



SENT BY EMAIL: planningforthefuture@communities.gov.uk

Dear Sir/Madam,

MHCLG Planning White Paper Consultation ‘Planning for the Future’: Response from the RSPB

The Royal Society for the Protection of Birds (RSPB) welcomes the opportunity to respond to this consultation. We recognise that the current system is not perfect, but we are concerned that the White Paper misdiagnoses the problem, and proposes an approach not fit for the nature & climate emergency we face. Nature is in freefall across England (State of Nature 2019¹), we’ve seen a Lost Decade of action for nature (A Lost Decade for Nature²), and we simply cannot afford to damage our natural environment further.

To speed-up housing construction we recommend that the Government looks at the implementation and resourcing of the current planning system, as well as critical mechanisms and behaviours outside planning as we highlight in our response to proposals under Pillar 1 below (including for example the homogeneity of the types and tenures of homes built on large sites and the ability of the market to absorb them; the limited availability of credit and capital; the availability of construction materials and skilled labour; and delays in the provision of services by utilities

¹ State of Nature 2019 (State of Nature Partnership): <https://nbn.org.uk/wp-content/uploads/2019/09/State-of-Nature-2019-UK-full-report.pdf>

² A Lost Decade For Nature (RSPB, 2020): <https://community.rspb.org.uk/ourwork/b/rspb-england/posts/a-lost-decade>

companies etc) and not use environmental protections as a scapegoat. Successive reviews of environmental protections have repeatedly shown that existing regulations are not the cause of low rates of new housing construction. Within this response we highlight and explain our concerns, whilst also setting out positive solutions and suggestions including in relation to:

- Establishing '**Highly Protected Areas**' and '**Nature Recovery Areas**' alongside the Government's proposals for 'growth', 'renewal' and 'protected' zones, providing stronger protections for nature and support for its urgently needed recovery within the parameters of its reform framework. We provide more detail in our response to Proposal 1 of the White Paper at Page 9 below.
- Better **integrating provisions within the White Paper and Environment Bill**, including that any new single sustainability test involves a check for conformity and alignment of local plans with Local Nature Recovery Strategies. We provide more detail in our response to Proposal 3 of the White Paper at Page 12 below.
- Approaches to improve and enhance the quality of, and access to, nationally held **ecological and environmental information** to underpin a greater reliance upon upfront strategic-scale ecological assessment in plan-making. We provide more detail in our response to Proposal 5 of the White Paper at Page 15 below.
- Approaches to **increase the participation of all sectors of society in plan-making** and the planning system. We provide more detail in our response to Proposal 7 of the White Paper at Page 19 below.

Summary of the RSPB's Response to Consultation

Our headline message:

- The Government's **proposed changes to the planning system in England are not fit for the nature & climate emergencies we face**. The proposals need to move on from the ill-informed proposition that environmental protections are the cause of delays; evidence shows that environmental regulation is not the cause of low rates of new housing construction. Significant changes are also needed to improve the planning system's contribution to nature's recovery.

We urge the Government to:

- Maintain **effective environmental regulation assessment mechanisms** including Strategic Environmental Assessment, Environmental Impact Assessment, and Habitats Regulations Assessment as these have been proven to be fit for purpose with broad cross-sector support.
- Remove loopholes arising through the proposed greater use of the Nationally Significant Infrastructure Planning regime and through Development Corporations to deliver largescale housing developments that would **undermine the Biodiversity Net Gain** system in its purpose of securing biodiversity uplift; and ensure that developer contribution funding continues to be available to support essential local and strategic mitigations and the provision of accessible nature-rich greenspace for all.

- Ensure a **stronger alignment and integration with the Environment Bill**, particularly to give formal significance to Local Nature Recovery Strategies and the Nature Recovery Network within the statutory land use planning system.
- Ensure that **Developer contribution funding** continues to be forthcoming for nature including to enable essential local and strategic mitigations and the provision of nature-rich accessible greenspace for all.

We propose:

- The development of **'Highly Protected Areas'** and **'Nature Recovery Areas'** within the proposals for planning reform as an important contributor to addressing the biodiversity crisis and supporting nature's critically needed recovery.

We recommend that:

- Mandatory design codes and masterplans require the provision of nature-rich greenspace and measures to enhance biodiversity and help address the climate crisis in all new development.
- Government invest in a **step change in the quality, breadth and granularity of nationally held ecological and environmental data** available to inform better strategic ecological and environmental assessment in plan-making.
- Government recognise that **nationally held ecological data cannot ever provide an adequate substitute for detailed and up to date on-site survey and assessment.**
- Full opportunities for **public and stakeholder engagement and scrutiny must remain in place throughout all stages of the planning process.**
- There must be **no erosion or removal of the right to be heard during the Examination in Public of Local Plans.**
- The proposed **Resources and Skills Strategy be backed-up by a long-term public funding settlement** to give confidence and secure essential specialist services including ecology, arboriculture, design and environmental data management.
- There should be **further public and stakeholder consultation** on further detail in relation to these proposals and the required changes in legislation necessary to implement them.

About the RSPB

The RSPB was set up in 1889. It is a registered charity incorporated by Royal Charter and is Europe's largest wildlife conservation organisation, with a membership of 1.1 million. The RSPB manages 223 nature reserves in the UK covering an area of over 160,000 hectares and providing vital havens for a huge range of species, and spaces where people can get closer to nature. We play a leading role in BirdLife International, a worldwide partnership of nature conservation organisations.

The principal objective of the RSPB is the conservation of wild birds and their habitats. The RSPB therefore attaches great importance to all national and international law, policy and guidance that assist in the attainment of this objective. It campaigns throughout the UK and internationally for the development, strengthening and enforcement of such law and policy. In so doing, it also plays an

active role in the domestic processes by which proposals are scrutinised and considered, offering ecological, policy and legal expertise.

Our aspiration is a world richer in nature, with a healthy environment that benefits wildlife, people and the economy. A thriving natural environment is essential to our lives, and investment into conserving the planet will therefore make a valuable contribution to achieving a sustainable economic recovery from COVID-19. While in the past nature conservation has mistakenly been seen to be in conflict with economic development and job creation, it is now widely accepted that protecting the environment can benefit the economy, create employment and have far-reaching positive impacts on health & wellbeing. We are therefore calling on national, devolved and local governments across UK to deliver a green recovery that has nature and the climate at its heart.

The global climate and biodiversity crisis and the UK's failure to halt nature loss has only worsened in recent years. The most recent [State of Nature](#) report shows just how significant the losses are, with 41 per cent of species in Great Britain declining and 15 per cent at risk of extinction. The UK has failed to reach most of the [biodiversity targets](#) set in 2010. The planning system has an important part to play in maintaining and enhancing our biodiversity.

The RSPB works with planning systems across the UK and abroad to protect important wildlife sites and promote biodiversity in development, giving us a unique perspective on how it might better support a green recovery.

The purpose of the planning system is to deliver the right development, in the right place, at the right time, for public benefit. This includes significant environmental benefits, for instance protection of valued wildlife habitats, public access to green spaces (especially important in a post-Covid world) and avoidance of flood risk. It also helps to avoid significant environmental costs, such as the loss of beautiful landscapes or costs associated with pollution or devastating floods.

Environmental regulations which protect nature and other environmental assets – such as habitats regulations and Environmental Impact Assessment have been core to the planning system and helped to ensure that, in achieving sustainable development, the environment is not degraded. In the case of habitats regulations, they have been shown by successive [reviews](#) to be [fit for purpose with broad cross-sector support](#).

There is a wealth of evidence that well-designed, properly enforced regulations result in positive economic outcomes, and that they are good for the environment too. There can be a significant return on investments driven by regulation: every £1 spent on the management of [Sites of Special Scientific Interest](#) delivers over £8 in benefits.

This consultation response sets out the RSPB's views on the proposed changes to the English planning system and offers positive suggestions and solutions which we hope will be embraced by Government.

Minerals and Waste Planning

As a general point, it is most surprising that the White Paper makes no reference to minerals and waste planning. It is therefore difficult to know whether existing policy and process in relation to it is to remain unchanged, or whether proposed changes will be the subject of further consultation. Mineral extraction sites have, through appropriate restoration and management schemes secured through the planning system, provided valuable new habitat for nature and inspiring places for recreation and education. The Government should clarify its proposals for minerals and waste

planning to ensure the continued ability to secure such important legacy benefits from mineral extraction.

Comments in Relation to: Introduction

There is an insinuation throughout the White Paper that environmental planning laws and considerations are responsible for delays in development and have inhibited the construction of much needed housing. Making environmental protections the scapegoat is an outdated and disproven proposition, and the Government need to move on from this if they want to see the change they desire.

There are outstanding planning consents for hundreds of thousands of dwellings across the country which have yet to be implemented. Public sector planning departments have been particularly badly hit by financial and staff cutbacks over recent years with knock-on impacts on the speed of decision-making. Government need to look at the implementation and resourcing of the current system, and key critical paths outside the planning system itself, in order to understand delays in housing construction.

Reviews including the 2012 Review of Implementation of the Birds and Habitats Directives in England³ and the 2018 Red Tape Initiative⁴ have consistently demonstrated that environmental planning laws and tools such as Habitats Regulations Assessment, Strategic Environmental Assessment and Environmental Impact Assessment are compatible with development and give confidence for investors providing they are well implemented.

Paragraph 1.3 bullet point 2 highlights that decisions are currently based on a case by case basis which is appropriate. Places and communities differ greatly and to set a one size fits all approach is not suitable. If Local Plans are to be reduced to a more limited number of policies, with the majority of policies within the NPPF, there is a danger that this could lead to reduced flexibility to address local issues, leading to homogenised approaches which do not reflect their local communities and the distinctiveness and context of the local environment.

Paragraph 1.3 bullet point 4 states that *'Assessments of environmental impacts and viability add complexity and bureaucracy but do not necessarily lead to environmental improvements nor ensure sites are brought forward and delivered'*. One of the functions of the planning system is to ensure that development does not proceed if serious and long-term environmental damage would result with all its associated costs. Mitigation measures identified through environment assessments do deliver environmental improvements and substantial protections for wider societal, environmental and economic good.

Paragraph 1.3 bullet point 5 states that within a poll conducted by Grosvenor only 7% of the community trusts local councils to make decisions about largescale development. This is misleading as a further 57% polled neither agreed nor disagreed or had no view, highlighting that the majority of people do not actually distrust the council, which the statement that the public have lost trust

³ 2012 Review of Implementation of the Birds and Habitats Directives in England
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69513/pb13724-habitats-review-report.pdf

⁴ 2018 Red Tape Initiative <https://www.biodiversityinplanning.org/wp-content/uploads/2018/12/RTI-November-2018-Report-FINAL.pdf>

implies. By continuing the White Paper's method of analysis, we note that only 2% of respondents trust developers to make decisions about large scale development – a lower rating than that for councils. This analysis is clearly aimed at distorting the position and trying to undermine faith in the planning system and local democracy.

The RSPB supports the ambitions set out in paragraph 1.12 bullet point 1, to '*be more ambitious for the places we create, expecting new development to be beautiful and to create a 'net gain' not just 'no net harm'*') and 9 to '*promote the stewardship and improvement of our precious countryside and environment, ensuring important natural assets are preserved, the development potential of brownfield land is maximised, that we support net gains for biodiversity and the wider environment and actively address the challenges of climate change*'. However, net biodiversity gain, and nature's recovery and ability to adapt and be more resilient to climate change impacts more generally will only be effectively secured if it is a golden thread running throughout the planning system. The White Paper does not give us confidence that that will be the case for the multiple reasons set out within this response.

Paragraph 1.12 bullet point 2 is perplexing in stating that there will be a greater role for neighbourhoods and communities in relation to decision-making whilst simultaneously proposing that there will be only three broad categories of land use zoning; "growth", "renewal" or "protected", with limited controls in the growth and renewal zones. This is clearly a more top down approach having: a rule based system (paragraph 1.3 bullet 2); fewer policies within local plans and therefore less of a say locally on strategic issues (paragraph 1.16 bullet 2); and a loss of control by elected members through planning committee decision making and public consultation on planning applications.

Paragraph 1.16 bullet point 1 sets out the proposals for these three zonal categories for development. We are concerned that this simplification risks creating a disconnected approach which will lead to further environmental decline through failing to align with the key requirements for nature's recovery as set out within the Lawton Report 'Making Space for Nature' (2010). This summed up the needs for "more, bigger, better and joined" coherent and resilient ecological networks if nature is to recover and thrive. It is not enough to protect just the areas defined as 'protected' zones or other fragments of land for wildlife that are isolated from each other. Nature needs areas of habitat to be connected, which will be even more essential with the impacts of the climate emergency. Our proposals for Nature Recovery Areas (set out within our response to Proposal 1 below) and the greater alignment of Local Plans and Local Nature Recovery Strategies through a requirement for conformity (set out under Proposal 3 below) would help to fulfil this essential requirement. Alongside this, the pandemic has highlighted how nature is essential for our own health and wellbeing. The proposed system will not ensure everyone has increased access to natural spaces.

Paragraph 1.16 bullet point 4 sets out the proposal for a single 'sustainability test'. We are concerned about the implications for environmental assessments and the possibility that these will be weakened. Within the present system, when developments are proposed, the term 'sustainability' tends to be used freely to advocate any form of development, without robust analysis or definition. There is no reasoned justification given in relation to the proposed abolition of the Duty to Cooperate. Whilst the RSPB has long advocated for a more robust strategic /larger-than-local tier of planning, in the absence of this or other appropriate arrangements, the Duty should be retained and strengthened.

Paragraph 1.18 bullet point 5 proposes to *'Introduce a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing England's unique ecosystems'*. This could represent a weakening of environmental protections and opportunities for enhancements to which the RSPB would strongly object. There may however be a case for considering a more simplified approach to smaller-scale developments and changes of use through approaches such as mandatory scoping, so that planning and planners can focus more on the larger strategic developments that ultimately have the potential to have the greatest impact on the environment, whether that be in a positive or negative manner.

While in principle we support the aim to improve infrastructure delivery, greater recognition for nature-based solutions in response to the climate and biodiversity crises is needed, such as green infrastructure, sustainable urban drainage (SuDS), and natural flood management. These can support multiple benefits for access and leisure; reduced risk from extreme weather; climate change mitigation and adaptation; and for local economies. Any changes to planning obligations needs to ensure that environmental enhancements are included and prioritised. We are again concerned about an over-simplistic standardised approach.

We support local communities having a greater say on decisions (paragraphs 1.22 and 1.23), but as noted above, it is hard to see how this could be achieved in practice through a more top-down NPPF approach and more rule-based local plans with more limited opportunities for public consultation on development proposals.

Pillar 1 : Planning for Development

The planning system in England is not perfect and certainly could be improved. Many commentators have expressed concerns about mediocre development, the under-provision of new homes, and ongoing environmental damage. The RSPB is pleased to see the Government's ongoing commitment to a plan-based system and recognition that an effective planning system is essential in supporting the country's economic recovery and ensuring its long term economic, environmental, and social wellbeing.

Lower levels of housing delivery are not the fault of the planning system: this has been shown by previous reviews including the Independent Review of Build Out Rates undertaken by Sir Oliver Letwin in 2018⁵. The Review concluded that there are many factors at play, chiefly the homogeneity of the types and tenures of homes on offer on large sites, and the limits on the rate at which the market will absorb such homogeneous products. The review argued that if house builders or others were to offer housing of more varying types, designs and tenures all with more varied settings, landscapes and streetscapes then build-out rates could be substantially accelerated. Other constraints identified within the Review included:

- Lack of transport infrastructure.
- Difficulties of land remediation.
- Delayed installations by utility companies.
- Constrained site logistics.

⁵ Sir Oliver Letwin, Independent Review of Build Out, 2018
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752124/Letwin_review_web_version.pdf

- Limited availability of capital.
- Limited supplies of building materials, and
- Limited availability of skilled labour.

The review did not identify environmental regulations as a factor in suppressing build-out rates of new housing. The Government's proposals for changing the planning system should reflect the findings of the Letwin Review and the significant number of residential planning applications consented but not yet built out across England.

As a fundamental principle, any effective planning system should be based upon sound, clear and transparent evidence and justification. To that end we would urge that there is a clear and justified methodology open to scrutiny and challenge for determining overall levels of growth both nationally and as accommodated within individual local plans. The Government has set an overall housing target for this Parliament, however it is unclear as to what the mechanism will be for determining overall growth levels within the planning system for the years beyond that.

Proposal 1 : The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.

The RSPB does not support the Government's proposals to simplify the role of land use plans and move to a codified and rules-based planning system.

The White Paper proposes to move to a zonal planning system based upon three categories of allocation. Perhaps the greatest strength of the English planning system at present is its flexibility, and it is not clear whether the claimed benefits of greater certainty gained by moving to a zonal and more inflexible planning system will outweigh the loss of this major advantage for developers, communities, the environment, and the economy. The rigid zoning of the entire country is likely to have an extremely detrimental impact on the flexibility of the planning system and its ability to respond to environmental, social and economic change, and to the unique circumstances of individual sites. If we are to avoid a race to the bottom in terms of development standards and outcomes, the detail involved in developing sufficiently nuanced zonal designations and the rules that will govern development within them will be complex to develop. The significant work involved in moving to such a system seems difficult to square with an ambition of reducing bureaucratic burdens.

It is important to recognise that climate, nature and ecosystems do not respect zonal boundaries on maps. There must be mechanisms to address cross-zonal and intra-zonal matters. It is important that the new approach enables habitat restoration in line with the Lawton principles of ensuring 'more, bigger, better and joined-up' sites and habitat networks for nature including through the planning of connections within and between zones. The boundaries of zones and connections across them will also need to be precise, clearly and accurately delineating designated areas of nature conservation and not 'washing over' them for the avoidance of any doubt in order to ensure proper protection. The zonal approach must also require these connections to be contiguous across and between planning authority boundaries but it is unclear how this is to be ensured, particularly given the lack of any statutory tier of strategic or larger-than-local planning or requirement for cooperation.

It is also unclear as to how the determination of planning consent will be managed in situations where a development proposal straddles the boundary between different categories of zone. In cases where one of the zones within which a development is proposed is the 'protected' zone and

there is the potential for environmental damage and harm to biodiversity then a precautionary approach must be required, ie that the needs and assets of the protected zone are prioritised above the automatic granting of outline consent triggered elsewhere.

How the Government envisages the allocation of zones, and the relative proportion of each, to work is not made clear within the White Paper. For a zonal planning approach to have proper regard to the biodiversity and climate crisis, it needs to operate in the following way: renewal zones covering parts of existing built areas where regeneration and reinforcement is required to sustain and revitalise struggling areas (declining town centres etc); growth zones targeted specifically at areas intended for specific substantial development in the short to medium term (and therefore not unlike existing local plan site allocations); and the protection zone extending widely to cover all other areas. Given that this would appear to be not far removed from the current approach of local plan preparation and site allocation, it is difficult to see whether the move to a zonal system warrants the considerable upheaval, bureaucracy, cost and resulting inflexibility entailed.

The White Paper refers to some categories of nature conservation designation being required to fall into the 'protected' zone, but the Government needs to urgently clarify that this applies to all categories of existing nature conservation designation. Furthermore, and in the face of a biodiversity crisis, it is disappointing to note there are no additional provisions within the White Paper to strengthen nature protection within areas of conservation designation. This is a missed opportunity and we propose the addition of 'Highly Protected Areas' and 'Nature Recovery Areas' as also promoted by The Wildlife and Countryside Link coalition of which we are a member. These should provide the zonal articulation of Local Nature Recovery Strategies (LNRS), giving them direct influence in the planning system. They should ensure the creation of an effective Nature Recovery Network and could help to ensure that a minimum of 30% of the land is managed for nature, mirroring the Government's oceans leadership on land ahead of critical global negotiations in 2021.

The RSPB proposes the establishment of:

Highly Protected Areas

Within Highly Protected Areas all existing designations (National Sites Network / SSSI etc) would remain in place but be reinforced and buffered with stronger planning protection. This reinforcement would be secured through the Highly Protected Areas incorporating other important sites such as Local Nature Reserves, ancient woodlands and trees, peatlands and other priority habitats. Throughout Highly Protected Areas there would be a legal presumption set out formally within the planning system against development that would result in the loss of, or a reduction in the condition of, these conservation designations and features of importance for nature.

The designation of Highly Protected Areas would include a suitable buffer where necessary around designated sites to minimise indirect damage including through recreational disturbance and thereby protect them. They would also include and provide the same protection for the functionally-linked land that supports the integrity and health of many of our Special Protection Areas by providing areas where birds reliant upon the SPA can feed and loaf.

The introduction of Highly Protected Areas would also provide a simple and effective mechanism within the planning system to safeguard land for progressive climate change adaptation, including for example in relation to rising sea level and the retreat of wetland habitats through coastal and estuarine realignment, as well as providing habitat as refuge for species adapting to new climates.

Nature Recovery Areas

Nature Recovery Areas would be established where nature is degraded but there are opportunities for recovery. Within them damaging development would be limited through greater planning protection, and the delivery of environmental investment and nature-based solutions would be streamlined and expedited through a 'presumption in favour' or automatic planning permission in principle.

The introduction of Nature Recovery Areas would provide a formal expression of Local Nature Recovery Strategies and Nature Recovery Network within the planning system, ensuring a stronger and more effective alignment of proposals for changes to the planning system with provisions set out within the Environment Bill. They could provide space for:

- Large scale rewilding projects creating resilient and inspiring places where nature can recover and thrive.
- The identification and securing of nature corridors and connections within and between zones, providing accessible nature-rich greenspace for communities and green lungs through and into the heart of our towns and cities, in line with the Lawton Principles of providing 'more, bigger, better and joined-up' places for nature if it is to truly recover.
- Truly 'greening the Green Belt'.
- A clear spatial focus within which Tier-3 Environmental Land Management System investments could be directed, and
- A clear spatial focus within which the work of a National Nature Service could be directed. This would be a national programme providing training and employment for particularly young people in environmental skills and for which the RSPB strongly advocates as part of a genuinely green recovery from the coronavirus pandemic.

The White Paper advises that permissible development within the protected zone is to be set out within the NPPF. Clarity is required urgently as to what the nature of this permissible development is to be as it is currently wholly unclear whether in fact this zone will be protected at all. It is essential that the permissible development does not undermine the integrity of existing areas of nature conservation designation nor the areas of functionally-linked land that support key designations such as Special Protection Areas (SPA). It is for this reason that the proposed 'protected' zone should automatically not just include designated areas of nature conservation including SPAs, but also the associated and functionally-linked land required to support them. As we have proposed and described above, together these areas should also fall within the designation of 'Highly Protected Areas' and be given spatial expression within Local Nature Recovery Strategies.

Furthermore, in order to safeguard the health and integrity of these areas it is important that work commences urgently on implementing in full Phases 2 and 3 of the SPA Review 2016. This will bring clarity and certainty as to the proper extent of this important component of England and the UK's protected areas including through the National Sites Network and help contribute to achievement of

the Prime Minister's commitment at the global Leaders Pledge for Nature to "protect 30% of the UK land by 2030" and to help support the recovery of nature.

Q5 Do you agree that local plans should be simplified in line with our proposals?

Ans: No.

The RSPB cannot support the proposals at this time to simplify local plans as set out within the White Paper. Local plans should remain evidence-based and justified, including through robust ecological and environmental assessment and with full opportunity for public engagement and scrutiny. We would prefer to see reform of the planning system progressed via process of evolution rather than revolution, and much more information is required in relation to how the zonal planning system is to operate in England. The RSPB proposes the addition of 'Highly Protected Areas' and 'Nature Recovery Areas' to provide stronger mechanisms for nature's recovery through the planning system.

Proposal 2: Development management policies established at national scale and an altered role for Local Plans.

The White Paper proposes to alter the role of local plans and to standardise most development management policies in a single set within the NPPF. If this approach is adopted then it is essential that the policies set out within the NPPF require and enable local planning authorities to secure developments and surrounding accessible blue and green spaces that are nature friendly. Exemplar developments such as the Barratt Homes scheme at Kingsbrook, Aylesbury (see Case Study 2 below) demonstrate practical and deliverable ways in which residential developments can work in greater harmony with nature, allowing public access to enjoy it and promoting nature awareness and greater health and wellbeing. The RSPB would welcome the opportunity to work with Government to ensure that any national set of development management policies promotes such standards.

There is a danger that a national set of development management policies and standards could result in identikit developments across the country particularly if poorly executed. Sufficient flexibility should therefore be built into the system to enable local planning authorities to plan positively and with vision to reflect local circumstances to create high quality and sustainable places that will last. The RSPB therefore supports the alternative option of allowing local authorities to set development management policies except for those that duplicate the NPPF.

Q6: Do you agree with our proposals for streamlining the development management content of local plans, and setting out general development management policies nationally?

Ans: No.

The RSPB can see some merit in a body of development management policies being set out nationally, but would wish to see greater flexibility for local authorities to be able to also set policies that reflect local social, economic and environmental circumstances except where those policies duplicate the National Planning Policy Framework.

Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.

The RSPB is seriously concerned about the proposal to introduce a single statutory sustainable development test including with changes to the environmental assessment regulations. It is wholly unclear how this proposal is to operate, and how effective larger-than-local planning is to be facilitated.

The White Paper proposes replacing the existing tests of soundness of local plans with a single sustainability test, and that unnecessary assessments and requirements that cause delay and challenge in the current system should be abolished. This would mean replacing the existing tests of soundness, changing the requirements for assessments (including on the environment and viability) and abolishing the Duty to Cooperate which is currently the only vehicle for cross boundary discussions and agreements on planning matters across much of England. It is essential that any new single test of sustainability, and the consequences of all the current mechanisms to be abolished or revised to enable it, give full and fair weight to environmental issues against the backdrop of dual biodiversity and climate crises.

Whilst accepting that there is scope to simplify environmental assessment in relation to Sustainability Appraisal, the RSPB cannot support its abolition (paragraph 2.16 bullet point 1) without a clear understanding of the arrangements that will operate in its absence. Proposals in Pillar 2 give no information as to the level of detail that will be required, so it is unclear as to whether these will be strong enough to replace the current system. Without clarity as to future arrangements, and should Sustainability Appraisal be abolished, it is essential that the existing Environmental Impact Assessment (EIA), Strategic Environmental Assessment (SEA), and Habitats Regulation Assessment (HRA) mechanisms remain intact. The RSPB strongly supports SEA and has published a good practice guide in relation to its implementation. We believe that there is potential for a more proportionate EIA through the requirement for mandatory scoping to ensure that attention is focused where it needs to be. We do note with great concern indications within the White Paper for there to be further ‘streamlining’ of environmental assessment regulations despite numerous Government reviews over recent years concluding cross-sector support for them as evidenced above.

The White Paper proposes the abolition of the Duty to Cooperate. This has never been a satisfactory alternative to a statutory tier of strategic or larger-than-local planning. However it is alarming that the duty is to be abolished without firm and clear proposals as to how strategic planning is now to be undertaken. Administrative boundaries are meaningless to natural processes and it is essential that there is a mechanism to undertake larger-than-local or catchment scale planning if environmental and climate change issues are to be effectively tackled. There is therefore a need to better integrate provisions within the White Paper with those of the Defra Environment Bill, and for the planning system to give formal weight to the emerging Local Nature Recovery Strategies (LNRS) and the Nature Recovery Network (NRN).

The RSPB advocates that one requirement of the single sustainability test should be that local plans are tested against the content of LNRS and confirmed to be in alignment with them. We have already highlighted how our suggestions for Highly Protected Areas and Nature Recovery Areas could give spatial expression to LNRS within the planning system. Legislation or the NPPF should therefore require that areas identified within LNRS as having current and future potential significance for nature and the function of the NRN should be automatically allocated ‘protected’ or ‘highly protected area’ zone status.

Q7a Do you agree with our 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?

Ans: No.

The RSPB objects to the consolidated test of 'sustainable development' as currently proposed as the proposals remove a number of existing provisions without proposing alternative mechanisms. We cannot support the abolition of the Sustainability Appraisal system without clarity as to what robust and effective environmental assessment mechanisms are to remain and operate in its absence to enable the proper consideration of environmental impact. The RSPB advocates that one requirement of any revised sustainability test should be that local plans are tested against the content of LNRS and confirmed to be in alignment with them.

Q7b How could strategic, cross boundary issues be best planned for in the absence of a formal duty to cooperate?

Ans: The RSPB has long advocated a formal statutory tier of strategic planning at a larger-than-local or catchment scale. This is essential if we are to effectively tackle the climate and biodiversity crises. In the absence of this, and the proposed abolition of the Duty to Cooperate, from a nature conservation perspective we would suggest that areas identified within Local Nature Recovery Strategies as having current and future potential significance for nature should be automatically allocated 'protected' or 'high protected area' status. This would ensure that the future of identified natural capital assets, including their potential for development in principle, could be considered on a case by case basis and in a way that ensures that connections and corridors can be maintained within and across administrative boundaries to form the Nature Recovery Network that the Government set its ambitions for in the 25 Year Environment Plan.

Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

It is important that the planning system as a whole, as well as individual local plans, are based on rational, and transparent assessments of the levels of development (residential and otherwise) that society requires. These assessments must take into account the ability of local environments to accommodate growth in a sustainable way that enables ecosystems to continue to function and nature to survive and recover underpinning social and economic wellbeing. Any nationally-determined standard methodology such as that proposed, including the apportionment of housing targets and growth levels to local planning authorities, must be clear, transparent and open to scrutiny and challenge at key stages. Decisions as to the level and distribution of growth within local authority areas must be informed by a sound and detailed understanding of the environmental and

ecological characteristics of the locality. Local planning authorities, individually or in partnership with their neighbours therefore have an important role to play.

While we recognise the value in re-using some brownfield or previously developed land, there needs to be recognition of the high biodiversity value of some such (see Case Study 1, Canvey Wick, Essex). Flexibility needs to be given for better use of low biodiversity value sites which can still provide spaces for recreation as well as for nature-based solutions such as natural flood management and water storage. It also needs to be remembered that just because a site is on greenfield or even designated Green Belt land, it does not automatically mean that it is of higher significant environmental and biodiversity value or interest.

Case Study 1 : Canvey Wick, Essex

Brownfield sites can be truly important for biodiversity. A remarkable example which illustrates how they can become biodiversity hotspots is Canvey Wick in Essex, which now supports nearly 2,000 invertebrate species many of which are declining and rare (Barkham, 2017). The site was initially a dumping ground for extractions from the Thames and later prepared for use as an oil refinery in the 1970s but never used. Over the past twenty years, this site has become recognised as a hotbed of biodiversity: as a result of its history, climate and land-use, Canvey Wick is now home to an incredible array of plants and animals. It supports hundreds of types of insects, many of which are locally or nationally rare, including some long believed to be extinct in Britain. Amongst the bird species supported by the site are Whitethroat, Stonechat, Reed Warbler and Green Woodpecker. Area-for-area it has been acknowledged as being the richest place for rare invertebrates in the country (Chris Gibson Wildlife, 2018) resulting in it being nicknamed a 'brownfield rainforest'. The site was officially designated as a Site of Special Scientific Interest in 2005 after a three year campaign including by local residents. It is the first brownfield site to be given this status, and as a nature reserve is managed by Buglife and the RSPB.

Proposal 5: Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.

The White Paper proposes the outline granting of planning consent and the granting of permission in principle for specific types of development within growth and renewal zones, as well as the potential for the greater use of delivery vehicles including Development Orders and Development Corporations. These proposals raise a number of issues and concerns and we do not support them.

Planning consent should not be granted within in area or zone without being informed by a proper understanding of the ecology of the site and the impact of development upon the environment. Current levels of environmental and ecological data are wholly inadequate to support a move to a zonal system with the granting of outline planning consent or permission in principle without the undertaking of detailed on-site ecological assessments. It is axiomatic that a Local Plan cannot have full knowledge of the detail of all future development, if that Plan is simply a division into three zones and a collection of accompanying technical specification documents. Furthermore, any

judgement of 'sustainability' at the plan making stage will be necessarily premature and meaningless without further assessment of individual developments at the point at which they are proposed.

We are aware the Government is reviewing the quality of national environmental data and access to it and we would welcome enhancements to it. However should implementation of this, and improvement in the breadth and quality of useable data available, lag behind the introduction of the new planning system then we would urge that a precautionary principle should apply if irrevocable damage to habitats and species is to be avoided in conflict with the Prime Minister's global 'Leaders Pledge for Nature' to protect 30% of UK land by 2030.

In relation to improving nationally held ecological and environmental data, the RSPB supports the approach and many of the findings of the Scottish Biodiversity Information Forum (SBIF) in its report 'A Review of the Biological Recording Infrastructure in Scotland' 2018⁶. This thorough review of Scotland's biodiversity and environmental data management systems made a series of recommendations, the principles of which could also be applied to underpin improvements to the equivalent systems in England. The 24 recommendations that the SBIF agreed were grouped around the themes of transforming data flows, transforming service provision, transforming governance and culture, transforming funding, and transition. In any effective national ecological dataset, information should be relevant and fit for purpose; accurate and up to date; made available to all who require to use it and in a form that is readily usable; and collected and drawn from the widest range of sources including public agencies, the development industry, NGOs, academia and the wider public. Long standing areas of data weakness should be addressed, for example in relation to the marine environment and post-implementation project monitoring. In order to meet these fundamental requirements, the national environmental data system should be properly funded and resourced.

This is also true of local government staffing. Most planning authorities no longer employ ecologists, and rely increasingly heavily on responses to planning applications to assess the ecological risks and impacts of proposals. This proposal would remove this check on damaging development. The replacement is likely to be inadequate in practice – resting all controls on shortened Local Plans that are adopted at speed, with limited or no in-house ecological expertise. This first generation of new-style Local Plans could become notorious for allowing a carte blanche for environmental damage, creating far greater resistance by communities to local development.

The granting of automatic permission in principle within renewal zones could have detrimental implications for nature as brownfield sites and previously developed land can provide important refuges for it, including by providing stepping-stones and corridors for species including pollinators across urban areas and increasing resilience to climate change. If the current permission in principle system is to act as a guide, it would appear that planning conditions are unlikely to be attached to anything but the technical consent, and there is also a concern as to whether the proposed Infrastructure Levy will only apply once consented development has commenced. Both issues could hamper the ability to secure and implement necessary biodiversity gains and protections for nature.

We are also concerned about the potential impacts arising from the automatic permission in principle within renewal zones upon neighbouring SPAs. Indeed, an important issue not currently

⁶ Scottish Biodiversity Information Forum (SBIF): 'A Review of the Biological Recording Infrastructure in Scotland' 2018. <https://nbn.org.uk/wp-content/uploads/2018/11/SBIF-Review-Final-Report-and-Recommendations.pdf>

clarified by proposals within the White Paper is how to assess, avoid or mitigate the impact of development within growth and renewal zones more generally upon protected sites of nature conservation (including SSSI and National Sites Network/Ramsar) lying beyond. Case Study 2 (Tipner West, Portsmouth) illustrates our concerns where valuable functionally related land supporting a SPA is at direct risk from proposed development. Buffer zones are required to protect such critical areas, and as we have already advocated above, 'Highly Protected Areas' and 'Nature Protection Areas' could provide a route to enabling and delivering these.

Case Study 2 : Tipner West, Portsmouth

Tipner West is a proposal by Portsmouth City Council for 4,000 new homes and an employment hub. The site lies immediately adjacent to and partly within the Portsmouth Harbour Special Protection Area (SPA) and Ramsar site, internationally important for its wintering waterbirds, especially dark-bellied brent geese. As well as the harbour itself, the geese from the SPA rely on the functionally-linked land at Tipner West as one of their primary feeding areas. This development would destroy this land as well as over 30ha of the SPA itself, 27ha of which would be reclaimed habitat from the harbour.

This development highlights the inherent complexities hidden within the zoning approach proposed as, based on the basic information provided in the consultation, it would straddle the 'protected' and 'renewal' zones, requiring different approaches to decision making. The constrained approach to decision making in the 'renewal' zone would also act to undermine the protection of the adjacent SPA.

In addition, the UK SPA Review has identified this SPA as needing boundary review to include such functionally linked areas within an extended SPA. Land at Tipner West would be a primary area for inclusion within the SPA. This suggests the need for some kind of spatial assessment of SPAs identified for boundary reviews within the 2016 SPA Report to identify likely risk areas prior to the designation of zones within Local Plans and ensure these are not zoned for development.

The White Paper is unclear what mechanisms and opportunities will be available to local communities to engage in the matters of detail surrounding planning applications within their locality. There should be opportunities for open and meaningful community engagement at every stage of the planning process, including for when local residents may wish to make representations in support of natural capital assets that are important to them and their wellbeing. We oppose any reduction in the rights of individuals to be consulted and comment upon planning applications. The Government should urgently clarify the future rights of local communities in the planning application process.

Biodiversity Net Gain

It is the RSPB's understanding that the Government intends that development permitted under Local Development Orders (LDO) and Neighbourhood Development Orders (NDO) would be captured by the Biodiversity Net Gain (BNG) system. However, the Environment Bill currently proposes that developments permitted under the Nationally Significant Infrastructure Planning (NSIP) Development Consent Order regime, and by Development Corporations would be exempt from

meeting BNG requirements. These mechanisms are now being explored as potential vehicles for delivering large scale housing development including urban extensions and new settlements, and the proposals in the White Paper could markedly increase their use.

There is therefore the potential for numerous major developments to be taken out of the BNG system thereby failing to contribute towards nature's urgently needed recovery. This would substantially undermine a flagship government policy, and leave new towns and developments open to a legitimate charge that they are of lower quality and provide a worse environment to residents and businesses. It is the RSPB's understanding that there is no exemption for Development Corporations to meet BNG requirements afforded as a direct consequence of their establishment by the Secretary of State as no specific decisions on development are impacted on in the decision to create a Development Corporation. However, the individual development application decisions subsequently made by Development Corporations should fall within the provisions of the BNG system as these decisions are not made by the Secretary of State but by the Corporation. Clarification from the Government is requested on this matter.

Without positive clarification or further changes to policy bringing both NSIP and Development Corporation routes to delivery into the BNG system then the RSPB objects to their further and expanded use to bring residential, commercial and infrastructure development forward as part of the revised planning system. As BNG should not apply to protected sites and species (through there already being legal provisions in place to protect them), additional and bespoke measures will be needed where developments progressed through NSIP and Development Corporation consenting routes have a detrimental impact upon them.

Q9a Do you agree that there should be automatic outline permission for areas of substantial development with faster routes for detailed consent?

Ans: No.

The RSPB does not support the automatic granting of planning consent. Development applications should be judged and assessed on their merits with democratically accountable decisions made informed by expert and specialist advice, including from ecologists. The automatic granting of consent for any site should not take place without a full understanding of its ecological significance and value.

Q9b Do you agree with our proposals above for the consent arrangements for renewal and protected areas?

Ans: No.

The RSPB does not support the automatic granting of planning consent. Within both renewal and protected areas development applications should be judged and assessed on their merits with democratically accountable decisions made informed by expert and specialist advice, including from ecologists. The automatic granting of consent for any site should not take place without a full understanding of its ecological significance and value.

Q9c Do you think there is a case for allowing new settlements to be brought forward under the nationally significant infrastructure projects regime?

Ans: No.

The RSPB does not support new settlements being brought forward under the nationally significant infrastructure projects regime or by Development Corporations. New settlements should be brought forward through local plans, and with masterplans to guide their implementation, ensuring for local democracy and full public and stakeholder engagement which the NSIP regime limits. Should the proposal be adopted then it is essential that Nationally Significant Infrastructure Projects and Development Corporations are required through legislation to deliver Biodiversity Net Gain.

Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology

Proposals to speed-up decision making must not come at the cost of environmental outcomes.

The White Paper makes clear the Government's intention to speed up the timescale for the determination of planning applications including through sanctions and within statutory time limits. There is a risk that this will drive local planning authorities to accept poorer quality developments, including in respect of environmental considerations. The Government seems to be relying upon mandatory design codes and masterplans to mitigate this risk, however this can only be effective to a degree and only if they are produced with a sufficiently broad scope and to the right quality. They must require the creation of nature rich developments and communities and consider a range of measures that intend to respond to a changing climate, including SuDS, and prioritising nature-based solutions. The priority for speed must not override that of quality if we are to create places to be proud of and that will remain functional for decades to come, helping to secure and sustain nature and its recovery for public access and enjoyment.

The RSPB strongly opposes the idea of driving the planning application determination process towards 'decision by algorithm' through machine-processing, not simply because such technology is unproven and the data insufficient, but because land use planning decisions are fundamentally not quantitative decisions but require qualitative judgments and assessments as to weight. The removal of human judgement and discretion in planning decisions risks the removal of nuance, broad intelligence and - quite literally - the humanity from planning decisions.

The suggestion that some types of application should be deemed to have been granted planning permission if there has not been a timely determination is concerning, as this leads to the potential for developers to stall progress in addressing issues of concern once an application has been validated in order to get a lower quality development through the system. It is important that local planning authorities retain the ability to plan positively and with vision for their local areas, working with developers to secure good quality outcomes even if that takes a little longer, and resisting inadequate or inappropriate proposals. A push for speed must not triumph over good placemaking.

We are concerned that documentation in support of major planning applications is to be limited to just 50 pages. No clarity is provided as to what aspects of current evidence and information should be left out or reduced. It is important that planning decisions are made using full, rounded and sound information if unintended consequences, or indeed refusals to grant planning consent on the basis of a lack of information, are to be avoided. Reliance upon just a limited planning statement may in many cases be inadequate for stakeholders like the RSPB to be able to properly scrutinise

evidence and provide advice to local planning authorities on Biodiversity Net Gain calculations and ecological information. Indeed planning applications can frequently underestimate or under-play their impact upon the environment, and without such information being made available to stakeholders the effectiveness of the Biodiversity Net Gain system could be undermined to the detriment of nature and communities. Whilst some people may be deterred from engaging with the planning system due to the size and technical complexity of some of documents involved, it is important that sufficient information continues to be made available to decision-makers and professional advisers. We would suggest that the proposed planning statement of 50 pages (with clear guidance provided on what information should be included) is supported by appendices containing technical and detailed information and that all is made available for full public and stakeholder access and scrutiny.

Q10 Do you agree with our proposals to make decision making faster and more certain?

Ans: No.

The RSPB is extremely concerned that a drive for quicker and rules-based decisions come at the cost of quality outcomes including for the environment.

Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.

Proposals to make Local Plans more visual and map-based should not be at the expense of basing them on robust and appropriate evidence, or upon widespread public and stakeholder scrutiny. A greater use of digital technology would bring some benefits including, for example, the integration of climate change and hazard projections, and the use of spatial overlays of environmental data in the preparation of LNRS. However greater digitisation is not a single solution for effective community and stakeholder engagement. The Government should set out clear statutory requirements for widespread and inclusive consultation and engagement of all sectors of society. The statutory standards must include the preparation of robust environmental impact assessments open to consultation and scrutiny. Consultation must be meaningful and there should be a requirement set out in legislation for local planning authorities to give serious consideration to all consultation responses received and to make publicly accessible their response to them. There should be a maintained right for this to be challenged and scrutinised at Examination in Public if stakeholders do not feel that their representations have been appropriately dealt with prior to any approval of the proposed plan. Local planning authorities should be permitted to exceed the statutory requirements should they wish in response to local circumstances.

Whilst we have already signalled our concerns that the proposals limit the ability of communities, stakeholders and democratically elected representatives to engage in the planning system meaningfully to essentially just one stage, that of plan-making, we would support the Government's wish to see a greater depth and breadth of community engagement at that stage. However it should be extended to all stages of the planning process. What good community engagement looks like will depend on the places in question - so processes will need to reflect the character of specific localities (for example if there are significant proportions of 'harder to reach' groups or urban areas with very high turnover of residents). The voices of key sectors of society including young, Black and Minority Ethnic (BAME), and less affluent people have historically been under-represented in plan-making, and it is important that this situation is rectified. We would therefore suggest that the Government sets a framework to ensure the proactive and meaningful engagement of all sectors of society

(including those historically under-represented) whilst encouraging and requiring local planning authorities to go above and beyond it where necessary to reflect the specific circumstances of their locality. Appropriate approaches and techniques could be deployed, including learning from past practices such as 'Planning for Real' and 'Charettes' as well as developing new techniques to complement them.

With specific regard to younger people, the RSPB has consulted its Under 25 Youth Forum whose members have confirmed that young people are generally not aware of the role of the planning system; don't understand that there are opportunities to influence the future of the places within which they live; and don't feel confident enough to have a voice. In short, the planning system is not on their radar and feels beyond them to engage with. Forum members have suggested some ways in which these problems could be addressed, including through local planning authorities engaging 6th forms at key stages in the plan-making process, and making the planning process the subject of school projects enabling younger people to engage with it under the guidance of their teachers to give them confidence in having their say. Local Planning Authorities should therefore do more to proactively engage the teaching community. Whilst the greater use of social media was thought to be helpful, more traditional techniques of communication including letters to the local community should not be discounted particularly as 'generation Z' seems to be increasingly rejecting social media as a means of communication and engagement. Other ideas that were suggested including holding separate public meetings or events for younger people where they may feel more confident in speaking; and potentially to develop a mentorship system with local youth group leaders where such groups exist.

It is also worth noting that many people, particularly from older generations and less affluent communities, still access local plan and development application information through paper-based formats as they do not have ready access to appropriate digital technology. Indeed some of our own volunteers rely on analogue information made available to them through local council offices as their means of engaging in the planning process. Inequalities in access to appropriate digital technology could sustain across generations. It is therefore important that the planning system, and information in relation to it, continues to be made available for all via a range of formats and approaches, both digital and analogue in nature. If information is to only be made available digitally then the consequence would be to disenfranchise sections of society as has been witnessed in differential access to digitally based home-learning opportunities during the Coronavirus pandemic. This would not be in-line with the Government's stated 'levelling-up' agenda. A more inclusive approach is required which recognises that people's access to digital technology varies.

Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.

All local planning authorities should have an up to date local plan in place. The aspiration of the Government to achieve this is therefore welcomed in principle. However it is more important that plans are produced in the right way and to the right quality and standard. Currently the standard of environmental and ecological data available to local planning authorities, both in terms of breadth and granularity, is inadequate to underpin the designation of zones without detailed survey work. Without a rapid and significant step change in the quality of environmental data available and taking into account the likely level of professional and technical capacity available to make up for deficiencies by undertaking local level assessments, local authorities cannot realistically be expected to produce local plans within 30 months that have full and proper regard to environmental and ecological considerations.

The planning system should be open to meaningful public and stakeholder engagement and scrutiny at all stages. We therefore object to the proposal at stage four of the proposed plan making process whereby the plan making authority and all those who submitted comments would only have the right to be heard in a way that would be at the Inspector's discretion. This would dilute the current statutory right to be heard and could reduce the ability of individuals or organisations to engage in the examination process to merely a telephone call or email.

In order to keep local plans up to date the RSPB supports the requirement that each planning authority reviews its local plan at least every five years.

Proposal 9 : Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools.

The RSPB supports the retention of Neighbourhood Plans. Local communities should be able to play a central role in shaping and creating the area in which they live, including to help identify, protect and enhance habitats and natural spaces as well as influencing the design and style of buildings. The knowledge gained and held by local residents contributes towards our body of nationally and internationally significant environmental information.

Q13a Do You agree that Neighbourhood Plans should be retained in the reformed planning system?

Ans: Yes.

The RSPB supports the retention of Neighbourhood Plans. Local communities often have a deep knowledge and attachment to the environment and natural world around them, and it is an important principle of good planning systems and local democracy that they should have opportunities to help identify, protect and enhance habitats and natural spaces that are important to them. They should also be able to comment on planning applications within their locality.

Pillar 2 : Planning for Beautiful and Sustainable Places

The RSPB very much welcomes the government's assertion that "*planning should be a powerful tool for creating visions of how places can be, engaging communities in that process and fostering high quality development : not just beautiful buildings, but the gardens, parks and other green spaces in between, as well as the facilities which are essential for building a real sense of community. It should generate net gains for the quality of our built and natural environments - not just no net harm*". We also support the recognition that all too often places built during recent decades have failed to create good quality environments of which local people can be proud. The right planning system, guided by appropriate national policy, has the ability to rectify the situation.

To that end we welcome in principle the introduction of mandatory design codes and masterplans to underpin and raise the quality of new development. In line with the sentiment above, it is essential that these design codes and masterplans do not simply deal with the aesthetics of buildings but wider public realm and quality of place. This must include ensuring access to high quality and nature-rich open spaces for all, and ensuring that the new developments take steps to be nature friendly and to support nature's recovery as well as being climate resilient. Now and in the future land use choices will be fundamentally affected by increasing hazards, health impacts and threats to critical

infrastructure. We set out the wide range of benefits to society and the economy of access to nature-rich greenspace in our report 'Recovering Together 2 – Investing in nature for a greener, fairer future'.⁷

Developments such as by Barratt Homes at Kingsbrook, Aylesbury (see Case Study 3 below) have demonstrated what can be achieved on-site and the Government is urged to reflect many of the principles adopted there (examples including planting using native species, SuDS, incorporation of hedgehog highways and bird boxes including for Swifts etc) and include them within the national model design code. They should also be required to be included in all local authority design codes and masterplans in due course.

Case Study 2 : Kingsbrook nature-friendly housing development, Aylesbury

Kingsbrook is a new housing development outside the town of Aylesbury in Buckinghamshire. Housebuilder Barratt Homes signed a Section 106 agreement with Aylesbury Vale District Council (now Buckinghamshire Council) to deliver industry-leading amounts of wildlife habitat and nature-rich greenspace. The RSPB has been advising Barratt Developments on the design and creation of wildlife features, green infrastructure and nature-rich greenspace within and around the new houses with the aim of setting a new standard for nature-friendly housing development. When complete, Kingsbrook will have 2,450 new houses with 60% of the site made up of greenspace, not including gardens and a 100ha nature park.

Jo Alden, Technical Director at BDW North Thames*, says:

“Kingsbrook is a new housing development in the Buckinghamshire town of Aylesbury delivering 2,450 new homes, together with 3 new schools and additional community infrastructure. So far the project has been a great success, winning a variety of top national awards for our partnership with the RSPB.

Whilst the development is only 1/3 complete, a key part of its commercial success has been the understanding of customers who have been attracted to the development as a direct result of the green space and wildlife initiatives. The conservation and wildlife enhancement is not limited to just enhancing existing green features but extends throughout the development into the built environment to include elements such as hedgehog highways, bird and bat roosting boxes, native planting and wildlife friendly gardens. An understanding and appreciation of this philosophy was an integral part of the development’s success so we ensured that all of the marketing areas showcased the wildlife features and displayed bespoke literature. We also included measures individuals could take to further integrate wildlife into their own homes and private spaces.

“The commercial success of the project undoubtedly owes much to these initiatives and may have added to Aylesbury’s quest to gain Garden Town status which was awarded in January 2017.”

*BDW Trading Limited / Barratt Developments plc

⁷ 'Recovering Together 2' RSPB, 2020 : <https://www.rspb.org.uk/globalassets/downloads/get-involved/campaigning/rspb-greenspace-report.pdf>

Q15 What do you think about the design of new development that has happened recently in your area?

Ans: Too much new development has failed to create nature-rich environments with all the benefits that this brings for the health and wellbeing of people and for nature's recovery.

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

Ans: The RSPB's priorities for sustainability include the creation of nature-rich built developments which include greenspaces accessible to all; and measures specifically to address both the climate change and biodiversity crises. Such measures must make reference to water and energy usage reduction and nature-based solutions, such as the use of blue and green infrastructure. This also needs to be reflected in the new National Design Guide, revised Manual for Streets, and the National Model Design Code.

Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.

There should be strong community involvement in the preparation of local design codes and guidance, and steps should be taken to proactively engage all sectors of the community including young, BAME and less affluent people whose voice has often been under-represented in the plan making process. It is important that national policy does not hamper or stifle the opportunity for local communities to shape their local design guidance, including for it to look beyond buildings and to seek to ensure the new development and the places that we create provide a home for nature. Critically however, the involvement of local residents in the preparation of design codes is not an acceptable substitute for removing their subsequent right to comment upon development proposals within their locality.

The introduction and preparation of local design codes and masterplans across England will generate an enormous amount of work which stakeholders such as NGOs will find it difficult to engage with and assist. The national model design code and government guidance must therefore provide clear advice and standard clauses which local planning authorities can easily use and apply in ensuring that their policies are fit to support nature's recovery and address the climate and biodiversity crises. The RSPB would welcome opportunities to work positively with Government to establish an appropriate framework and help ensure that this is the case.

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

Ans: In part.

The RSPB supports the greater use of mandatory design guides, codes and masterplans in principle. However it is essential that these do not simply confine themselves to the aesthetics of buildings but to ensure the creation of healthy and vibrant places where people and nature can coexist harmoniously. This must include provisions for water and energy efficiencies, nature-based solutions, and the inclusion of blue and green infrastructure. Whilst supporting the use of mandatory

design codes, their use is not an acceptable substitute for removing the subsequent right of communities to comment upon development proposals within their locality.

Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.

Public sector planning services have been hit financially in recent years and suffered low morale. The RSPB therefore welcomes the recognition that Government is now giving with the proposal that each local authority is required to have a chief officer for design and placemaking. It is not however clear how this would differ from the reality of there currently ultimately being a chief officer responsible for planning functions (including design, placemaking and related professional services) in all local authorities. It may be more appropriate that all Local Authorities are required to have a Chief Planner as part of its senior leadership team.

Similarly the proposal to establish a body to support the delivery of local design codes is welcomed in principle and would help to address the gap left by the disbandment of CABE. It is important once again that this body does not simply have an architectural and building design focus but wider expertise around placemaking and the importance of nature-rich buildings and green spaces for the health and wellbeing of communities.

Q18 Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place making?

Ans: Yes, with caveats.

The RSPB supports the proposal that all local authorities are required to have a chief officer responsible for design and placemaking but would like to see the Government go further and require that all local authorities be required to have a Chief Planner as part of its senior leadership team. We support in principle the establishment of a new body to support design coding and building better places, however it must have a broader remit including expertise and a responsibility to promote planning and designing for enhanced biodiversity and the recovery of nature.

Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.

The RSPB cannot support the introduction of an expedited consent route for developments of 'beauty' as proposed, particularly if this circumvents environmental assessment regulations and procedures and facilitates unsustainable development.

The proposal to introduce a fast track for 'beauty' is intriguing as providing beautiful buildings and places is an important goal for the planning system. However, at worst this could be merely a 'sound bite' or a charter for inappropriate development that will reduce quality of life but happens to meet a list of criteria for 'beauty'. It is unclear as to whether and how robust environmental assessment will be applied to such "fast-tracked" developments and how the environmental protections provided by the current environmental assessment process will be retained. As such it could be a fast and easy route to inappropriate and unsustainable development. It is also unclear as to what scale of development will be eligible for this.

Depending upon how 'beauty' is defined, there is a risk that this proposal could remove the opportunity for local planning authorities to push for higher quality design outcomes that respect the special character of their areas with potentially flawed criteria that lead to arguably less beautiful and 'identikit' developments. Much hinges upon the definition of 'beauty' but this has not been provided. For the RSPB 'beautiful developments' are not created by simply deploying an architectural design style set out within a pattern book, but are places where buildings, people and nature coexist harmoniously to create interest and support people's lives. The Government's definition of 'beauty' must reflect this.

In light of the crashing decline of England's wildlife and the overwhelming evidence that people find great beauty and solace in nature, beautiful developments must include substantial and sustainable biodiversity gains as well as including measures and design features to adapt to and mitigate climate impacts. Indeed, the Building Better Building Beautiful Commission in its final report 'Living With Beauty' recognised the importance of greenspace and access to nature for the health and wellbeing of communities and the success of places. Policy Proposition 30 suggested that, through a revised NPPF, planning authorities could require greater access to greenery, both in terms of access to greenspace but also to nature. Policy Proposition 33 encourages a greening of squares and spaces, including with bricks for birds and bees in new developments and the designation of some streets as green corridors.

We do however have a specific concern around widening and changing the nature of permitted development to enable replicable forms of developments to be approved easily and quickly in order to increase the density of settlements. Under current proposals, permitted development and most development orders would be exempt from meeting the Environment Bill's Biodiversity Net Gain (BNG) requirements and as such this proposal could lift significant amounts of development out of the BNG system (further exacerbating the issue that we have already highlighted in respect of the greater use of the NSIP consenting route and Development Corporations) and rendering it unlikely to contribute towards the creation of nature-rich communities. As noted above, these developments would provide a lower quality of life – and in this context with far less beauty – than developments that are not exempt. This shortfall would not go unnoticed by existing communities and by new residents and businesses, particularly following the current pandemic. Covid-19 has highlighted the importance of nature and access to greenspace to people and their health and wellbeing, and the further increase in density of settlements while massively expanding the loopholes in the Biodiversity Net Gain system would be short-sighted and socially unacceptable.

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

Ans: No.

At this stage beauty has not been defined nor the case for it needing to be fast-tracked justified. It must relate to more than simply the aesthetics of buildings but the creation of places where people and nature can coexist in harmony. Any 'fast track for beauty' must not trade speed off against a sound understanding of the environmental impacts of the proposal through proper assessment. The RSPB does not support the further expansion of permitted development rights as these typically result in development of a lower standard, however should these be used to facilitate replicable developments of 'beauty' then such development should be brought within the Biodiversity Net Gain regime.

Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.

We support the principle of this proposal; however, we are concerned that the simplification of environmental impact assessments (paragraph 3.25) may weaken, not strengthen, protection and enhancements opportunities, and this must not happen.

The RSPB welcomes the Government's statement that "*the reformed planning system will continue to protect the places of environmental and cultural value which matter to us*". Essential as areas of nature conservation designation are, it is critical to recognise that nature does not, and cannot, merely exist within these isolated sites of highest environmental value but requires wider and connected environments and habitats in which to move and thrive. The Lawton Report 'Making Space for Nature' (2010) identified the need for there to be more, bigger, better, joined up and resilient habitats for nature if its decline is to be stemmed. The reformed planning system therefore needs to take a holistic view of nature and the environment and to avoid compartmentalising it into certain areas. In terms of securing nature's recovery, it would not be an acceptable planning system that results in biodiversity within 'protected' zones merely retaining something akin to current levels of protection at best whilst biodiversity in 'growth' and 'renewal' zones suffers from a significant reduction in its level of protection.

We do welcome reference to Local Nature Recovery Strategies (LNRS) and their potential to secure enhancements through development schemes and contributions. It is not however clear how these are to link and relate to the statutory planning system, and how much weight and significance the planning system will be required to give to them. There is clearly an opportunity to better integrate the Government's proposed planning reforms with its Environment Bill provisions if its aspirations are to be realised. We have suggested one potential mechanism through which this might be achieved in relation to Proposal 3 above.

The RSPB is also disappointed to see that water is an omission in this statement despite the Government's own admission of the current and future water demand and supply challenges; the abysmal condition of waterbodies (no waterbodies in 'good' overall condition); the desire to include targets on water consumption in the Environment Bill; and current failure to reach the 25 Year Environment Plan targets for water. The role of the planning system in water resource management is fundamental. From an environmental perspective it ensures a continued water supply for nature (eg maintaining the condition of habitats as well as water quality) and ensures space for flood mitigation and attenuation. This omission must be addressed whilst recognising the value of nature-based solutions at the landscape and individual development or property scales.

The RSPB is also very concerned with the statement that there is scope to marry the way that environmental issues are considered with a simpler approach to assessing environmental impacts. The Strategic Environmental Assessment (SEA) and Environment Impact Assessment (EIA) regimes are fundamental to taking environmental impacts into account at plan-making and, for major developments, at project stage. It is critical that the environmental impact of individual proposals is considered properly; EIA is only applicable to a very small proportion of all planning applications. The RSPB strongly opposes any weakening or abolition of EIA or SEA.

Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.

Environmental assessments are not the cause of delays in the planning system, and certainly are not suppressing build-out rates. As already stated, we are very concerned about proposals to simplify these processes without the details of the alternative options.

Whilst supporting any ambition to protect and enhance habitats and species, the RSPB has real concerns about the wording of this proposal as a whole and its intention. As already referenced, The Lawton Report (2010) made clear that nature cannot recover if compartmentalised into specific areas. The planning system therefore needs to support nature's recovery wherever it is found and not merely limit its focus upon "*the most valuable and important habitats and species*". We are also concerned about the reference to strengthening the protection for "*species, habitats and ecosystems of national importance and that matter the most to local communities*" as it is at least as important to give similar protections to species, habitats and ecosystems of international importance. Furthermore, the RSPB would strongly resist any attempt to redirect conservation and habitat protection as it has come to be understood in the scientific community and replace it with a system that is skewed towards protecting only those well recognised and photogenic species that have been flagged by local communities. Such an approach is not the basis of any serious environmental protection or planning regime.

The RSPB is also gravely concerned about the intention to make changes to the framework for assessing environmental impacts and enhancement opportunities. The White Paper is opaque in relation to what mechanisms it is specifically addressing, but we take this to mean Environmental Impact Assessment and potentially Habitats Regulations Assessment. Whilst we would support greater environmental and ecological assessment at the plan-making stage, the level and quality of data available at a national level, both in terms of breadth and granularity, is currently wholly inadequate for this to properly take place and to ensure appropriate safeguards for habitats and species. Such strategic level assessments early in the plan-making stage are no substitute for detailed on-site environmental impact assessment in relation to specific proposals particularly given that the circumstances may have changed significantly since the original strategic plan level assessment was undertaken.

It is important that appropriate on-site survey and assessment work is undertaken both at the plan-making and planning application stages and that the results are stored and made available through an enhanced national environmental data information system. Natural England guidance has previously been that data should be within two to three years of a planning application or otherwise be considered out of date, and given that zones could remain in place for 10 years or longer then the importance of up-to-date on-site survey information is all the more critical.

Given the proposed abolition of Sustainability Appraisal, the RSPB would strongly oppose any further weakening or abolition of Environmental Impact Assessments, Habitat Regulation Assessments, and Strategic Environmental Assessment for the reasons outlined above.

We note with concern that the consultation poses no specific questions in relation to Proposals 15 and 16. This omission is puzzling.

Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

The RSPB would strongly support ambitious measures to improve the energy efficiency standards for buildings in a drive to meet carbon net-zero. However, it is regrettable that the White Paper is not sufficiently ambitious in this respect particularly given that the former Code for Sustainable Homes set this target to be delivered by 2016. Climate change is a real and pressing danger and there is an urgent need for greater ambition within the White Paper's carbon reduction proposals.

Pillar 3 : Planning for Infrastructure and Connected Places

Q21: When new development happens in your area, what is your priority for what comes with it?

Ans: New development should provide nature-rich greenspace accessible to all and measures that specifically address the biodiversity and climate change crises.

Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.

The RSPB does not support the abolition of existing developer contribution funding mechanisms (including S106 and the Community Infrastructure Levy) and their replacement with a single Infrastructure Levy.

The White Paper proposes to abolish Section 106 and the Community Infrastructure Levy (CIL) and to consolidate these into a single Infrastructure Levy. Both Section 106 and CIL have been important sources of funding for essential conservation, including supporting important local compensation schemes as well as strategic mitigation schemes protecting internationally important protected areas. Examples of the latter would include the Thames Basin and Dorset Heath areas which are enabling housing growth to take place within high demand localities whilst relieving the resulting recreational pressures upon vulnerable and important habitats and landscapes of national and international significance. The scope of the Infrastructure Levy must explicitly provide for the ring-fencing of monies to support strategic mitigation schemes to avoid damage sites within the National Sites Network. This is essential if the Government is to deliver its 30% target of land protected for nature by 2030.

The Infrastructure Levy must also contribute towards wider biodiversity protection and enhancement outside of the National Sites Network, as well as the creation of accessible nature-rich open spaces for communities. Without an increase in the amount of resource generated then it will not be possible to deliver essential mitigations to safeguard the environment and support nature's urgently needed recovery with the many socio-economic benefits that brings.

Whilst the move to a single Infrastructure Levy might provide greater visibility of costs upfront to developers and investors, there are real implications for the delivery of infrastructure and works as a consequence of the Local Planning Authorities collecting Infrastructure Levy receipts but then being responsible for ensuring delivery, which in the case of S106 Agreements would often be undertaken by the developer. It is also unclear how the proposed new arrangements would work in cases where there is doubt as to the possible effects and effectiveness of mitigation and compensation. At present under such circumstances, an expert steering group may be established to review, monitor

and provide advice on further action needed if necessary. These groups do a considerable amount of work on behalf of developers, and at no direct cost, in enabling development that may otherwise be unacceptable to come forward. It is unclear how this would work within a Local Planning Authority administered tariff-based system, and how this would support the objective of bringing forward sustainable development.

The adoption of a single tariff-based levy across England could exacerbate inequalities, including in relation to access to nature-rich greenspace. Communities living in low value areas may suffer disproportionately as those areas will be less able to generate funds from growth to reinvest into community infrastructure including greenspace. Unless there is a mechanism to more fairly distribute income generated from high value areas across both high and low value areas it is difficult to see how this proposal would do anything other than undermine the Government's levelling-up agenda.

There is also a concern that the White Paper suggests that sums will only be payable as development is completed. This mitigates against essential service facilities and environmental benefits being implemented by the developer, as the development proceeds, and not afterwards. The White Paper suggests that this could be overcome by local authorities borrowing to fund infrastructure up-front and then secure Infrastructure Levy funding later on. This shifts the obligation for provision from the developer to the public purse with local authorities then having to secure the repayment in retrospect. This in itself increases risk and will become a major bureaucratic process at a time when the White Paper claims to be trying to reduce bureaucracy and delay. This is but one of the additional burdens that would be brought upon already decimated local planning authorities by proposals within the White Paper, and together with the uncertainties created for investors and developers could act to suppress rather than stimulate housing supply.

Throughout the White Paper a greater recognition for nature-based solutions is needed. Future changes to planning obligations need to ensure that environmental enhancements and nature-based solutions are prioritised for their multiple benefits. Appropriate on-site improvements should be provided by the developer as and when the development takes place not at some time after the development has been completed, which would inevitably be more costly and more complex to implement.

Q22a Should the government replace the community infrastructure levy and section 106 planning obligations with a new consolidated infrastructure levy, which is charged as a fixed proportion of development value above a set threshold?

Ans: No.

Section 106 and CIL provides funding for essential locally specific environmental mitigation and conservation work associated with new development. It is essential that any replacement system provides at least equivalent resource. For the Government to meet its target of protecting 30% of land for nature by 2030, there must be a ring-fencing of monies to support strategic mitigation schemes to avoid damage sites within the National Sites Network. The RSPB is seriously concerned that the proposal to establish a consolidated Infrastructure Levy will result in little or no such funding coming forward in the face of the biodiversity crisis.

Q22b Should the infrastructure levy rates be set nationally at a single rate, set nationally at an area specific rate, or set locally?

Ans: It is essential that the Infrastructure Levy raises sufficient funds to secure essential community infrastructure including for the provision of nature-rich greenspace and environmental mitigations. The RSPB is concerned that insufficient funds will be able to be generated in low value areas and that there needs to be a mechanism to ensure the equivalent and equitable provision of essential community infrastructure for all if the Government is to meet its levelling-up aspirations.

Q22c 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?

Ans: More.

The Government is proposing that the Infrastructure Levy funds a greater range of activities including high levels of affordable housing delivery and the operational cost of local authority plan-making. Given that existing developer contributions mechanisms are unable to meet the full costs of infrastructure associated with development, with the added burdens now proposed it is essential that the Infrastructure Levy raises significantly more funds. The RSPB is extremely concerned that the Infrastructure Levy, with all of the asks placed upon it, will result in little or no funding for the provision of nature-rich greenspace and essential environmental mitigations including to ensure the continued integrity of the National Sites Network.

Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights

The White Paper proposes a greater extension in the use of permitted development rights to deliver homes, particularly within growth and renewal zones. The point has already been made above that the RSPB does not support this greater use of permitted development rights and that the resulting development would be exempt of Biodiversity Net Gain provisions and therefore fail to contribute towards nature's recovery or the creation of accessible nature-rich greenspaces so important to the health and wellbeing of communities. Should such an extension in permitted development rights be introduced, then the RSPB would support the extension of the scope of the Infrastructure Levy to cover changes in use through permitted development rights as a potential means of securing these benefits for nature and society. However we would reiterate the point made in relation to Proposal 19 that the Infrastructure Levy must include a mechanism to ensure funding for necessary local and strategic biodiversity mitigation and enhancement and the creation of accessible nature-rich greenspace.

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

Ans: Yes.

Whilst the RSPB does not support the wider use of permitted development provisions as it generally results in lower rather than higher quality outcomes and places, where it is used then it is important that it is brought into the Infrastructure Levy and Biodiversity Net Gain systems.

Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy

There will be many competing calls upon the Infrastructure Levy and the RSPB is seriously concerned as to the extent that funding will be available to support the types of important measures for nature and communities that have been able to be achieved through Section 106 and CIL developer contributions. Of the amount of funding available a significant proportion is likely to be committed to affordable housing; a further 25% will be allocated to the neighbourhood share; and a further proportion taken to fund the plan-making costs of local planning authorities. The remainder will also be required to fund 'core infrastructure obligations' as a priority (paragraph 4.27).

How much will be left for nature including through funding support strategic level mitigation schemes? A vital source of funding for conservation could be lost. The RSPB would therefore strongly urge Government to require that a defined proportion of the Infrastructure Levy be set aside to address the biodiversity crisis, contributing towards appropriate measures be they accessible nature-rich green space for local communities or strategic scale mitigations as seen within the Thames Basin Heaths.

It is important to remember that strategic mitigation schemes are legal requirements to enable the conclusion of 'no adverse effect' on a SPA and/or SAC. They were designed to simplify the consent process for small scale (and some large scale) housing developments by providing a strategic solution. However they rely on the collection of Section 106 and CIL and its deployment to fund the various component mitigation measures. If funds are not forthcoming and they are unable to happen then this places the development proposal immediately in an 'adverse effect on the integrity of a site' situation, derogation tests on alternative solutions, IROPI and compensation. This will introduce unnecessary uncertainty, delay and increased costs, precisely what the Government claims it is aiming to avoid. Strategic mitigation sites have been supported across sectors and the planning system must enable them to continue. It is not at all clear whether the proposed reforms will currently enable this.

Q25 Should local authorities have fewer restrictions over how they spend the infrastructure levy?

Ans: In the face of the biodiversity crisis a set proportion of Infrastructure Levy funding should be ring fenced for delivery of nature-rich greenspace and essential environmental mitigations to secure nature's recovery and including to developments impacting upon the National Sites network. Without this happening we are seriously concerned that little or no money will be forthcoming and that nature's freefall decline will continue with serious consequences for society and the economy.

Delivering Change

The RSPB notes that within the context of public assets and investment the Government will explore how the disposal of publicly owned land can support SME and self-build sectors. Whilst recognising that such land has a contribution to support these activities, recognition also needs to be given to its potential contribution to the delivery of locally accessible nature-rich greenspace, Local Nature Recovery Strategies and the realisation of a Nature Recovery Network across England. Not all publicly owned land is situated in localities suitable for sustainable development. Publicly owned land could contribute significantly to ensuring enhanced connectivity between habitats and natural capital assets, and also in contributing towards specific rewilding initiatives. A balance needs to be

struck in making the best and most appropriate use of publicly owned land given the multiple benefits that it has the potential to bring.

In relation to supporting innovation in delivery, the RSPB has a concern about the greater use of Development Corporations, backed by modern delivery models around the country. Not only are there some issues around local democratic accountability, current proposals in the Environment Bill would exempt Development Corporations from the Biodiversity Net Gain system. We set out our concerns in relation to Proposal 5 above. For the RSPB to be able to consider supporting the greater use of Development Corporations and the NSIP system to bring forward major housing development they would first need to be brought into the BNG mechanism.

Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms. In doing so, we propose this strategy will be developed including the following key elements:

The RSPB welcomes and supports the principle of developing a resources and skills strategy for the planning sector. Public sector planning services have been hit badly by funding cuts in recent years with consequent low staff morale, and the RSPB has long argued that local authorities should have ecologists and arboriculturists on their staff establishment or available on contract. It is therefore heartening to see recognition of the need for this within the White Paper.

It is however important that the resources and skills strategy is not merely a document that highlights known needs and makes recommendations to address them, but one that guides the direction of a proper public funding settlement for the sector. There is a concern that by transferring much of the cost of operating the new planning system to landowners and developers that this will reduce the amount of funding available through the Infrastructure Levy for essential community infrastructure and benefits. It may also incentivise local planning authorities to facilitate the approval of development to standards, and in areas, that they may not otherwise have done so due to being reliant on the income that would arise from it as means of meeting their operational costs. This could lead to poor planning outcomes including for the environment.

We are also intrigued and concerned by the statement in Paragraph 5.20 that introduction of the planning reforms will be accompanied by a “deep dive regulatory review” and we will be keen to understand what the Government has in scope for this and the means by which it proposes to consult on the matter.

Proposal 24: We will seek to strengthen enforcement powers and sanctions

The RSPB supports the principle of strengthening the enforcement powers and sanctions available to local authorities with regard to the implementation of development. Enforcement has long been something of a Cinderella service within local planning authorities and again should be supported through a proper public funding settlement. The White Paper is vague as to how enforcement powers and sanctions will be strengthened. Proper resource needs to be made available to ensure full compliance with the requirements of the Biodiversity Net Gain system, and in relation to the incorporation of any features designed to support nature’s recovery as set out within local design codes and masterplans.

Equalities Impacts

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?

Ans: Yes.

The proposals within this White Paper will exacerbate inequalities through reducing the relative access of disadvantaged communities within areas of lower land value to nature rich-green space. This may come as a result of brownfield sites within renewal areas securing permission in principle for development; the greater use of permitted development rights; and the Infrastructure Levy providing insufficient resources to fund the provision of new greenspace for communities. It is likely that people with protected characteristics are likely to be disproportionately represented within such communities. The Government should publish its own Equalities Impact Assessment of these proposals.

The RSPB hopes that the comments set out in this representation to consultation are helpful. For any further information please contact Carl Bunnage, Senior Policy Officer – Planning (carl.bunnage@rspb.org.uk) in the first instance.