

## **White Paper Planning for the Future**

### **Consultation response**

### **Warwickshire Wildlife Trust**

**14<sup>th</sup> October 2020**

#### **Introduction**

In response to the proposals set out in the Government's Planning White Paper: Planning for the Future, Warwickshire Wildlife Trust has formulated the below submission which sets out our key concerns.

The Wildlife Trusts has a number of serious concerns regarding the proposed changes to the planning system. While we agree there is some room for improvement within the current planning system, we also recognise that planning is a complicated practice involving multiple sectors and disciplines. We cannot afford to make such sweeping changes to the planning system without placing the natural environment at its heart and aligning it with Government's ambition's for Nature's Recovery.

#### **Wildlife Trusts background**

The Wildlife Trusts ambition is to see active recovery for wildlife happening across at least 30% of land and seas by 2030. Our vision is for 30% of land to be connected and protected in a Nature Recovery Network (NRN) which allows nature to thrive once more. A network for recovery is based on the principles set out in the Lawton Review, of more, better, bigger and more joined up space for nature. A Nature Recovery Network would comprise:

- Core areas in which the conservation of biodiversity is the prime purpose (protected sites including SSSIs, Local Wildlife Sites and nature reserves))
- Recovery areas where habitats are restored and new habitat is created, at a range of scales.
- Set in a wildlife friendly landscape (both rural and urban) containing corridors and steppingstones of habitat which provide essential ecological or environmental connections which weave through the built landscape - bringing nature close to the places where people, live, work, learn, relax and play.

Warwickshire Wildlife Trust (WWT) is one of the 46 UK Wildlife Trusts. Established in 1970 we are a grass roots organisation governed by 14 trustees elected from a membership of 23,500 people, and supported by over 500 active volunteers.

Warwickshire Wildlife Trust (WWT) as a charity cares for over 1,000 hectares of nature reserves and advise on how another 10,000 hectares are managed across Warwickshire, Coventry and Solihull. More than 25,000 local children joined in our environmental education programme last year, and thousands more people came to our two visitor centres at Brandon Marsh and Solihull, or took part in our vibrant and varied programme of events.

WWT has set up important project such as the Arden Farm Wildlife Network which brings together like minded farmers to share best practice on how to improve their farm for wildlife whilst maintaining a productive farm. The Arden Farm Wildlife Network membership covers over 9,000 hectares, including 1,000 hectares of Severn Trent Agricultural scheme.

The Trust has established and leads several landscape scale schemes including tame Valley Wetlands NIA partnership, Dunsmore Living Landscape scheme, River Sherbourne Living landscape, and Natural Flood management across landscape areas on river Bourne and tributaries, and on Upper river Sherbourne. We support the two Catchment Partnerships across the county: Tame Anker Mease, and Warwickshire Avon. All these schemes are working to restore, enhance and reconnect habitats across the county, and are relevant to proposed changes to planning processes. Numerous partners, stakeholders and landowners are actively engaged in these schemes.

### **Policy background**

The Government's 25 Year Environment Plan<sup>1</sup> - **A Green Future** '*sets out government action to help the natural world regain and retain good health*' including a commitment to '*put the environment at the heart of planning and development, to create better places for people to live and work*'.

Future planning reforms should align with this and integrate the legal requirements on spatial planning for nature's recovery and net gain. Despite a few supportive words in the introduction, it is considered that the proposals need to clearly show how they will implement the Environment Plan. It is vital that when Planning for the Future any proposed reforms integrate and facilitate these goals for the Natural Environment in order to allow nature recovery to happen.

As the proposals stand, it appears that there will be a barrier to nature restoration due to the proposed wider principle to develop. This would be counter to the 25 year Environment Plan and to the Nature Recovery network.

### **Wild Belt proposal**

Warwickshire Wildlife Trust proposes that a new designation should be integrated in the proposed reforms. 'Wild Belt' would be to protect nature that is in recovery. This should be

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<sup>1</sup> HM Government (2018) *A Green Future: Our 25 Year Plan to Improve the Environment*

set out as a designation in Local Plan and would enable new land that is currently of low biodiversity value, but is intended to be or is in the process of being managed to enable nature to recover, to be protected and so speed the creation of the Nature Recovery Network. We urge the Government is seriously consider this proposal in order to meet the legal requirements of the 25 year Environment Plan.

### **General comments**

We welcome the intent in the Planning White Paper to '*strengthen the way that environment issues are considered in the planning system*' (Proposal 15, para 3.25) and those under proposal 16, para 3.27) which state that '*Outside of the European Union, it is also important that we take the opportunity to strengthen protections that make the biggest difference to species, habitats and ecosystems of national importance, and that matter the most to local communities.*'

We are pleased to see Local Wildlife Sites recognised in the Planning White paper as important areas for protection. But we are concerned that it fails to recognise Ancient woodlands. The Wildlife Trusts believe it is absolutely vital that protection policies in the NPPF are maintained and strengthened with a presumption against development that will directly or indirectly result in loss of protected sites, priority habitats and protected species.

Paragraph 3.24 States that '*Once the proposals in this paper for reformed Local Plans begin to be implemented, it will be important for authorities to consider how the identification of different categories of land, and any sub-areas within them, can most effectively support climate change mitigation and adaptation*'. The key tools for achieving this, will be Local Nature Recovery Strategies and the strategic and spatial local Nature Recovery Network Maps on which they are based. Ensuring these are embedded from the outset will be essential.

The Trust also urges that the designated Nature Improvement Areas re recognised, as having been approved by government and by Local Nature Partnerships

It is vitally important to recognise that environmental impacts from individual proposals are often complex. The process of environmental assessment for many sites requires a rigorous and scientific approach and should, without exception, adhere to good practice guidance. Designing effective mitigation requires the skills of an ecologist as well as site specific knowledge. It is essential that a new streamlined process should not undermine wildlife legislation or fail to effectively evaluate site biodiversity. This means that a new system must allow for factors such as seasonal constraints, species movement and changes in habitat over relatively short timeframes.

### ***Biodiversity Net Gain***

The Planning White Paper, in paragraph 3.23 states that '*the Environment Bill currently before Parliament will legislate for mandatory net gains for biodiversity as a condition of most new development.*' The Planning White Paper provides no detail about how this mechanism, intended to ensure development leaves the environment in a measurably better state than it was beforehand, will be integrated with the reforms. In many places we believe that the intentions of biodiversity net gain are being overlooked and undermined. Particularly given proposals to:

- Bring in new permission routes through Local Development Orders in Growth and Renewal areas; and also through Nationally Significant Infrastructure Projects in the Growth areas, all of which are currently exempt from Biodiversity Net Gain delivery in the draft Environment Bill. This could significantly reduce the number of developments required to deliver on this commitment. This follows on from recent extensions to Permitted Development Rights which are also exempt. This will not help ensure the planning system contributes to nature's recovery and needs to be altered.
- Reduce the need for site-specific surveys. To ensure biodiversity Net gains are measurable, developers will need evidence to inform the biodiversity value of the site before and after the development. It will be very difficult to do this in the absence of site specific survey, particularly given the current gaps in accurate and up to date ecological data. It is essential that the need for site surveys is retained in the planning system

## **Consultation Questions**

### **Q 2. Do you get involved with planning decisions in your local area?**

Yes Warwickshire Wildlife Trust works closely with planning authorities and provide comments on planning applications, Local Plans and Supplementary Planning Documents. We work hard with the planners and developers to get the best outcome for wildlife and achieve biodiversity net gain across Warwickshire.

For example, during 2018, scanning of planning application weekly lists highlighted 118 applications of which 53 were followed up in detail. We engaged in pre-application discussions with a further four major schemes. During the one year example Warwickshire Wildlife Trust also responded to 7 spatial planning consultations including Neighbourhood Plans. More information can be seen on the work that we do at the following link:

<https://www.warwickshirewildlifetrust.org.uk/Planning>

### **Q 3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future? [Social media / Online news / Newspaper / By post / Other – please specify]**

Planning material needs to be accessible and available to all groups including hard to reach and those that fall into equality groups. So that all interested parties and members of the public can get involved with giving wildlife a voice.

Not all have access to social media and messages can get skewed on such platforms.

We do however support the drive to engage the younger population through use of new technological platforms, as long as this is as well as other platforms for often more vulnerable participants.

We support a continued use of direct email contact and the weekly planning application lists online, with the option of attending council offices and local libraries to inspect hard copies of plans.

#### **Q4. What are your top three priorities for planning in your local area?**

Warwickshire Wildlife Trust main aims as a charity are 'to promote the conservation and study of nature, and to educate the public in understanding and appreciating nature'. Our vision is to bring people close to nature, with land and seas rich in wildlife.

Connectivity is also a key priority particularly in Warwickshire. Which is why Habitat Opportunity Mapping is considered to be so important for town planning. Priorities should therefore be considered in the context of where, when and how and be informed by accurate and detailed data and evidence including a Nature Recovery Network map.

- 1. Protection of known sites both statutory and non statutory sites of biodiversity importance and connective corridors.**
- 2. Requirement for ecological appraisal and survey of site in order to ensure biodiversity is assessed.**
- 3. Forward Habitat Opportunity Mapping linked to Nature Recovery Network as part of all Local Plans procedure.**

#### **Q5. Do you agree that Local Plans should be simplified in line with our proposals?**

No, Planning is by its nature a complicated practice which affects a great variety of different bodies and landowners and which needs to be supported by the appropriate detailed environmental assessments and have gone through a vigorous and thorough assessment to ensure that the environmental impacts are limited and the best sites are chosen.

A thorough consultation needs to be carried out after any changes and after the assessments have been carried out and this takes time and cannot be rushed.

We are extremely concerned that the proposals to simplify local plans will lead to losses and damages to the natural environment and fail to support the goals of the 25 Year Environment Plan to secure Nature's Recovery.

To guide effective decisions we consider that a local plan must consider the wider context of other land use and community needs. This includes presenting a comprehensive, strategic approach to the conservation, enhancement and restoration of the natural environment – a Nature Recovery Network (NRN) see Box 1.

### **Box 1 A Nature Recovery Network and its role in forward planning**

Government's 25 Year Environment Plan and the draft Environment Bill, both promote and support the development of a Nature Recovery Network (NRN). At its simplest, an NRN is a joined-up system of places important for wild plants and animals - it combines existing wildlife rich areas and protected sites, with the places where new habitats need to be created, in order to expand habitats, reduce fragmentation and ultimately help secure nature's recovery. An NRN map coupled with clear and consistent policy processes will help inform forward planning and enable decisions to be based on high quality, robust, spatial environmental information.

At a strategic level, integrating this spatial approach for nature into the decision-making on where to allocate housing and other development, will mean the location of important areas for biodiversity can be avoided and those places where development could contribute to a Nature Recovery Network would be known even before development sites are chosen. This would allow potential biodiversity risks to be considered at the earliest possible stage of decision making, ahead of the necessary site specific surveys – helping to ensure the proper application of the mitigation hierarchy and reduce costly delays.

Whilst the Warwickshire Wildlife Trust does however welcome the intention to speed up plan making, as there are indeed many areas still without up to date local plans, sometimes resulting in a strategic and policy vacuum that leads to speculative applications not necessarily in the best locations for wildlife conservation and wider green infrastructure. However, this relies on having up to date and accurate ecological information on which to inform the plan – which is not currently available and which would be out of date at the time of submission of a planning application.

We are extremely concerned about the proposed approach to categorising land on the basis that it provides no mechanism for nature's recovery and three ways in which nature can be destroyed: by being automatically discounted in the growth areas, overwhelmed in the renewal areas and at risk in the protected areas. It fails to recognise:

- nature is dynamic, not static
- the diverse range of habitats and species that occur in Growth and Renewal areas
- the role that nature plays in people's lives and in shaping the places where they live, work and play – it needs to thread through developments not be excluded from them.
- the mix of land uses that exist in most English urban and suburban areas as well as in rural settlements. The assumption of 'Growth' in all urban areas could lead to the loss of essential greenspaces for urban communities. And in Renewal areas, 'infill' of urban settlements and village edges could result in losses of pockets of valuable biodiversity.

We are also deeply concerned regarding the inclusion of brownfield land in renewal sites, which particularly in Warwickshire have often over time become particularly important for local wildlife and home to a large number of protected species, and are key stepping stones for species across the landscape and through conurbations being able to move. Linked to climate change and people having access to nature to help wellbeing.

**Q.6 Do you agree with our proposals for streamlining the development management content of local plans, and setting out general development management policies nationally?**

No as it removes local identity and localism. Warwickshire Wildlife Trust is particularly concerned regarding this top down proposal set nationally, which will fail to consider local circumstances and place identity. This takes away from local democracy and localism giving local communities a voice for nature.

For example the Warwickshire, Coventry and Solihull sub-region has some great wildlife areas, extensive canal network, several headwater of key rivers and remnants of habitats which need to be restored and enhanced, but these are often quite fragmented, and the enhancements needs are specific to Warwickshire, a national cookie cutter one size fit all policy would risk disregarding important green networks, biodiversity/ species and important wildlife sites.

The proposals risk undermining the protection of locally important sites and habitats (designated and undesignated), greatly restrict the capacity of planning to reflect local circumstances (including all three pillars of sustainable development) and potentially stifle innovation in the sector, leading to bland development and poor strategic decision-making.

**We would therefore support the second alternative option** set out in paragraph 2.16 of the consultation, to allow local authorities to have a similar level of flexibility to set development management policies as under the current Local Plans system, with the exception that policies which duplicate the NPPF would not be allowed. This would enable local knowledge of housing needs, biodiversity, achieving and delivering Nature Recovery Networks, net gain (and other matters crucial to a high quality green and built environment) to be properly encompassed in a local plan that meets local needs.

In principle we support the development of local design guides and codes, and the engagement of local planning authorities and neighbourhoods in their production. However, much of this is dependent on the content and standards set in the national design code (see comments under proposal 11). Local design guides and codes must be meaningful and of sufficient scope to ensure nature's recovery, by including: Green Infrastructure requirements (underpinned by standards e.g. Building With Nature) which connect to the wider Nature Recovery Network; and biodiversity net gain requirements which support the Nature Recovery Network. Local design guides and codes should also require the need for accurate and detailed ecological information.

**Q7a Do you agree with proposals to replace existing legal and policy tests for local plans with a consolidated test of “sustainable development” which would include consideration of environmental impact?**

No, we cannot agree without the detail of what is being proposed. It would depend on what the test is and how ‘sustainable development’ is to be defined.

This change will also create a period of uncertainty and confusion which will further delay the process.

We are also greatly concerned regarding removal of sustainability appraisal which assessed the environmental impact of the different options. If the principles of Sustainability Appraisal

could be retained in the proposed statutory test, then it may achieve the same purpose, but we are concerned that the current system is already overly-simplified.

Any consolidated test would need to be detailed enough to ensure it does not result in poor decisions making. It will also need to be underpinned by the right level of resources to provide the necessary evidence to determine whether the plan is ‘sound’.

The Trust states that the principles of Sustainability Appraisal must be retained within any new procedure in order for plans to be sound and create less legal challenges.

**Q.7 (b) How would strategic, cross-boundary issues be best planned for in the absence of a formal Duty to cooperate?**

Warwickshire Wildlife Trust does not think it should be removed and that we should **retain the statutory duty on local authorities to cooperate with immediate neighbours and those affected by wider scale schemes affecting several authorities.**

We are deeply concerned regarding a removal of the Duty to cooperate which replaced former Regional Plans. As key infrastructure issues such as creating and enhancing green and blue infrastructure and wildlife corridor need a clear mechanism to ensure that they are addressed appropriately.

In the absence of the duty, there will need to be very clear requirements for cross-boundary cooperation to ensure this still happens – at the moment the Planning White does not provide any satisfactory alternative mechanism to ensure this happens.

If a Nature Recovery Network was placed at the centre of local plans, then this could act as the vehicle to: identify suitable (and unsuitable) areas for development; assess cumulative impacts of development; ensure protection of biodiversity and meaningful enhancement of biodiversity (including biodiversity net gains); and plan for the creation of wildlife-rich greenspace for expanding communities, in a spatially coherent way that is planned from the start.

As well as cross boundary working, the duty to cooperate has been a key driver in ensuring partnership engagement. For example, in some areas, Local Nature Partnerships (LNP) have played an important role in facilitating cooperation amongst local partners and in promoting an integrated approach to nature conservation.

**Q 8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?**

No. The standard methodology simply dials up housing figures but ignores the availability of deliverable sites. This methodology will not deliver additional houses, just additional housing figures. This failure in matching real housing need with deliverability, will inevitably lead to pressure on the natural environment, leading to loss or degradation of sites of high environmental value; and would undermine other natural capital, as this would not have been properly factored in to the calculations – thus undermining the environmental carrying capacity of an area.

It will also focus housing in areas away from the areas which need investment and regeneration in order to improve quality of life and access to the natural environment,

improvements in wildlife sites, green infrastructure corridors etc. This will also not solve poor access to housing in lose areas of Warwickshire which are considered to be more affordable.

The standard methodology relies on an assumption that by making more land ‘available’ through forcing Local Planning Authority’s (LPA) to plan for an unrealistically high numbers of homes, developers will build so many homes that the value of their own product i.e. house prices, decreases. This was illustrated within Sir Oliver Letwin’s independent review on Build out Rates, commissioned by the Government. This is clearly not a sound business model and will instead result in LPAs failing to meet their housing targets, therefore opening up the system to unsustainable and unplanned development. This will put serious pressure on important ‘Local Wildlife Sites’ and areas of nature conservation in Warwickshire.

However, the Governments manifesto guarantees that they will ‘protect and restore our natural environment’, ‘increase biodiversity’ and ‘devolve power to people and places across the UK’. This Government made commitments to reverse wildlife declines in the UK, which is currently one of the most nature-depleted places on the planet, yet the proposed changes to the standard methodology will put increased pressure on the natural environment and there is no clear mechanism for how local sites will be protected and also enhanced. As well as that LPAs won’t be forced to review their Green Belt boundaries to meet this ever increasing need.

**Q 8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? [Yes / No / Not sure. Please provide supporting statement.]**

No. this won’t help solve issues of regeneration and deprivation in area that need investment and improved access to nature.

Just because an area is unaffordable doesn’t mean there is suitable land available to accommodate more homes. This will put additional pressure on important sites for biodiversity and connecting wide green infrastructure.

The adjustment formula also creates the highest targets in rural areas, which are often the least sustainable areas for development, and also home to the most protected species and important environment for wildlife.

**Q 9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?**

No. As at Local Plan stage there isn’t enough information or testing to ensure that the site isn’t having a serious environmental impact and isn’t affecting important local habitat and wider corridors, as well as ecology on the site.

If Growth areas are given automatic outline permission we would want assurance that detailed reserve matters under current requirements were not diluted. There would also need to be specific guidance and requirements on a number of other factors including:

- assessments to establish constraints like flood risk, noise, ecology, contamination, archaeology and transport;
- proper and rigorous impact assessments at the point of application;
- design codes and standards to ensure Green Infrastructure and nature's recovery are incorporated into the design of all developments
- biodiversity net gain delivery (as per the 25 Year Environment Plan, NPPF and Environment Bill) being a requirement for all developments, with current exemptions for local development orders and NSIPs to be removed.
- enforcement measures – to ensure all requirements are properly adhered to

We believe that all relevant assessments should be carried out upfront with the appropriate allocation of resources to ensure this is done effectively.

As well as upfront assessments Warwickshire Wildlife Trust would also want reassurance that developments in growth areas were required to undertake proper and rigorous impact assessments at the point of application, because conditions on land, change over time, particularly with regard to biodiversity. An area of land that might be zoned for "Growth" in a local plan may result in a significant number of factors (eg habitats, flood risk, drainage, surrounding patterns of transport, air emissions) changing in the intervening time between a development application coming forward.

The 25 Year plan also commits to embed a net gain principle for housing and infrastructure. The Environment Bill, which sets out the mandate for these proposals currently excludes development approved through Local Development Orders and Nationally Significant Infrastructure Projects. As it stands, two of the three current proposals for the development consent regimes being proposed for the Growth area would be exempt from delivering biodiversity net gain. This undermines Government's own commitments for nature's recovery and presents an un-level playing field for developers. We would not support either approach unless these exemptions were removed from the Environment Bill, with clear policy direction that biodiversity net gain applies to all development.

**Q 9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?**

No, although there isn't enough information to make an informed response.

These allocations will add another confusing change which will slow the process in the short term and won't offer the current level of protection to biodiversity or deliver the step-change in enhancement required to secure nature's recovery as set out in the 25 year Environment Plan.

Renewal areas present a significant risk to nature particularly in rural areas because they are likely to overlap with high value, but undesignated, assets like unimproved orchards and grassland, many of which occur at the urban fringe.

It would be much harder to prevent harm to these valuable sites, as the ability to comment at the application stage is taken away and given the proposed shorter timescales for local plan production. Current evidence on such undesignated sites is not extensive enough to rely on at local plan allocation stage.

It also appears that the *Protected areas* would have less protection than currently, because the absence of local policy would undermine capacity to protect locally distinctive and locally valuable assets in the way they are currently. Also all modern conservation theory demonstrates that more bigger, better and more joined up solutions are required in order to secure the future of even the most highly designated sites.

If progressed, protected area should include LWS, PLWS , NIA , SPA, SAC, Ancient Woodlands , LNRs, as well as national designations and sites of importance for protected species.

**Q 9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?**

No. Warwickshire Wildlife Trust is particularly concerned regarding this proposal especially considering the large amount of national infrastructure projects through Warwickshire namely HS2 as well as large strategic motorway and dual carriageway infrastructure, and rail corridors.

We are also considerably concerned as these projects seem to go against national policy and neglect to deliver biodiversity gain and enhancement, such as HS2 which hasn't even met no net loss.

These are often planned in important locations for wildlife and biodiversity as well as tranquillity, and any addition development on top of infrastructure proposals could be seriously detrimental to important wildlife. This needs to be balanced in any decision which will harm important wildlife and not be considered without detailed environmental and ecological surveys.

With the Impact of Covid 19 there will also be less need for travel infrastructure as more people work from home.

**Q 10. Do you agree with our proposals to make decision-making faster and more certain?**

No. While we support the principle of making the system more efficient, there is limited information, but the current proposals do not seem likely to do this. Faster and more certain decision-making must not be at the expense of full scrutiny.

The priority should be about ensuring a democratic process where all stakeholders are engaged and about ensuring good quality development in the right location. Rushing a complex process which need to involve lots of detailed stages and organisations fully, will

lead to important matters like protected species surveys being missed. Particularly, given the reduced opportunity to engage later in the process

We believe that the current delays are often due to late or insufficient information provided by applicants, such as failing to submit an adequate Environmental Impact Assessment (EIA), rather than the LPAs process which needs to be detailed and complex to cover all important aspects of planning.

Furthermore, if the suggestion is that the assessments for ecology, flooding, drainage, noise, contamination etc. will be undertaken by the planning authority prior to allocation, then given the tight time frames for a local plans moving forward would raise a serious issue. The expertise such as ecology is also not held within most local planning authorities, adding time and expenses to the process.

#### **Q.11 Do you agree with our proposals for accessible, web-based local plans?**

No, while the Warwickshire Wildlife Trust does work on an online basis, this presents a serious issue for those vulnerable consultees who don't have access to the internet to have an opportunity to give nature a voice. Without physically seeing a sign on a lamppost or poster in a library etc, consultees may also miss important consultations because they wouldn't automatically and continuously check online.

There is also a lack of IT network infrastructure in many remote rural locations to allow this to happen effectivity.

Both options should be available to ensure a democratic and thorough process in line with the theme of Localism.

#### **Q 12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?**

No. The local Plan needs to be a thorough process considering specialist information on local environmental designations, ecology, ancient woodlands, TPOs, areas of flooding, Biodiversity priority habitats, Local Wildlife Sites, Environmental Impact etc. these assessments shouldn't be rushed through and risk being carried out incomprehensively.

There also needs to be consideration of strategic cross boundary issues such as green and blue infrastructure and time for the supporting legal tests and examination process.

Considering the number of important stakeholders that can benefit the process and plan with specific knowledge of the areas, consultee should be allowed enough time to fully engage and at numerous points in the plan progression when changes are made.

This will also put financial pressure on already constrained planning departments who often don't have in house ecologists, and enough staff and resources to produce the work necessary in this time frame.

We are greatly concerned regarding a number of the proposals such as that the draft local plan would be submitted to the Planning Inspectorate without an opportunity to amend the plan in response to consultation responses from the community and other stakeholders. This

is categorically undemocratic and reduces the voice of residents and voters in matters affecting their local environment. To remove this would have a detrimental impact on the LPA being able to submit a plan with wide support and would create additional work and time delays for the Inspector. Plans also still need to be adopted by local politicians who represent their communities voice, and are less likely to adopt an unsupported plan at committee.

Warwickshire Wildlife Trust is deeply concerned regarding the alternative options suggestion in 2.54 of removing the Examination process entirely.

This is undemocratic, removing the right to be heard at an examination is outright anti-democratic. It is also wholly contrary to achieving good planning, considering local expertise and knowledge of the area. The plans also needs to pass through local Elected Members who are elected by and represent the local community and are unlikely to support unpopular plans at Committee, adding further delays.

**Q.14 Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?**

Yes. The current lack of housebuilding particularly in Warwickshire is largely due to market failure and not because of the planning system. The Letwin Report also found that the build-out of large residential developments can be slow *due to low market absorption rates*, with some sites taking over 20 years to complete.

House builders will only build what they believe they can sell in the given market, regardless of the planning system. In Warwickshire there have been sites lined up for permission which haven't come forward and been built quickly, regardless of having the necessary allocations and permissions.

Phasing of developments with different developers is already undertaken by planning authorities. However they are still dominated by a small number of large developers. Therefore, these proposals to ensure a better spread and mix of developers might help to bring development forward in a timely manner, once approved. This would enable more accurate predictions of 5 and 10 year housing supply, which has demonstrably been shown to be inaccurate in many areas, due to slow build-out rates, which has had detrimental effects on other communities (on whom there is more pressure for windfall development) and on achieving sustainable development.

However phasing of developments using different developers will require better systems to be in place to ensure:

- clarity on how biodiversity net gain is embedded and delivered, so that all developers involved contribute in a way that ensures that the gains are strategically delivered for the best for biodiversity and nature's recovery.
- build out happens within an agreed time to ensure the evidence and ecology on which the master plan was based is up to date.

**Q16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?**

New development that doesn't impact the natural environment and enhances biodiversity in the line with the 25 year plan and the NPPF.

Retain, enhance, reconnect and restore biodiversity to form a functioning and resilient Nature Recovery Network to counteract climate change and provide quality environment for people to live, work and learn within, and keep people connected with nature which is good for well-being.

Development that improves green and blue infrastructure between sites and for the wider benefit of strategic wildlife and habitat corridors.

To achieve this, Nature Recovery Networks must be embedded in Local Plans and decision making. All new developments must include natural green spaces as part of the green infrastructure that weaves through the development and connects to the surrounding urban or rural landscape and contributes to the wider Nature Recovery Network.

Development that is adaptive and resilient to climate change bringing benefits to both wildlife and the wellbeing of the people. When MPs looked at green space in the context of the rising incidence of health-threatening heatwaves they recommended that planning policy for England should include green infrastructure targets for town and cities:

“The Government should introduce an urban green infrastructure target in the National Planning Policy Framework to ensure towns and cities are adapted to more frequent heatwaves in the future.”<sup>101</sup> Foe report

“Green spaces have been proven to reduce the urban heat island effect, however urban green space has declined in England. The Government's commitments to green towns and cities are not measurable or target driven and do not link green spaces to urban heat island reduction. The Government should introduce an urban green infrastructure target as part of the metrics for the 25 Year Environment Plan and in the National Planning Policy Framework to ensure towns and cities are adapted to more frequent heatwaves in the future. The Government should aim to increase urban green space to 2001 levels, and higher if possible. The importance of shaded spaces in urban areas should be included in the Framework's section on 'promoting healthy and safe communities', so that all local planning authorities have to demonstrate their provision of shaded spaces in the clearance process of their local plans. (Paragraph 91)”<sup>102</sup>.

This doesn't appear to have fed through to the proposed policy reform, which clearly needs to include a green infrastructure target.

#### **Q17. Do you agree with our proposals for improving the production and use of design guides and codes?**

Yes in principle depending on the detail and as long as LPAs are supported to put in place the additional staff.

We support the use of the following as set out in National Design Guide published in 2019 and referred to in the Planning White Paper - 'optimising and enhancing nature as one of the ten characteristics of a well-designed place' and specifically:

- delivering biodiversity net gains
- integrating existing and new natural features;
- prioritising nature so that diverse ecosystems can flourish;
- easy access to attractive open space to promote health, well-being and social inclusion (but there can be a difference between provision of open space such as sports pitches and high quality, wildlife-rich, natural green space, which should be specifically recognised);
- improved and enhanced water management; and
- the protection and enhancement of existing areas of valuable biodiversity.

Design codes should also be informed by existing best practice and standards (for example Building with Nature) and be flexible enough to include new findings. But also needs link national with local guidance re ecological character areas. NE character areas and local County Council character area guidance.

**Q20. Do you agree with our proposals for implementing a fast-track for beauty?**

We are concerned that this could lead to development in inappropriate locations which could impact the natural environment, ecology, biodiversity and wide networks. The relevant ecological surveys and checks should still be applied.

The word ‘beauty’ means different things to different people and without a clear definition of ‘beauty’ we have no confidence that design for nature will be included in a way that supports its protection and recovery. We would be concerned that if design for nature wasn’t informed by a Nature Recovery Network and local advice, that the interpretation of the term ‘beauty’ in the context of nature and the built environment would result in the wrong types of interventions.

**Concerned re no need for planning apps.**

**Q.21. When new development happens in your area, what is your priority for what comes with it?**

Want to see development that has biodiversity net gain at its heart and delivers enhancements and restoration and connectivity of biodiversity across county and borders. Delivery NRN

We at the Warwickshire Wildlife Trust want to see development that doesn’t compromise the protection and enhancement of the natural environment but supports its recovery to be adaptive and resilient to climate change bringing benefits to both wildlife and peoples wellbeing. To achieve this, Nature Recovery Networks must be embedded in Local Plans and decision making. All new developments must be designed to include natural green spaces as part of the green infrastructure that weaves through the development and connects to the surrounding green and blue corridors and contributes to the wider Nature Recovery Network.

**Q22(a). Should the government replace the Community Infrastructure Levy and Section 106 obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?**

No. The levy threshold shouldn't be raised so that not all development contributes, as this could have an impact on finances available to fund local biodiversity enhancement and offsetting.

It also isn't clear who would confirm the value price and whether this would be set at an accurate amount by the developer, keen to keep the amount low, and at what stage they would know an accurate price.

**Q 22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?**

The Levy should aim to capture more value to deliver infrastructure improvements to regenerate areas and help the wider economy. The delivery of Local Nature Recovery Strategies including high quality wildlife-rich greenspace and priority habitats, which will contribute to creating a NRN and will benefit local communities through improved health and wellbeing should be included within the definition of infrastructure. Currently this is often not well funded through Community Infrastructure Levy and Section 106.

We believe that affordable housing should be kept separate or a mechanism put in place to ensure that resources towards the requirement aren't watered down and taken away from environmental improvements for example.

**Q23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?**

Yes it should capture changes through permitted development rights, as this is still development and will still have an impact on the surrounding environment. Particularly given the proposed increase in permitted development, which will include a larger number of schemes.

Any money towards infrastructure improvements particularly regarding biodiversity net gain and environmental improvements are extremely helpful.

**Q25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?**

Flexibility can be important, however within advisory categories, as this could result in money being spent on inappropriate and unrelated projects, and money taken away from the direct impact of the scheme and into important biodiversity and environmental projects.

**Q26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?**

We are concerned regarding the proposals to move more of the process online, particularly regarding some of our more vulnerable members who fall under the Equality groups and would require exceptions to online consultations. We are concerned regarding how these consultees would be captured and how they would know when to get involved, so that they can affectively give nature a voice. Legal issues could also slow down the whole process.