crudely traded off against short term economic objectives.

However there is backing from the Government's own advisors for stronger protection and enhancement of areas of importance to wildlife. The "Making Space for Nature" review chaired by Professor Sir John Lawton found nature to be highly fragmented and vulnerable to pressure and told Government that we must create a more resilient ecological network across England. This led Defra to set out a commitment in its Natural England White Paper (NEWP) to "move from net biodiversity loss to net biodiversity gain" and "retain the protection and improvement of the natural environment as core objectives of the planning system". The Lawton review and the NEWP recognised the vital importance of natural areas including supporting pollinators to ensure food security and for flood defence and climate regulation.

There is also good evidence of the benefits of natural spaces (Green Infrastructure) to people promoting health and wellbeing and even crime reduction. Such evidence led the Natural Capital Committee, set up by the government in 2011, to advise that the current decline in natural capital is already proving to be costly to our wellbeing and the economy (The State of Natural Capital, NCC, 2015).

The NPPF sets out the following policy:

*"109. The planning system should contribute to and enhance the natural and local environment by:*

- *protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *recognising the wider benefits of ecosystem services;*
- *minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are*
- *more resilient to current and future pressures;"*

The NPPF also encourages local authorities to plan for biodiversity at a landscape scale across local authority boundaries and to map ecological networks.

*"Management of habitat and landscapes should:*

- *Maintain and enhance their ecological and landscape value.*
- *Optimise access for education and recreation.*
- *Protect them from detrimental visitor impact and insensitive change in exploitation.*

### **Friends of the Earth recommends the following approach in Local Plans:**

Local authorities should identify all sites of importance to biodiversity in their plan areas including

designated sites and other habitats of local importance.

Local authorities should proactively promote biodiversity through the core strategy so that it is within this context that development is brought forward

Local authorities should reject biodiversity offsetting<sup>1</sup>

Policies should include the following:

- set out an ambition for a net gain for biodiversity (to establish coherent ecological networks that are more resilient to current and future pressures)
- require the creation of biodiversity spaces and features in and around new developments appropriate to the scale of the development (alongside the requirements for good design in the NPPF). For example this could include new green spaces or green roofs or roosting or nesting provision on built structures.
- require the creation of biodiversity spaces and features in and around new developments protect existing sites of biodiversity importance (designated and undesignated)
- appropriate to the scale of the development (alongside the requirements for good design in the NPPF). For example this could include new green spaces or green roofs or roosting or nesting provision on built structures.
- set out local standards for accessible green space provision at least equivalent to the Natural England Accessible Natural Greenspace Standards<sup>1</sup>
- recognise the benefits of urban habitats and their role in supporting large, diverse communities of bees and other insects that play an important role in pollinating urban crops, especially gardens and allotments and requiring new building and infrastructure developments, as well as conservation strategies, take this into account.

More guidance on the importance of natural spaces, relevant national policy, and best practice in local planning can be found in “Planning for a healthy environment: good practice guidance for green infrastructure and biodiversity” published by TCPA and the Wildlife Trusts on 9th July 2010. In addition, Planning Practice Guidance site provides up-to-date guidance, also<sup>2</sup>.

Friends of the Earth recommends the following **policy on biodiversity**:

Development is required to safeguard biodiversity by ensuring that:

- Development is not permitted where it would harm internationally<sup>1</sup>, nationally<sup>1</sup>, regionally or locally designated nature conservation sites<sup>1</sup>;
- Development is not permitted where it would harm species which are legally protected, or identified as in decline or rare;
- The movement of wildlife through wildlife corridors identified in the plan is not impeded by development;

All Development proposals must be based on ecological assessments, appropriate to the scale of the development, with surveys undertaken at appropriate times of year for the relevant habitats, species, flora and fauna.

<sup>1</sup>[http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/regions/east\\_of\\_england/ourwork/gi/accessiblenaturalgreenspacestandardangst.aspx](http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/regions/east_of_england/ourwork/gi/accessiblenaturalgreenspacestandardangst.aspx)

<sup>2</sup> <http://planningguidance.communities.gov.uk/blog/policy/achieving-sustainable-development/delivering-sustainable-development/11-conserving-and-enhancing-the-natural-environment/>

All Development should positively contribute to biodiversity gain and people's access to nature by contributing new habitat features at a scale appropriate to the scale of development.

## **Further information and guidance:**

Friends of the Earth – Tel: 020 7490 1555  
The Printworks  
139 Clapham Road  
London SW9 0HP  
Website: [www.foe.co.uk](http://www.foe.co.uk)

### **Rights and Justice Centre**

The Friends of the Earth Rights & Justice Centre provides legal advice and representation to people who want to use the law to protect their communities and the environment. We take on a small number of environmental “public interest” cases on behalf of these groups. We try in particular to work with community groups who suffer the brunt of bad environmental decisions and who cannot otherwise get legal advice. We also try to take ‘test cases’ that will help other communities in the future.

If you hear of an individual or community group (it doesn’t have to be a Friends of the Earth local group) who needs legal advice, you can put them in touch with the legal team at [legal@foe.co.uk](mailto:legal@foe.co.uk).

## **Specific reading**

Local Plans Guide:

[https://www.planningportal.co.uk/info/200127/planning/102/about\\_the\\_planning\\_system/3](https://www.planningportal.co.uk/info/200127/planning/102/about_the_planning_system/3)

<http://planningguidance.communities.gov.uk/blog/guidance/local-plans/local-plans-key-issues/>

Neighbourhood Plans:

<http://www2.eastriding.gov.uk/environment/planning-and-building-control/east-riding-local-plan/neighbourhood-planning/what-is-neighbourhood-planning/>

<http://planningguidance.communities.gov.uk/blog/guidance/neighbourhood-planning/>

Local Authority Finder:

<http://www.planningportal.gov.uk/wps/portal/ldf?docRef=LDFSearch&scope=203&langid=0>

Planning Policy:

(All planning practice guidance is now online, and the additional guidance is available in the form of a Q and A)

National Planning Policy Framework :

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

National Planning Policy for Waste October 2014:

<https://www.gov.uk/government/publications/national-planning-policy-for-waste>

Online planning practice guidance:

<http://planningguidance.communities.gov.uk/>

Planning Inspectorate and the soundness test guidance:

<http://www.planningportal.gov.uk/planning/planningsystem/localplans#exam>

## Useful web sites

### **Government**

Department for Communities and Local Government

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

Department for Energy and Climate Change (now part of Department for Business, Energy & Industrial Strategy)

<https://www.gov.uk/government/organisations/department-of-energy-climate-change>

Department for Environment, Food and Rural Affairs

[www.defra.gov.uk](http://www.defra.gov.uk)

The Planning Inspectorate

<http://www.planning-inspectorate.gov.uk/>

Environment Agency

[www.environment-agency.gov.uk/](http://www.environment-agency.gov.uk/)

Environment Agency Public Registers

<http://www2.environment-agency.gov.uk/epr/>

Information Commissioners Office

<https://ico.org.uk/>

Neighbourhood Statistics

[www.neighbourhood.statistics.gov.uk](http://www.neighbourhood.statistics.gov.uk)

The Planning and Compulsory Purchase Act 2004

[www.legislation.hmso.gov.uk/acts/acts2004/20040005.htm](http://www.legislation.hmso.gov.uk/acts/acts2004/20040005.htm)

Housing and Planning Act 2016

<http://www.legislation.gov.uk/ukpga/2016/22/contents/enacted>

Planning Portal

[www.planningportal.gov.uk](http://www.planningportal.gov.uk)

Historic England

<https://historicengland.org.uk/>

### **Local Government**

Devolution deals

<http://www.local.gov.uk/devolution/register>

### **Non Governmental Organisations (NGO)**

Air Quality – UK National Air Quality site

[www.airquality.co.uk](http://www.airquality.co.uk)

Environmental Law Foundation  
[www.elflaw.org/](http://www.elflaw.org/)

Liberty  
[www.liberty-human-rights.org.uk/](http://www.liberty-human-rights.org.uk/)

Wildlife and Countryside Link.  
[www.wcl.org.uk](http://www.wcl.org.uk)

**These organisations can provide planning advice:**

The Royal Town Planning Institute – Planning Aid

<http://www.rtpi.org.uk/planning-aid/>

Planning Aid for London

<http://planningaidforlondon.org.uk/>

The Prince's Foundation for Building Community

<http://www.princes-foundation.org/>

Locality

<http://locality.org.uk/projects/building-community/>

Campaign to Protect Rural England planning site (with Locality and the National Association of Local Councils)

[www.planninghelp.org.uk](http://www.planninghelp.org.uk)

**Useful References**

Habitats

<https://www.sciencedaily.com/releases/2016/10/161003104133.htm>

Walking/ Cycling

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/512895/cycling-and-walking-investment-strategy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/512895/cycling-and-walking-investment-strategy.pdf)