

# National Planning Policy Framework

## Consultation questions

We are seeking your views on the following questions on the Government's proposal for a new National Planning Policy Framework.<sup>1</sup>

Email responses to: [planningframework@communities.gsi.gov.uk](mailto:planningframework@communities.gsi.gov.uk)

Written responses to:

Alan C Scott  
National Planning Policy Framework  
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### (a) About you

#### (i) Your details

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

Organisational response

Personal views

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

Yes

<sup>1</sup> (see: <http://www.communities.gov.uk/publications/planningandbuilding/draftframeworkconsultation>)

No

Name of group:

WWF-UK is a member of the Wildlife and Countryside Link (WCL) and is a signatory to the response submitted by WCL. Our comments in this response are additional to the WCL response.

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

- Private developer or house builder
- Housing association or RSL
- Land owner
- Voluntary sector or charitable organisation
- Business, consultant, professional advisor
- National representative body
- Professional body
- Parish council
- Local government (i.e. district, borough, county, unitary,etc.)
- Other public body (please state)

Other (please state)

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

Yes

No

DCLG will process any personal information that you provide us with in accordance with the data protection principles in the Data Protection Act 1998. In particular, we shall protect all responses containing personal information by means of all appropriate technical security measures and ensure that they are only accessible to those with an operational need to see them. You should, however, be aware that as a public body, the Department is subject to the requirements of the Freedom of Information Act 2000, and may receive requests for all responses to this consultation. If such requests are received we shall take all steps to anonymise responses that we disclose, by stripping them of the specifically personal data - name and e-mail address - you supply in responding to this consultation. If, however, you consider that any of the responses that you provide to this survey would be likely to identify you irrespective of the removal of your overt personal data, then we should be grateful if you would indicate that, and the likely reasons, in your response, for example in the comments box.

## (b) Consultation questions

Before responding to the specific consultation questions, WWF has some additional comments to make.

### Introduction to the draft NPPF

Paragraph 2 advises that the Government ‘expects’ the planning system to ‘deliver’ homes, business, etc that the country needs. In WWF’s view, this represents a very narrow view of what the planning system should be used for. Yes, the planning system can help deliver development (although we would suggest that ‘facilitate’ is a better term, as it is really people who deliver development), but an effective spatial planning system can do so much more. The Government should not lose sight of all the benefits that planning can bring. Planning is the system through which economic, environmental and social policies, priorities and objectives can be integrated and implemented on the ground. It is an essential element of our modern society, to ensure that our needs can be met in a way which considers the opportunities for, and restrictions on, use of land and resources now and in the future. The planning system also provides an important opportunity for people to be involved in decisions that affect their lives. Currently, the wider role of planning is recognised within Planning Policy Statement 1: Delivering Sustainable Development (PPS1), which states:

*“Spatial planning goes beyond traditional land use planning to bring together and integrate policies for the development and use of land with other policies and programmes which influence the nature of places and how they can function. That will include policies which can impact on land use, for example by influencing the demands on or needs for development, but which are not capable of being delivered solely or mainly through the granting or refusal of planning permission and which may be implemented by other means.”<sup>2</sup>*

**WWF recommends** that this view of the role of the planning system should be retained within the draft NPPF.

The first bullet point in paragraph 3 states that national policies will set out the “*Government’s requirements for the planning system and how these are expected to be addressed*”. This appears inconsistent with the Government’s commitment to Localism, and indicates that national policies will be prescriptive rather than empowering. **WWF suggests** that this should be reworded to:

*“national policies which set out national priorities and objectives for the planning system and guidance on how they can be integrated into local planning and decision making”.*

Paragraph 3 is also missing an important reference to the need for strategic, ‘larger than local’ planning. **WWF recommends** that a new bullet point is inserted to ensure that the message is clear that an effective planning system includes cooperative, collaborative planning on strategic matters.

Paragraph 6 refers to the national policy statements and how nationally significant infrastructure projects will be decided in accordance with that framework. However, the draft NPPF does not include information to clarify what that framework is and why it is different. This may be confusing, particularly for a community member who may not have the knowledge of the Planning Act 2008 regime. **WWF recommends** that appropriate references

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<sup>2</sup> Planning Policy Statement 1: Delivering Sustainable Development (2005), paragraph 30, pgs 12-13

are provided, as well as links on where a person may go to find out further information. It would also be beneficial to provide a sentence or two clarifying the exact relationship between the National Policy Statements and the NPPF.

The introduction to current Planning Policy Statements contains the following statement:

*“These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.”*

**WWF recommends** that this statement is retained within the NPPF to clarify the relationship between the NPPF and existing national policy that may also be relevant to planning and decision making.

WWF welcomes the statement within paragraph 8 that planning policies and decisions should not just ‘be compatible with’, but should also ‘further the achievement of’ relevant EU obligations and national statutory requirements where appropriate.

#### Format of the draft NPPF

WWF is concerned with the general format of the draft NPPF, that it simply takes forward a topic lead, siloed approach to policy development with no clear guidance on how each of the topic areas interrelate or interact with each other. The consequence is likely to be that the policies on each topic operate in isolation of the others with uses and activities always competing against each other. This can only lead to trading off between the different objectives rather than integrated delivery of multiple objectives and benefits. WWF is concerned that this may limit the ability of the planning system to act as a policy coordinator, bringing together the different interests and needs of local communities and delivering solutions in an integrated, forward thinking and sustainable way.

To rectify this, **WWF suggests** a new approach to the whole format of the draft NPPF could be adopted, for example, using the principles of sustainable development as the overarching themes with relevant objectives and policies grouped as follows:

#### Living within Environmental Limits

What environmental limits mean<sup>3</sup>, resource use (including minerals), Green Belt, climate change mitigation and adaptation, renewable energy, flooding, coastal change, protecting and enhancing the natural environment

#### Ensuring a Strong, Healthy and Just Society

Housing, design, sustainable communities, health and wellbeing, social cohesion and inclusion, green infrastructure, cultural and historic environment

#### Achieving a Sustainable Economy

Sustainable economic growth (including definition), economic development, town centres, rural economy, transport, communications

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<sup>3</sup> See our comments further below (page 9) on what this could include and evidence that could be used to form objectives and policy in the NPPF.

### Using Sound Science Responsibly

Evidence base, impact (environment, social and economic) assessments, uncertainty and use of the precautionary principle

### Promoting Good Governance

Plan making, planning strategically across boundaries, development management

We note that there may be a need to address particular policy topics under more than one principle, because of the interrelationships between them. This should be recognised and appropriate links can be made.

### Use of language and definitions

WWF acknowledges that workable and robust statements of policy do not require pages of detail. Good policy can be written in a direct, clear and succinct way - but careful consideration must be given to wording and tone in order to achieve this. One of the worrying aspects of the draft NPPF is the loose language or its tone, rather than the lack of substance. Where the draft NPPF refers to policies on economic development, the language used is direct and a highly obligatory tone dominates references to the need for development. However, the messaging surrounding other areas of policy is more vague and simplistic, seeking to establish complex considerations in one short sentence using undefined terms. In addition, the use of a more recommendatory, rather than obligatory, tone for policy areas other than economic development implies they are less important and are to be given less weight in decision making.

There are many terms used throughout the draft NPPF which remain undefined, and may then lead to inconsistent interpretation and errors in application. For example, the draft NPPF constantly refers to 'Local Plans', but without any explanation for the change in terminology from Local Development Frameworks or the development plan. It is also not clear what is encompassed within the 'Local Plan', whether it includes all or only some of the documents that might be produced as part of a Local Development Framework or whether it includes a neighbourhood plan or development order.

Other examples of terms that need definition or greater explanation include 'sustainable economic growth', 'environmental enhancement', 'planning performance agreements', 'green areas', 'landscape-scale', 'environmental or amenity value', 'green infrastructure', etc. These terms are drawn from various other policy or guidance documents with established meaning, which should be taken forward in the NPPF and included within the glossary. It should not be assumed that because terms are commonly used that their meaning is well understood and applied.

There are also several statements which create obligations for local authorities, but it is not clear what will need to be done to fulfil the obligation – for example:

- the requirement for Local Plans to “address the spatial implications of economic, social and environmental change” (paragraph 22);
- the requirement to prepare a “strategy for the environmental enhancement of the area” (paragraph 24);
- the opportunity to “seek a certificate of conformity with the Framework” (paragraph 26);

- evaluating the economic, social and environmental “prospects” of the area (paragraph 27);
- planning to deliver “safe places which promote wellbeing” (paragraph 163);
- providing “net gains in biodiversity” (paragraph 164).

As will be discussed in more detail below, the key area where WWF is concerned that there is not sufficient guidance or clarity of policy is the presumption in favour of sustainable development. The presumption is the predominant consideration in the application of the draft NPPF and is repeated many times, albeit using inconsistent terminology, throughout the document. However, it is not clear how local authorities, or the Planning Inspectorate, are to determine when a Local Plan is “*absent, silent, indeterminate*” or “*out-of-date*”. It is also not clear what will be needed to show that adverse impacts “*significantly and demonstrably outweigh the benefits*” of a proposed scheme, and who will need to provide the evidence for a decision to be made.

## Delivering Sustainable Development

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

1(a) – Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input checked="" type="checkbox"/> |

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

WWF is a keen advocate of sustainable development and works hard with the government, business and communities to ensure that we can live within environmental limits. The Government has confirmed that it is taking forward a pro-growth agenda to address the economic deficit. WWF is not against growth and economic development, yet we strongly believe that growth must be sustainable and respect environmental limits. The depletion of natural resources caused by human consumption poses risks to our economic security. We cannot afford to continue to exploit natural resources to their maximum limits. If we do, the scarcity of resources and degraded natural systems will increase the costs of commodities that we need to survive, such as food, raw materials and energy. We must continue urgent and effective action to achieve sustainable development, to reduce our impacts upon the natural world and make the transition to a green economy. Such action must be in *all* sectors, including the planning system, to ensure a consistent and coordinated approach.

We welcome the statement in the foreword to the draft NPPF by the Rt Hon Greg Clark MP that “*the purpose of planning is to help achieve sustainable development*” and the explicit reference that development plans must aim to achieve the objective of sustainable development (paragraph 20). It is our view that the planning system is the principal mechanism through which sustainable development can be achieved as it provides decision-

makers with the framework within which both short and long-term public interest considerations can be taken into account. The planning system plays a determinative and proactive role in the achievement of sustainable development and, as such, the NPPF should recognise that the key role of the planning system is to *further* or *promote* the achievement of sustainable development.

However, it is disappointing that the integrated approach required to achieve sustainable development is immediately dismantled in the very opening paragraph of the introduction in the draft NPPF, as it refers only to economic and societal aspects of the planning system. Reference to the natural and historic environments appears in the second paragraph, but not in a way that promotes the use of positive planning for the environment. Instead it is something to be considered and addressed only as part of development, as an impact to be managed. This fails to recognise the role of the planning system in contributing to the maintenance and enhancement of the natural environment, which affords both short and long-term benefits to wildlife and people. It also reinforces the assumption that economic and social considerations are paramount when local planning authorities are considering development proposals. **WWF would prefer** to see the (welcome) reference to the role of the planning system in securing a sustainable future moved from paragraph 2 to the opening paragraph, as well as recognition that shaping the places where people live and work is also about positive planning for the environment. This would reinforce the point that economic, social *and* environmental concerns are to be given equal consideration when local planning authorities make decisions within the ambit of the NPPF.

Reading the draft NPPF as a whole, it is clear that the inconsistent policy direction throughout serves to completely undermine using the planning system to deliver sustainable development.

#### Definition of Sustainable Development

WWF is deeply concerned that the draft NPPF is intending to create a market-led planning system, driven by economic interests and the attainment of economic growth, which in the process is redefining sustainable development and undermining other measures to achieve it. The inclusion of a presumption in favour of 'sustainable development' and changes to objectives for economic policy represent a dramatic shift from the current system. We feel it is disingenuous for the Government to present this consultation as a mere exercise to consolidate, simplify and streamline planning policy when the re-draft is resulting in quite significant changes to the objectives and policy in current PPSs. For instance, the use of the term 'sustainable development' throughout the draft NPPF evidences either a misunderstanding of its meaning and how to apply it in practice, or a real intent to shift the balance and focus to the economic pillar – which in the long term can only be detrimental to the environment and society.

The role of the NPPF should be to provide more detail on what sustainable development means in a planning context. It should provide key principles and minimum standards to help interpret the definition of sustainable development for practical application at the local level. It should guide local authorities and communities on what criteria, indicators and other mechanisms they may need to ensure that their communities and development are sustainable and fit within the overarching definition.

For local authorities, sustainable development should be about considering policy development, service delivery and organisational management in a holistic way. This means:

- (a) fully integrating environmental, social and economic factors into decision making;

- (b) actively promoting effective, participative systems of governance across all sectors of society;
- (c) considering impacts beyond local authority boundaries to sub-regional, regional, national and global levels;
- (d) planning for the long term so as to ensure that the needs of future generations, as well as current generations, are met.

Addressing sustainable development at the very core of the planning system helps to ensure the identification of economic, social and environmental priorities from the outset and enable local authorities to structure their policies and actions towards delivering all of their priorities in an integrated manner.

The draft NPPF refers to the Brundtland definition of sustainable development<sup>4</sup>. However, there is no further context or policy to help local authorities understand what this definition means or to guide how it can be delivered at the local level. Chapter 2 of the Brundtland Report<sup>5</sup>, where the short definition is taken from, provides detailed information to help understand what sustainable development actually means. Without this additional information to set the context, or a set of principles to establish a framework for delivery of sustainable development, the short definition is too vague to apply in practice. The definition of sustainable development must have more detail, otherwise there will only be increased uncertainty and risk of legal challenge at the local level.

The NPPF takes a very different approach to sustainable development than that within PPS1. In fact, the draft NPPF does not appear to include much from PPS1, which is a real disappointment. Whilst WWF recognises that PPS1 requires updating to take account of recent changes in policy, we consider that it provided a workable framework for integrating sustainable development principles and policies within the planning system. For instance, PPS1 included the Brundtland definition, but importantly it also included the principles from the 1999 UK Sustainable Development Strategy<sup>6</sup>. Together, the broad definition and the principles provide the framework for the whole PPS and its policies are directly aimed at helping planning authorities to apply them at the local and sub-national levels. Another welcome element of PPS1 is that it sets out several 'objectives' and core principles for the planning system. There is sound recognition of the wider role of planning – that it is not just about land use, but plays a key role in delivering wider policy objectives and improving quality of life. **WWF believes** that if this approach were adopted for the NPPF, it would greatly improve the document and demonstrate that it was truly aimed at delivering sustainable development.

The draft NPPF completely fails to mention any national policies or strategies on sustainable development, including the 2005 UK SD Strategy<sup>7</sup> which the Government has advised is still

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<sup>4</sup> From the *Report of the World Commission on Environment and Development: Our Common Future*, 1987, <http://www.un-documents.net/wced-ocf.htm>

<sup>5</sup> See in particular Part I: The Concept of Sustainable Development which further elaborates on the various elements of sustainable development, including living standards, consumption, increasing productivity, equitable opportunities for all, economic growth, use of resources, the changing productive potential of the ecosystem and supporting natural systems that support life on Earth before reaching ultimate limits.

<sup>6</sup> A Better Quality of Life – A Strategy for Sustainable Development for the UK – CM 4345, May 1999.

<sup>7</sup> The UK Government Sustainable Development Strategy: Securing the Future (2005), <http://www.defra.gov.uk/publications/files/pb10589-securing-the-future-050307.pdf>

applicable<sup>8</sup>. Instead, the draft NPPF offers a completely new definition of sustainable development as it relates to planning under the broad headings of 'planning for prosperity', 'planning for people' and 'planning for places'. It is not clear where these themes or the objectives within them have come from or what the justification is for departing from the approach taken in PPS1 of using the principles from the SD Strategy.

In WWF's view, the consequence of the approach in the draft NPPF is to completely undermine sustainable development policy and how the planning system is meant to help deliver it. The focus on economic growth contradicts the Government's own commitments to integrated sustainable development set out in the SD Strategy. This Strategy clearly states twin objectives of achieving a strong, healthy and just society and living within environmental limits through the use of sound science, good governance and a sustainable economy. Thus a sustainable economy is and should be seen as a means rather than an end objective in itself.

The primary purpose of the draft NPPF must be to define the means to deliver sustainable development through the planning system, and within that economic growth within environmental limits. WWF welcomes the regular reference to sustainable economic growth (rather than just economic growth) in the draft NPPF. However, there is no definition of this term included, despite there being a recognised definition used in PP4: Planning for Sustainable Economic Growth<sup>9</sup>. **WWF strongly recommends** that this existing definition is reaffirmed and included within the NPPF. In addition, policy on sustainable economic growth must be both consistent with the existing definition, as well as being based on the principle of economic growth in the context of environmental limits as defined by ecological footprint and a One Planet Economy<sup>10</sup>.

The draft NPPF completely fails to recognise, or even mention, one of the key elements of sustainable development – environmental limits. This is a worrying oversight, particularly considering it is one of the twin objectives of the SD Strategy. **WWF strongly recommends** that this is rectified by including policy on the recognition and application of environmental limits as part of a spatial planning approach to achieving sustainable development. Such policy could be developed using the valuable work undertaken on environmental limits and the planning system by Defra<sup>11</sup>, the Environment Agency<sup>12</sup> and Land Use Consultants<sup>13</sup>. This should include enhancement of the evidence base through encouraging state of the environment reporting to be completed to help with the integration of environmental limits into planning and the use of ecosystem services.

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<sup>8</sup> See, for example, the article by the Rt Hon Greg Clark MP published in the Huffington Post UK on 5 August 2011, [http://www.huffingtonpost.co.uk/greg-clark/reforming-planning-for-fu\\_b\\_918391.html](http://www.huffingtonpost.co.uk/greg-clark/reforming-planning-for-fu_b_918391.html)

<sup>9</sup> The definition is “*Growth that can be sustained and is within environmental limits, but also enhances environmental and social welfare and avoids greater extremes in future economic cycles.*”, on page 3, footnote 7.

<sup>10</sup> See Chapter 3 of the UK SD Strategy 2005, ““One Planet Economy””: Sustainable Consumption and Production’

<sup>11</sup> ‘Defining and Identifying Environmental Limits for Sustainable Development: A Scoping Study’ (2006), undertaken for Defra by the Centre for Environmental Management at the University of Nottingham <http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&ProjectID=13901&FromSearch=Y&Publisher=1&SearchText=environmental%20limits&SortString=ProjectCode&SortOrder=Asc&Paging=10#Description>

<sup>12</sup> ‘Planning for one planet: widening the application of environmental limits’ Science Report SC070028 (2008)

<sup>13</sup> The consultants who undertook the work for the Environmental Capacity Study led by the East of England Regional Assembly and developed an environmental limits approach to spatial planning <http://www.eera.gov.uk/publications-and-resources/studies/topic-based-studies/environmental-studies/environmental-capacity/>

In addition, environmental limits should be viewed in the global sense, ensuring that impacts that occur beyond the local level are taken into account in planning and decision making. There is a complete lack of reference to global impacts of what we do and how the planning system can address them within the draft NPPF. There are references to resource use, but this seems to be translated into local resources. There are policies on climate change, but the focus is largely on the production elements of industrial processes and not consumption – which Brundtland recognised as crucially important.

**WWF recommends** that the following amendments are made to the paragraphs relating to defining sustainable development:

1. the Brundtland definition of sustainable development used within paragraph 9 must be supplemented by existing agreed and adopted national policy on sustainable development, from the SD Strategy and the recent vision Mainstreaming Sustainable Development;
2. paragraph 10 should be removed and replaced with the sustainable development principles from the SD Strategy and accompanying definitions and information explaining what the principles mean. We suggest that consideration is given to how this was done within PPS1 and a similar approach adopted for the NPPF. The chapter headings should then be amended accordingly, as we have suggested above;
3. additional policies should be included which guide local authorities on how they can *plan* for sustainable development, as well as *deliver* it. We suggest that many of the key policies and objectives from PPS1 could be adapted for this purpose. For example, WWF considers that paragraphs 26 and 27 of PPS1 address many of the key issues and could easily be transferred across to the NPPF.

#### Presumption in Favour of Sustainable Development

The predominant element of the draft NPPF is the presumption in favour of ‘sustainable development’<sup>14</sup>, which is repeated regularly throughout the document and supported by strong policy statements that local authorities are to give significant weight to economic benefits (paragraph 13). This is far from a planning system with a purpose to achieve sustainable development. The NPPF should establish long term objectives, which may be met by incremental steps and processes, but which must not focus on short term economic gains that may lead to adverse impacts on the environment and communities in the long term.

The presumption will create a default position of ‘yes’ to development (paragraph 19), with immediate effect upon adoption of the NPPF. It has the effect of prioritising the economic benefits of development, which must be given significant weight in decision making, and other material considerations will have to significantly and demonstrably outweigh these benefits in order to justify refusal. In WWF’s view, it cannot be said that the presumption is focused on the achievement of sustainable development – it is a presumption in favour of any and all development.

The draft NPPF will create a presumption in favour of development which conforms to its position on what is sustainable, and this presumption will have the ability to override in policy terms what may be seen as more restrictive development plan policies. However, it is difficult to understand what exactly is meant by sustainable development from the draft

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<sup>14</sup> WWF is reluctant to call it a presumption in favour of sustainable development, because we believe that the term ‘sustainable development’ has been misused.

NPPF, other than the three-fold analysis of economic, social and environmental in paragraph 10. One exception to this is the clear statement that development likely to have a significant effect on Natura 2000 sites<sup>15</sup> would not be sustainable (paragraphs 16 and 170). This risk is that it will be relatively easy, save in obvious cases where development will affect Natura 2000 sites or is in an obviously unsustainable location, to claim that development is 'sustainable' – particularly given the weight placed on the economic development component of sustainability and that the default answer should be 'yes'<sup>16</sup>.

When economic considerations are given significantly more weight than social or environmental considerations, this is simply not sustainable development. To put it bluntly, it is open season for developers. This will place local planning authorities in an impossible situation as they will not be able to deliver the supposed long-term objectives of the planning system (and the NPPF) when under pressure to make short-term, quick-fix decisions that generate unsustainable growth. Ironically, the corollary of the desired effect will be delay and poor decision-making, with affected parties pursuing costly and time-consuming planning appeals and legal challenges to help interpret and apply the policy. Simplifying and streamlining planning policy and guidance will, of itself, undoubtedly enhance and speed-up decision-making – there is no need to make (and indeed there are potential disadvantages of making) economic considerations an explicit, elevated objective of the planning system.

WWF is particularly concerned about the requirement for local planning authorities to grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date (paragraph 14). The impact of the Localism Bill, the NPPF and the revocation of Regional Spatial Strategies will be to immediately render the vast majority of policies in local development plans substantively out of date. Planning Authorities will, therefore, be under an immediate imperative to grant planning permission for virtually any application submitted, with potentially long-term damaging environmental consequences. This also creates uncertainty as to the effect and weight of 'out of date' policies and plans. Currently, emerging, and even out of date, policy may still be relevant and given limited weight within planning decisions. However, it is unclear whether the presumption will apply to the complete exclusion of such policy, which may mean that local circumstances are largely disregarded, or whether such policy will still be relevant for a local authority to consider.

WWF is also concerned about the requirement that the presumption should apply unless the adverse impacts of allowing development would "*significantly and demonstrably outweigh the benefits*", when assessed against the policies in the NPPF taken as a whole. There is no guidance as to what this wording means. This approach would involve the decision-maker in first identifying the benefits of the development and its adverse impacts. It would then need to exercise planning judgment to balance the two, but refusal would only be merited if it could be actually *demonstrated* that the adverse impacts outweighed the benefits not simply by some degree but by a *significant* margin. This is an imprecise test, which will depend to a large degree on the weight which is attached to the various components. The practical effect is almost certainly to favour development which is able to point to some economic benefits, unless there is a very strong and clear cut environmental or sustainability objection. WWF believes that this would be incredibly difficult to prove and would place an enormous burden

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<sup>15</sup> Special Areas of Conservation and Special Protection Areas designated under the Council Directive on the conservation of wild birds of 2 April 1979 (79/409/EEC) and 2009/147/EC and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora of 21 May 1992.

<sup>16</sup> It should be noted that the existing sustainable development duty under Section 39 of the Planning and Compulsory Purchase Act 2004 has been heavily criticised in its effect because of vague terminology and uncertainty in application. As the authors of the Guide to the Planning and Compulsory Purchase Act have pointed out, the breadth of approach to defining sustainable development in PPS 1 "... means that almost any project, falling short of wanton vandalism, is capable of being defined as sustainable." (see Tromans, Edwards, Harwood & Thornton, *Planning and Compulsory Purchase Act 2004: A Guide to the New Law* (Law Society Publishing 2005) page 63).

on local authorities and/or objectors to provide sufficient evidence to demonstrate significant adverse impacts.

Whilst WWF is reassured to note that Natura 2000 sites and nationally important Sites of Special Scientific Interest (paragraph 166) appear to be afforded a level of protection in the draft NPPF, it would appear that “everything else” (notably sites of regional and/or local importance such as Local Nature Reserves and Wildlife Sites) are seemingly “open game” for development. This has the potential to significantly and irreversibly change the nature and character of the countryside and the open spaces of towns and cities. There is also a potential conflict between this aspect of the draft NPPF and the core planning principle that *“planning policies and decisions should take account of and support local strategies to improve health and wellbeing for all”* (paragraph 19). WWF understands that recent government research<sup>17</sup> has concluded that one of the essential factors to maintaining wellbeing is access to green open space – these are precisely the sort of areas that will be opened up to development proposals as a consequence of the draft NPPF.

WWF considers that the presumption, as it is currently worded, contradicts the stated aim of the Coalition Government to empower local communities through Localism. Rather than providing local authorities and communities with the freedom to properly assess the various needs of their areas and plan for development and use of land to effectively and sustainably meet those needs, the presumption is a strong direction from central government that development which provides economic benefits or contributes to growth must be approved. The draft NPPF also directs local authorities to include the presumption in their Local Plans and it must be used as the starting point in assessing each and every application. WWF does not agree that this approach is consistent with Localism or that the presumption should be the starting point for assessing applications.

Local planning authorities must be encouraged to undertake a thorough, transparent and inclusive process of planning for their area in order to ensure that the public interest is properly represented and that planning decisions are decided on their merits. There is already a presumption in favour of the development plan, as established by section 38(6) of the Planning and Compulsory Purchase Act 2004 (the PCP Act). This must continue to be the predominant approach to deciding planning applications – that an application which accords with the development plan should be approved, unless material considerations indicate otherwise. The presumption in favour of development should be a mechanism which is only triggered as a measure of last resort. It should only be applicable in exceptional circumstances where there are no other policies or evidence against which an application can be assessed.

**WWF submits** that if the presumption is to remain in the draft NPPF, significant changes are required to make it acceptable, workable in practice and a mechanism to truly deliver sustainable development. **We recommend** that at least the following must be addressed:

1. There must be a meaningful definition of sustainable development, which includes the principles from the SD Strategy and ensures that economic, social and environmental interests are given equal consideration in decision making. The attainment of economic benefits and growth must not be favoured above everything else;
2. Paragraph 13 must be reworded so that it states that the planning system must do everything it can to further the achievement of sustainable development – not just support sustainable economic growth. The final sentence in the paragraph, specifying the weight to be attributed to economic benefits, must be removed;

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<sup>17</sup> See the Defra 2011 Survey of public attitudes and behaviours towards the environment, <http://www.defra.gov.uk/statistics/environment/public-attitude/>

3. There must be recognition of the need to live within environmental limits, both local and global, because growth that is not within environmental limits cannot be sustainable;

4. In paragraph 14, the circumstances in which the presumption will apply must be reconsidered and they must be clearly defined.

(a) The sentence “*Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible*” should be removed. This is inconsistent with the current legislative requirements for local planning<sup>18</sup> and the presumption in favour of the plan within the PCP Act where material considerations must also be considered and may result in an application being refused.

(b) In the first bullet point, ‘development’ should be removed from before ‘needs’ because not all needs of a community can be met through development alone. In addition, ‘environmental or social’ should be inserted before ‘changes’, as it will not only be economic changes that will give rise to a need to review and update planning policy in the future.

(c) In the second bullet point, at the end there should be included “, *except where material considerations indicate otherwise*”, or something similar to be consistent with s38(6) of the PCP Act.

(d) The third bullet point and the following sentence, which essentially contain the presumption, require significant reconsideration to avoid uncertainty and inconsistent application. For example, we suggest that it could be reworded as follows:

“*A presumption in favour of sustainable development will apply where:*

*(a) there is no adopted development plan<sup>19</sup>, or*

*(b) there is an adopted development plan, but:*

*(i) there are no relevant policies contained within the plan against which the application can be assessed; or*

*(ii) the policies contained within the plan are ambiguous<sup>20</sup>; or*

*(iii) the policies contained within the plan are inconsistent with the policies in the National Planning Policy Framework<sup>21</sup>.*

<sup>18</sup>For example, the Town and Country Planning (Local Development) (England) Regulations 2004 require local development documents to contain statements of “*the development and use of land which the local planning authority wish to encourage during any specified period*”, as well as “*any environmental, social and economic objectives which are relevant to the attainment of the development and use of land*”. (Regulation 6).

<sup>19</sup> We think it is helpful to distinguish between adopted/formal and draft/informal plans. Just saying a plan is absent may not be clear cut, because many local authorities may use plans or policies that are not adopted as part of the ‘development plan’ to aid their decision making or there may be draft plans being prepared and consulted on. As such, there may be plans present but they may not carry the weight of an adopted plan.

<sup>20</sup> We consider that using the term ‘ambiguous’ may be better than ‘indeterminate’, as it is a better understood term in a legal context and there will be existing case law to aid interpretation.

<sup>21</sup> We recognise that the test of soundness for local development documents should avoid inconsistencies between the plan and the NPPF. However, it may be the case in the future that the adopted plan and the NPPF are inconsistent because of changes over time, reviews to national policy and the relevant policies have not been updated at the local level. Again, there are legal tests and case law regarding ‘inconsistency’ to aid its interpretation in practice which we consider are better than determining whether a relevant policy is ‘out of date’.

*In these cases, the proposed development should be assessed against the policies in this Framework and taking into account all material considerations<sup>22</sup>. Permission should be granted where the proposal would further the achievement of sustainable development and meet the needs and aspirations of the local community.”*

- (e) We strongly recommend that the weighing up of benefits and harms against each other is removed from the presumption, as we do not agree that this is the appropriate test that should be applied. Rather, the presumption should outline sustainability criteria against which a proposed development should be tested in order to demonstrate objectively that development is sustainable and, therefore, that the presumption will apply<sup>23</sup>.
  - (f) WWF strongly believes that the precautionary principle should be included as a key consideration within the presumption. This would allow local authorities to exercise caution and act in the public interest where there are uncertainties as to the impacts or risks that may be created by proposed development.
5. Local planning authorities should not be required to include the presumption within their Local Plans or use it as the starting point for decision making. If the Local Plan is to truly take precedence in this new system, then the presumption should only be used as a measure of last resort and paragraph 15 of the draft NPPF should be removed;
  6. Transitional provisions should be developed which allow a period of time for local planning authorities to update their local development documents so that they are in conformity with the NPPF before the presumption will apply;
  7. Repetition of the presumption throughout other policy sections of the draft NPPF must be removed.
  8. In paragraph 17, the focus is very much on development without recognising that it will also be important to address use within neighbourhood planning. We suggest that references are to ‘development or use of land’, and not just ‘development’.

#### Core Planning Principles (paragraph 19):

WWF considers that some of the ‘core planning principles’ are clearly expressed, such as planning to proactively drive development. However, there are others which are vague and uncertain, such as taking account of the environmental quality or value of land or supporting improvements in health and wellbeing. Once again, it appears that the draft NPPF is sufficiently clear on those policies and principles that have an economic focus and which the Government wish to have a predominant influence in the planning system, but not on others.

However, WWF questions whether the ‘principles’ listed are actually appropriate. It does not appear that much consideration was given to the document, ‘The Planning System: General Principles’, which accompanies PPS1. Key principles are not mentioned, such as:

<sup>22</sup> This should include other relevant national policy, any documents or policies developed at a strategic level, as well as any emerging local policy such as draft local development documents.

<sup>23</sup> To help develop the sustainability criteria, consideration could be given to sustainability checklists currently used by local authorities, the previous Regional Sustainable Development Frameworks and sustainable development objectives that were included within Regional Spatial Strategies.

1. principles of sustainable development and complying with the duty in section 39 of the PCP Act;
2. the role of material considerations in decision making and how they are to be taken into account. In fact, the whole draft NPPF is completely inadequate in guiding local authorities on identifying and taking into account material considerations<sup>24</sup> ;
3. prematurity – where it may be justifiable to refuse development if the development plan is being developed and approving a development may prejudice the plan;
4. the role of the Secretary of State and circumstances in which planning applications can be called in for consideration;
5. accountability and propriety of local authority members, their role in representing the interests of their communities and only taking into account planning considerations;
6. consideration of private vs public interests;
7. public engagement and participation, transparency, and inclusivity.

It is also a shame that the key principles from paragraph 13 of PPS1 were not transferred across to the draft NPPF. **WWF strongly supports** the use of the principles from PPS1 as the starting point for the core planning principles within the draft NPPF, subject to necessary adjustments, with the first principle having particular importance under the chapter Delivering Sustainable Development:

*“Development plans should ensure that sustainable development is pursued in an integrated manner, in line with the principles for sustainable development set out in the UK strategy. Regional planning bodies and local planning authorities should ensure that development plans promote outcomes in which environmental, economic and social objectives are achieved together over time.”*

WWF does not agree with the second core planning principle in the draft NPPF or that the presumption should be repeated here. Planning is not about merely driving development. If used effectively, it should manage competing interests in the development and use of land and the impacts that human activities have on the environment. **We recommend** that this principle is removed.

WWF also does not agree that market signals that affect the viability of development, such as land prices, commercial rents and housing affordability, should be categorised as a ‘core planning principle’. Whilst such factors may be relevant, depending on the circumstances of a particular proposal, they should not drive the decision making process. Planning applications must be decided on their merits and whether they are in the public interest, not whether they will realise a profit for the developer. **We suggest** that policies on viability and market signals should be addressed elsewhere in the draft NPPF, such as under housing or sustainable economic growth.

WWF welcomes the inclusion of the use of renewable resources in the first bullet point on page 6. However, we think this principle could be improved further. The overall framing of this principle should be that sustainable development requires giving priority to and encouraging projects that can help reduce greenhouse gas emissions in a way that carries

<sup>24</sup> WWF considers that relevant principles could be drawn from paragraphs 7 and 11 to 16 of The Planning System: General Principles, <http://www.communities.gov.uk/documents/planningandbuilding/pdf/147396.pdf>

minimal environmental risks. This should be done in particular by providing a facilitative framework to encourage the development of renewable energy projects where these are carefully located and designed.

## Plan-making

The Framework has clarified the tests of soundness, and introduces a useful additional test to ensure local plans are positively prepared to meet objectively assessed need and infrastructure requirements.

2(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input checked="" type="checkbox"/> |
| Strongly Disagree         | <input type="checkbox"/>            |

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

### Local Plans

WWF welcomes the explicit reference that development plans must aim to achieve the objective of sustainable development (paragraph 20). Unfortunately, however, the remaining text in the paragraph serves to completely undermine the achievement of that objective for the reasons outlined above in response to questions 1(a) and (b).

WWF is concerned that the draft NPPF is guiding local authorities to develop Local Plans focused on delivering development (a 'predict and provide' approach) and not the broader concept of managing competing interests and the impacts of human activities on the environment (a 'plan, monitor and manage' approach). This is evidenced by statements that Local Plans must start with and contain the presumption in favour of sustainable development and that they should:

*"set out opportunities for development and clear guidance on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan".* (paragraphs 20 and 21).

This represents an astonishing short-sightedness as to the current role, and benefits, that local development plans provide in terms of environmental protection and enhancement. Many local plans contain policies emphasising the importance of particular habitats or initiatives (e.g. strategies aimed at the protection of ancient woodlands, heathland, lowland grassland, freshwater environments) that, whilst not always directly linked to development proposals, provide a vital context for decision-making. Removing such references could rob local authorities of valuable information and ultimately undermine the quality of decision-making.

WWF has some concerns regarding using new terminology to describe the development plan as a 'Local Plan'. While we appreciate that this is aimed at trying to simplify and demystify

the Local Development Framework, we query whether it will create greater confusion. **We suggest** that there should be a clear definition within the NPPF of what the Local Plan will encompass, including whether it will actually comprise multiple documents. Merely changing the name of a document in policy does not necessarily make it easier in practice. Local authorities and their residents need to be clear about what in reality the Local Plan is and whether this includes existing documents given particular names under the Local Development Framework.

WWF is also concerned regarding the approach to limit additional development plan documents and the use of supplementary planning documents in paragraph 21. WWF does not agree that local planning authorities should be prevented from producing documents that could both inform decision-making and provide clarity to the public. This is likely to lead to either delay or poor decision-making, with the associated administrative and legal burdens. It also reduces the ability for local authorities to encourage innovation in their area. Some local authority areas lend themselves particularly well to being able to push further with sustainability standards and where they have produced the evidence to back up those requirements they should be allowed to put them in place. For example, in light of the Government's decision to reduce the zero carbon homes standard by a third, local authorities should be able to develop supplementary planning guidance to ensure the sustainability of new build homes. This should be based on locally relevant and robust evidence that demonstrates clear demonstrable environmental benefits. **WWF does not support** a direction to local authorities to limit their use of particular development plan documents because we are not convinced that all planning matters can be dealt with in a sufficient way within one type of document.

**WWF, therefore, recommends** that paragraph 21 requires reconsideration and redrafting to provide advice on when other local development documents and supplementary planning documents may be relevant, rather than advising to restrict their use. We especially consider that the requirement that they not add to the financial burdens of development should be removed. Alternatively, there could be a test of reasonableness included – i.e. that policies and obligations should not unreasonably increase financial burdens on developers.

WWF welcomes the recognition that local plans have a role to play in relation to climate change mitigation and adaptation and coastal management, where relevant (paragraph 23). Similarly, we also welcome the requirement for local plans to contain a clear strategy for the environmental enhancement of the area (paragraph 24). However, it would be helpful to have more information about how climate change mitigation, adaptation and coastal management measures should be employed and what the objectives of the environmental enhancement strategy might be. It would also be beneficial to have a clear definition of what is meant by 'environmental enhancement', to ensure that this relates to the improvement in quality and biodiversity value of an area and not just amenity value.

In addition, given the unique ability of renewable energy infrastructure to deliver a sustainable decarbonisation of the power sector, paragraph 23 should explicitly require strategic priorities in local plans to include a local authority's objectives for developing renewable energy infrastructure (as opposed to just referring to energy infrastructure and climate change mitigation in vague terms as in the current wording).

In paragraph 24, the first bullet point advises local authorities to plan positively for development and infrastructure to meet the objectives, principles and policies in the NPPF. Whilst we agree it is important that local plans should integrate national objectives, principles and policies, it is also important that they are providing for the development and use of land in their area that meet local needs, as well as strategic needs that extend beyond council boundaries. There needs to be recognition of these different elements within paragraph 24.

Bullet point 6 in paragraph 24 also references environmental or historic value. However, there is no recognition of the policies included within the National Environmental White Paper (NEWP) or the National Ecosystem Assessment. No guidance is provided within the draft NPPF to assist local planning authorities to understand what environmental value means or how to determine it. **WWF strongly recommends** that appropriate links are made with the NEWP, to ensure that national planning policy is consistent with it and that the planning system is used to help implement relevant policies and approaches that it introduces.

WWF welcomes the recognition that it is essential to ensure early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses in the development of local plans (paragraph 25). This is in accordance with the provisions of the second pillar of the UNECE Convention on Access to Environmental Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention), which the UK ratified in 2005.

**WWF suggests** that it may be beneficial to include paragraph 2.1 of PPS 12: Local Spatial Planning within the draft NPPF. This outlines the current key aims of local spatial planning, which we support.

#### Housing Requirements (paragraph 28)

WWF accepts that the provision of adequate levels of housing is necessary. However, we believe that in assessing the land area that is reasonably expected to be available local authorities should consider fully how differing levels of housing density can deliver high quality housing without compromising to a significant degree the environment. **We recommend** that the identification of sites should include an assessment of the level of housing density that can be achieved on each site.

In addition, the focus on building mixed use developments will mean that business and residential requirements will need to be considered in tandem for sites.

#### Business Requirements (paragraph 29)

The second bullet point in paragraph 29 advises local authorities to work with county and neighbouring authorities. However, **WWF suggests** that this should not be limited to neighbouring authorities as economic impacts and 'travel to work' areas may extend beyond neighbouring areas.

**WWF suggests** that the second sentence in paragraph 27 is moved to the specific section dealing with business requirements. Having said that, we are confused as to the interpretation and application of the advice to take account of market and economic signals. It is not clear what this would mean in practice, how such information would help a local authority to identify needs or how it would influence the development of planning policy.

#### Infrastructure Requirements (paragraph 31)

There is no mention of green infrastructure within paragraph 31. **WWF recommends** that this be included (with a definition of green infrastructure included in the glossary), as it can also be an important consideration in infrastructure provision within a community.

WWF is also concerned that local authorities are being required to assess the ability of infrastructure to meet "forecast demands" or "projected demand" (paragraphs 31 and 32). To avoid overdevelopment and oversupply, which would not be sustainable, assessments should be based on actual need and not estimations of future demand.

## Environmental Assessment

WWF assumes that the reference to a 'sustainability appraisal' in paragraph 34 includes Strategic Environmental Assessment (SEA) in accordance with the SEA Directive<sup>25</sup>. Article 2 of the SEA Directive defines plans as plans which are subject to preparation and/or adoption by an authority at national, regional or local level and which are required by legislative, regulatory or administrative provisions. Article 3 requires an environmental assessment of plans which are likely to have significant environmental effects and/or which are prepared for town and country planning or land use and which set the framework for future development consent of projects listed in Annexes I and II to Directive 83/337/EEC (concerning EIA). Both Articles clearly apply to development plan documents. Accordingly, we would expect the NPPF to be explicit on the requirement that an SEA is required as part of the plan preparation process.

There is very little guidance on the process of sustainability appraisal within the draft NPPF, what evidence may be required and how such evidence should be used. WWF acknowledges that it may not be the appropriate document to provide detailed advice, and that there is already existing guidance which can assist local authorities to understand the application of the SEA Directive and how an SEA should be carried out. However, **WWF recommends** that the draft NPPF should include a reference to such guidance. Sustainability appraisal is an important process within plan making and sufficient advice must be provided to ensure that local authorities adopt a best practice approach and that assessments positively influence the development of planning policies and decision making. In this regard, **WWF suggests** that further consideration is given to whether paragraphs 4.39 to 4.43 of PPS12 can be included within the draft NPPF.

The final sentence in paragraph 35 states that local authorities must ensure the "*purposes and statutory requirements of different assessment processes are respected*". However, statutory requirements must be fully complied with, not just 'respected'. **WWF recommends** that this is amended accordingly.

In addition, we are concerned that paragraph 35 also states that "*wherever possible, assessments should share the same evidence base and be conducted over similar timescales*". There are very specific requirements relating to the objectives of such assessments, which may make it impossible to conduct them over similar timescales. For example, the aim of an Appropriate Assessment under Article 6(3) of the Habitats Directive is to determine any likely significant adverse impacts on site integrity including, in particular, the features of the Natura 2000 site for which it has been designated or classified. This may require survey over at least a 12 month period where biological records are not available. The objectives of a Flood Risk Assessment, for example, are entirely different and the evidence base, and/or timing considerations, may be quite different. **WWF recommends** that the NPPF is absolutely clear on this point.

Similarly, WWF is concerned about the assertion that assessments should be proportionate to the plan (paragraph 36). This is particularly worrying in light of the fact that local planning authorities are encouraged to ensure their plans are 'succinct' (paragraph 19). An SEA produced in accordance with EU law fulfils particular requirements and these should not be prescribed, or curtailed, by the NPPF.

<sup>25</sup> Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, which is transposed in UK law by the Environmental Assessment of Plans and Programmes Regulations 2004.

### Ensuring viability and deliverability

**WWF considers** that the policy approach to considerations of viability should be reconsidered. In our view, it is inappropriate to advise local authorities that they are not to develop obligations and policy that will burden business or the viability of development (paragraph 39). Local authorities should be encouraged to develop policy that will promote the most sustainable development that meets the needs of its community and is in the public interest. This may include the imposition of reasonable obligations to offset impacts that a development may produce, and a local authority should not be discouraged from doing this. If the advice remains as it is, rather than increasing development the opposite effect may occur – local authorities may be more inclined to refuse development if they are unable to negotiate appropriate obligations with developers to improve the acceptability of development and ensure benefits for its community.

Of particular concern is the statement in paragraph 39 that requirements applied to development should “*provide acceptable returns to a willing landowner and willing developer*”. Who determines what is an ‘acceptable return’? In WWF’s view, this places far too much weight on financial profit for a developer, particularly when there may be greater community interests that should be addressed by development.

Paragraph 40. In setting out their policy on local standards local authorities should be able to include standards for achieving sustainability in the built environment that is appropriate to their area if they can demonstrate it is deliverable.

It appears that paragraph 41 is aimed at discouraging the development of local standards where national standards exist. WWF does not agree with this. Whilst we understand that the aim may be to avoid duplication, overregulation or increased burdens on business, local authorities should be able to establish local standards that will improve their local communities and the sustainability of business development. **We suggest** that this paragraph be reworded to encourage the development of local standards, provided they are evidence based, appropriate for the area and consistent with, and do not duplicate, any existing national standards.

### Strategic Planning

There are no policies under the evidence base section detailing the collection and management of data that may be relevant for strategic planning. In the absence of regional planning and bodies, data collection and management by others responsible for planning will be crucial to facilitate effective strategic planning. **WWF recommends** that the NPPF should specify minimum standards for capture, management, publication and accessibility of information relevant to planning beyond their areas.

### Examining Local Plans (paragraph 48)

This paragraph outlines the tests to be applied to local plans during examination to determine if they are sound. There are some changes from the current tests outlined in PPS12 and we query why these changes have been made. For instance:

- ‘justified’ refers to a proportionate evidence base, rather than “*founded on a robust and credible evidence base*”. There is also a lack of guidance on alternatives;
- ‘effective’ no longer includes the requirements to be ‘flexible’ and ‘able to be monitored’.

**WWF prefers** the tests and guidance included within PPS12 and **recommends** that these are included within the draft NPPF.

Neighbourhood plans (paragraphs 49-51):

WWF welcomes that neighbourhood plans will have to be consistent with the strategic priorities of the Local Plans, which helps to ensure that renewables can be addressed in a positive way in neighbourhood plans. However, given that paragraph 51 makes it clear that outside of the strategic priorities of the Local Plan, neighbourhood plans will always prevail over Local Plans in case of conflict, this reinforces the need for there to be a strong and explicit pro-renewables element to the strategic priorities of Local Plans.

Paragraph 51 also advises that the scope of neighbourhood plans to shape and direct development in their area is subject to the presumption. This creates uncertainty on the interplay between neighbourhood plans and the presumption. Does this mean that the presumption will trump the neighbourhood plan, even where the plan is adopted, up to date and contains relevant policies? WWF is concerned if this is the case.

The policies for planning strategically across local boundaries provide a clear framework and enough flexibility for councils and other bodies to work together effectively.

2(c) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input checked="" type="checkbox"/> |
| Strongly Disagree         | <input type="checkbox"/>            |

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

WWF considers that the NPPF is a crucial component of the new framework for strategic planning because the duty to cooperate in the Localism Bill must be supported by clear and robust policy. WWF has been heavily engaged in the development of the provisions on the duty to cooperate to try and strengthen it. We strongly believe that both the duty and the NPPF must require local authorities to progress beyond the act of consultation through the exchange of information and to proactively seek cooperation with other relevant authorities and organisations to address strategic matters across boundaries. Voluntary arrangements for strategic planning may not be sufficient in allowing local authorities to resolve contentious issues that impact across administrative boundaries.

WWF considers that the policies on strategic planning in the draft NPPF go some way to helping provide a suitable framework. However, given that this is a relatively new policy area seeking to provide a completely different approach to strategic planning, WWF believes that more detailed guidance will be required to assist local authorities to understand how compliance with the duty to cooperate can be achieved. Some areas that we consider will require further guidance include:

1. examples of what type of action will be required for cooperation. For instance, this could include minimum requirements for engagement, explaining further what "*constructively, actively and on an ongoing basis*" or having regard to the work of prescribed bodies means in practice;
2. clarification of activities that prepare the way or support the preparation of development plan documents. For instance, it may be useful to clarify whether, for example, the preparation of other strategies, documents or evidence may be relevant to consider (such as conservation strategies, coastal management plans, biodiversity action plans, etc);
3. understanding what activities are included within a 'strategic matter' or what may lead to impacts affecting more than one local authority, particularly to capture impacts that may apply beyond neighbouring areas and the provision of infrastructure;
4. what circumstances may give rise to joint working, what working collaboratively may encompass and the tools available to help facilitate this in practice;
5. how joint development documents or joint approaches may be developed, what they could include, how they could be implemented and their status and effect within the planning system;
6. the differing roles and responsibilities of each of the authorities, partnerships or other persons who are to be involved in strategic planning;
7. what evidence local authorities will be required to collect to demonstrate that they have, or have not, successfully cooperated and how an inspector will consider this evidence in the examination of local development documents;
8. what integration between marine and terrestrial planning may mean in practice, how local authorities and the Marine Management Organisation should work together to address impacts that cross the land and sea interface, what will be the role of local authorities in developing marine plans. References to marine planning are completely missing from the draft NPPF at present;
9. suggestions on how to manage and resolve disputes and conflicting priorities and interests. Because the duty to cooperate will be a new, voluntary approach to strategic planning, there could be potential for conflict between councils and disagreement on what are priorities, what action should be taken and responsibilities. The NPPF could include policies on dispute resolution or to encourage local authorities to address this within their development plans.

Paragraph 44 needs to be amended to reflect the wording of the duty to cooperate. At the moment the draft NPPF refers to "*planning issues that cross administrative boundaries*". However, the duty to cooperate refers to a strategic matter as one that impacts on one or more planning areas. The terminology used should be consistent. In addition, the reference to 'neighbouring authorities' is not sufficient, as strategic planning may be required where authorities are not adjacent or adjoining.

Paragraph 45 refers to 'travel-to-work areas'. However, this is not defined. **WWF recommends** that a definition is included, as well as further guidance on how this is relevant to strategic planning.

Paragraph 46 provides some examples of what evidence may be required to demonstrate joint working. Whilst this is welcome, **WWF considers** that this may need to be expanded. The evidence mentioned is only possible where cooperation has been successful, but there

may need to be other evidence kept to demonstrate the actions taken to try to secure cooperation, as well as evidence on whether or not cooperation happened and was successful in assisting local authorities to plan strategically and deliver sustainable outcomes. This is particularly relevant as the draft NPPF advises that cooperation begins at initial thinking and is a continuous process. As a result, local authorities should be encouraged to maintain the relevant evidence to support and inform this process.

Paragraph 46 includes a reference to providing necessary infrastructure. However, strategic planning is about much more than delivery of infrastructure alone. **WWF recommends** that policy on strategic planning is not limited to development of infrastructure, but its use is encouraged to assist in a range of matters that impact on one or more authority areas.

WWF welcomes the advice in paragraph 47 that joint working should be pursued to meet development requirements that cannot be met in one local authority area. However, where it says “*would cause significant harm to the objectives, principles or policies in this Framework*”, this should be amended to include harm to local objectives, policies or proprieties, as well as harm to the local, economy, community or environment.

#### Annual Monitoring Reports (AMRs)

In our discussions on the duty to cooperate, WWF and others proposed that local authority monitoring reports be required to contain the information necessary to enable the public to assess their local authority’s performance in planning beyond their area and developing joint solutions to address cross boundary issues. The electorate is expected to play an increasingly important role in scrutinising local authorities and holding them to account for planning performance and decisions. We are pleased to see that this has been taken on board by the Government in the draft Local Planning Regulations currently being consulted on. However, we consider that more guidance may be required to assist local authorities develop the information to be included within AMRs and to fully and properly represent their action on strategic planning. It is essential that the information provided in the AMRs encourages greater participation of the public in local planning and decision-making.

There is currently no policy or guidance in the draft NPPF on AMRs and what information should be included to demonstrate compliance with the duty to cooperate. This is different to the current position as PPS12 includes some useful guidance on AMRs. **WWF recommends** that the draft NPPF should at least include a reference to the requirement which will be included in the Local Planning Regulations. In our response to the consultation on the draft Regulations, we have suggested that the Regulations could prescribe the type of information to be included within the AMR in relation to the duty to cooperate. If it is considered that it is not appropriate to include this guidance in the Regulations, then consideration should be given to whether it could be included within the draft NPPF. In particular, **WWF suggests** that there could be a section advising local authorities to include the following information in their AMRs:

- the strategic matters that the local authority has identified as requiring cooperation with other persons or bodies;
- which persons or bodies the local authority considers it will need to cooperate with and the role and responsibilities of each, the areas to be impacted and the likely impacts arising;
- details of what actions have been taken towards cooperation;
- how cooperation and the actions taken will assist the local authority in delivering sustainable development;

- details of the outcomes of cooperation where this has occurred, such as joint agreements, approaches or plans, how these are to be implemented, reviewed and reported on and how a member of the community may obtain further information;
- details of when attempts to cooperate have not been successful and reasons for this;
- details of any conflicts or disagreements that have arisen between the local authority and other persons or bodies it needed to cooperate with and the action taken towards seeking to resolve the conflicts or disagreements;
- information on how effective cooperation has been, whether the outcomes have been positive or negative for the local authority and the costs, benefits and impacts arising from the acts of cooperation;
- information on lessons learned, how the authority proposes to improve its practices in the future to enable more effective cooperation with other relevant persons or bodies.

#### Conflicts and dispute resolution

WWF remains concerned that in an effort to be less prescriptive, the framework for strategic planning will not provide solutions to situations where local authorities just cannot agree or cooperate. More consideration needs to be given to what sanctions may be applicable in these cases, how disputes may be resolved and how local authorities can be held to account. WWF is not convinced that failing to pass the soundness test for a local plan or the application of the presumption will be appropriate sanctions in all cases. There may be times where more forceful intervention is required to ensure that local authorities properly work together to address strategic matters.

### **Decision taking**

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

3(a) Do you agree

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither agree or Disagree | <input checked="" type="checkbox"/> |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

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

Paragraph 54. It is inconsistent to state that local authorities should “*actively promote sustainable development*” and “*enable the delivery of sustainable development proposals*”, but also advise in the same paragraph that they need to “*attach significant weight to the benefits of economic and housing growth*”. **WWF strongly recommends** that the latter

statement is removed from this paragraph, or that it is balanced by including that significant weight should also be given to the environmental and social impacts and benefits of development.

**WWF strongly recommends** the removal of the reference to the presumption from Paragraph 55.

WWF welcomes the statements about early engagement and public participation within paragraphs 56 to 61. We are aware that, once the Localism Bill is passed, there will be an order dealing with the legal requirement for pre-application consultation. **We suggest** that it would be beneficial to include a reference to this order (if possible considering timing), within paragraph 57.

There is some repetition between paragraphs 58 and 61 which should be addressed.

Paragraphs 62 and 63 set out policy for the application of the Local Plan and the presumption in determining applications. WWF queries whether it may actually be better to include the full provisions on the presumption at this point in the draft NPPF, rather than at the beginning (to be clear, we are not suggesting it be repeated here but moved). As the presumption will be most relevant to determining applications in particular circumstances, this makes sense. It will then also help with clarification of the circumstances in which the presumption will apply, rather than a short statement that it must be applied, after taking into account the policy that Local Plans should be the starting point.

In paragraph 66, independent examiners are directed to consider the presumption when considering draft community right to build orders. WWF does not understand why this would be necessary or relevant. **We recommend** that this requirement is removed.

#### Planning Conditions and Obligations

**WWF strongly objects** to the inclusion of paragraph 70 and **recommends** that it is removed. There are already sufficient legal tests to apply to assist local authorities in determining when to apply conditions and obligations and what they should be. We do not agree with the direction that conditions or obligations should not be imposed where they would undermine the viability of development. There is always room for negotiation as to the scope and extent of conditions and obligations to ensure that they do not unreasonably burden developers. In our experience, this is often a prolonged process and developers will take every opportunity to reduce the extent of the condition or obligation and increase their own profits, regardless of the benefits that the condition or obligation is seeking to provide to the local community.

Conditions and obligations are applied in order to make development acceptable and to ensure that community benefits can be provided from private development, which is particularly important for the provision of affordable housing. If the level of condition or obligation required is such that it would make the development unviable, then serious consideration needs to be given to whether the development would be acceptable in the first place.

WWF does not support the cancellation of Planning Circular 05/2005: Planning Obligations. The development, negotiation and agreement of planning obligations can be a complex and detailed process, which requires robust guidance to local authorities to ensure compliance with legal obligations and consistency in application. It is also one of the elements of decision making that may lead to lengthy delays, as well as legal challenges, where agreement cannot be reached. The more certainty there is about the scope, effect and application of obligations the better, as this will help avoid delays, uncertainty and challenges. We would

support a review and update of the circular, but consider that it will be important guidance to retain.

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

4(a) Do you agree

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input checked="" type="checkbox"/> |
| Strongly Disagree         | <input type="checkbox"/>            |

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

WWF supports the use of guidance where it is relevant and beneficial to assist the planning and decision making of local authorities. We do not consider that a general, light touch approach can be adopted, as consideration should be given to the particular issues that arise, what the best approach may be in relation to each topic and what advice and guidance is actually needed to encourage best practice.

In particular, WWF would support government issued guidance on new policy areas, such as the duty to cooperate and strategic planning, neighbourhood planning and development orders, as well as complex policy areas such as sustainable development.

We also support further guidance on issues where there may be a need to establish minimum standards or requirements, there are detailed or complex legal requirements or there are practical difficulties that can be improved through modelling or case studies.

WWF acknowledges that there may be opportunities for organisations outside of government to provide guidance and advice on areas within their expertise. However, where this occurs, we believe that there is a need for quality assurance processes and an understanding of what status such guidance will have within the planning system. It may be beneficial for the Government to develop a procedure or guidelines on producing such guidance, including what requirements it will need to meet to be valid and when it will be a material consideration in planning and decision making.

## **Business and economic development**

The 'planning for business policies' will encourage economic activity and give business the certainty and confidence to invest.

5(a) Do you agree?

- |                |                          |
|----------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
|----------------|--------------------------|

- |                           |                                     |
|---------------------------|-------------------------------------|
| Agree                     | <input type="checkbox"/>            |
| Neither agree or Disagree | <input checked="" type="checkbox"/> |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

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

WWF is concerned that there has been quite a significant change from the policy contained within PPS4: Planning for Sustainable Economic Growth to that now included within the draft NPPF. We are not convinced that there is a need for such a change, or that there is sufficient evidence to demonstrate that the current policy is unsatisfactory and requires amendment.

Paragraphs 71 – 73. There are no definitions of sustainable economic growth, as mentioned above, or of economic development. As a result, one very important consideration is missing – the recognition and application of environmental limits. There is also no clarity regarding the types of development to which the policies apply, or what development should be encouraged to improve economic development in an area. **WWF recommends** that the definitions of economic development and sustainable economic growth contained within PPS4 (paragraph 4 and footnote 7 on page 3) are retained and included within the NPPF.

The overarching objective of sustainable economic growth remains the same. However, there are added priorities of restructuring the economy and meeting the challenges of global competition and a low carbon future. In addition, the supplementary objectives to achieve this have been altered from those contained within PPS4. The focus of the policy in the draft NPPF is very much on securing growth (which is undefined), increasing investment and reducing burdens and barriers on business. For example, some key objectives in PPS4 are missing from the draft NPPF:

- *“build prosperous communities by improving the economic performance of cities, towns, regions, sub-regions and local areas, both urban and rural”;*
- *“reduce the gap in economic growth rates between regions, promoting regeneration and tackling deprivation”;*
- *“deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change”;*
- the objective relating to the quality of life and environment in rural areas misses the important qualification contained within PPS4 of *“whilst continuing to protect the open countryside for the benefit of all”*.

In addition, policies related to the implementation of these objectives are missing, such as:

- *“seeks to make the most efficient and effective use of land, prioritising previously developed land which is suitable for re-use and, subject to the specific policy requirements of this PPS for town centres, reflects the different location requirements of businesses, such as the size of site required, site quality, access and proximity to markets, as well as the locally available workforce” (Policy EC2.1d);*
- *“identifies, protects and promotes key distribution networks, and locates or co-locates developments which generate substantial transport movements in locations that are*

*accessible (including by rail and water transport where feasible), avoiding congestion and preserving local amenity as far as possible” (Policy EC2.1e);*

- *“plans for the delivery of the sustainable transport and other infrastructure needed to support their planned economic development and, where necessary, provides advice on phasing and programming of development” (Policy EC2.1f);*
- *“at the local level, where necessary to safeguard land from other uses, identifies a range of sites, to facilitate a broad range of economic development, including mixed use. Existing site allocations should not be carried forward from one version of the development plan to the next without evidence of the need and reasonable prospect of their take up during the plan period. If there is no reasonable prospect of a site being used for the allocated economic use, the allocation should not be retained, and wider economic uses or alternative uses should be considered” (Policy EC2.1h);*
- *“at the local level, encourages new uses for vacant or derelict buildings, including historic buildings” (Policy EC2.1i).*

WWF is concerned at the loss of these objectives and the failure of the draft NPPF to include policy on increasingly important issues for economic development such as deprivation, regeneration, sustainable patterns of development and climate change. A low carbon future is mentioned as one of twin challenges in paragraph 71, but this is not followed through in the objectives. The fact that these issues are not integrated at all in the draft policy on business and economic development makes us question the commitment of the Government to delivering a 'sustainable' economy. **We strongly recommend** that these objectives are retained and relevant policy to implement them included within the NPPF.

Again, the repetition of the presumption in paragraph 74 must be removed.

Whilst the draft NPPF states that there is an urgent need to 'restructure the economy' (paragraph 71), WWF is concerned that the policy within the draft NPPF does not reflect the emerging Government policy on the transition to a Green Economy. We welcomed the Government's ambition in the NEWP to grow *'a green economy which not only uses natural capital in a responsible and fair way, but contributes to improving it.'*<sup>26</sup> The publication of the roadmap ('Enabling the Transition to a Green Economy') in July 2011 was also a welcome step in providing greater clarity for business on the policy framework, although we were disappointed that the document did not herald the new, comprehensive and strategic approach to green economy policy. However, the lack of coordination and consistency across government departments on green economy policy gives the impression that it continues to be seen as an 'add-on' to core economic concerns.

Economic stability and growth is fundamentally dependent on the availability of natural resources and ecosystem services. If economic activity undermines natural capital, and depletes natural resources at unsustainable rates, growth may increase over the short term, but medium and long-term growth prospects will be jeopardised. Environmental degradation imposes significant economic costs – for example, extreme weather events, crop failures, soil degradation, water over-abstraction and pollution, all have severe economic and social consequences. Evidence that the transition to a green economy will reduce costs and boost growth in the long term is provided by the Stern Review on the economics of climate change, the Economics of Ecosystems and Biodiversity (TEEB) initiative and UNEP's Green Economy report.

<sup>26</sup> HMG (2011) Natural Environment White Paper, p34.

The transition to a green economy presents a fundamental challenge for both markets and governments, which operate in a context where performance is measured over shorter timeframes. WWF believes that policy within the NPPF on promoting sustainable economic growth and economic development must be consistent with the transition to a green economy. It should promote:

- longer term thinking,
- economic sustainability that is consistent with environmental sustainability,
- the protection of natural capital;
- wider understanding of the effect of current activities on future generations and their interests;
- integration of social development objectives, and
- public understanding the of link between economy and ecology, highlighting the costs and risks of business-as-usual and the opportunities of a greener economy and sustainable lifestyles.

5(c) What market signals could be most useful in plan making and decisions, and how could such information be best used to inform decisions?

The town centre policies will enable communities to encourage retail, business and leisure development in the right locations and protect the vitality and viability of town centres.

6(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input checked="" type="checkbox"/> |
| Strongly Disagree         | <input type="checkbox"/>            |

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

WWF supports the comments made in the WCL response.

## Transport

The policy on planning for transport takes the right approach.

7(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input checked="" type="checkbox"/> |
| Strongly Disagree         | <input type="checkbox"/>            |

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

Paragraph 84. The second objective should read: "*support reductions in greenhouse gas emissions, in line with meeting UK climate targets, and congestion...*", with clear references to relevant government policy and information on energy and climate change.

Paragraph 85. At the end of the first sentence, "...major generators of travel demand in their areas", we suggest a new sentence is included - "*This should be in line with national policy, for example observing airport capacity constraints set by the Department for Transport.*"

Paragraph 86. We suggest an additional bullet point is included - "*assessments are made to ensure that extra traffic generated will not overwhelm existing road networks and/or public transport systems*".

Paragraph 87. In the second sentence where it lists relevant national policy and principles to consider, we suggest that this includes the UK Climate Change Act 2008.

Paragraph 94. The application of this paragraph must be subject to other policies within the draft NPPF, as well as local policy on protecting sites important for environmental conservation, such as Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest and local green spaces, and ensuring that Environmental Impact Assessments retain their importance in furthering sustainable development.

### **Communications infrastructure**

Policy on communications infrastructure is adequate to allow effective communications development and technological advances.

8(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input checked="" type="checkbox"/> |
| Disagree                  | <input type="checkbox"/>            |

Strongly Disagree

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

### Minerals

The policies on minerals planning adopt the right approach.

9(a) Do you agree?

Strongly Agree   
Agree   
Neither Agree or Disagree   
Disagree   
Strongly Disagree

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

WWF supports the comments made in the WCL response.

### Housing

The policies on housing will enable communities to deliver a wide choice of high quality homes, in the right location, to meet local demand.

10(a) Do you agree?

Strongly Agree   
Agree   
Neither Agree or Disagree   
Disagree   
Strongly Disagree

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

Objectives

Paragraph 107. WWF understands the need to increase housing supply in the UK and welcomes the Government's intention to deliver "high quality homes" and create "sustainable, inclusive and mixed communities". However, we do not believe that the draft NPPF as it stands makes clear what is meant by "high quality homes" nor that it creates a mutually supportive environment which will ensure that the construction of homes fully support the Government's targets on carbon emissions reductions and a move to a low carbon economy.

Significantly increasing the supply of housing

Paragraph 109. WWF believes that any evidence-base for new homes should also include how residential developments will be truly sustainable over their lifetime (Life Cycle Analysis) and how they will contribute to reducing the carbon emissions of that area. Given that the requirements for identifying deliverable sites could be quite high depending on the location, we would also want to see local planning authority provide evidence on the housing densities that sites could achieve and that would be appropriate taking into account other determining factors.

Paragraph 110 should be removed.

Deliver a wide choice of quality homes

Paragraphs 111-113. WWF agrees with the Government's assertion that local planning authorities should plan for a mix of housing including the need for affordable housing and that it should be based on clear evidence of the local need. We are also pleased that in rural areas there will be the requirement that housing in these areas should not be located in places distant from local services in order to minimise the ongoing carbon emissions from those developments.

## Planning for schools

The policy on planning for schools takes the right approach.

11(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input checked="" type="checkbox"/> |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

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

## Design

The policy on planning and design is appropriate and useful.

12(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input checked="" type="checkbox"/> |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

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

### Objectives

Paragraph 114. WWF believes that the word sustainable should be included in the objective for “*attractive, usable and durable*” places. Durable and sustainable do not mean the same thing in this context and may require different design elements to be adopted.

Paragraph 115. WWF welcome the intention of planning to achieve high quality and inclusive design for all development. However, we believe that the language around policies contained in Local Plans regarding innovation and local character should be reflected much more positively and clearly state an ambition that encourages innovation. There is a need to use land much more effectively and efficiently in the UK and the NPPF needs to ensure this happens. In particular, relying on market pressures will not be enough to deliver the new style of housing renaissance that we need.

Paragraph 116. The design of new residential housing developments should also facilitate the efficient use of resources and create sustainable and environmentally friendly homes. Our homes have an important influence on many of the decisions we make such as how we travel, where we shop, how we spend our leisure time and many other behavioural influences. Developments should aim to enable people to respond to the increasing need to reduce our emissions by designing places that make it as easy as possible for them to do so.

Paragraph 117. WWF believes that local planning authorities should make use of best practice design codes that have been developed using sound evidence to produce high quality sustainable homes that support both people and their local environment. It is critical that design is guided appropriately, not just by developers, and in such a way that supports innovation.

Paragraph 120. Local design review arrangements must include clear criteria covering the sustainability of developments in the long term, especially with regards to carbon emissions and the level to which the development will contribute to reducing emissions and supporting the low carbon economy.

Paragraph 121. While we would agree that truly outstanding and innovative designs should be recognised, it is not clear how these will be assessed. WWF believes that such designs would be those that go beyond nationally prescribed standards and achieve higher levels of

the Code for Sustainable Homes as a minimum. New homes should inspire people demonstrating that sustainable and environmentally friendly housing is desirable.

### **Sustainable Communities**

WWF notes that the paragraphs on sustainable communities seem mainly focussed on improving social interaction and green spaces. However, we consider that "sustainable communities" should also have an energy dimension - i.e. where possible and relevant, the principle of sustainable communities should also be about encouraging the development of community-based renewable energy projects to help a community be more self-sufficient and benefit from its own energy sources.

#### Objectives

Paragraph 124. Despite being the opening paragraph to the sustainable communities section, not one of the three bullet points mention anything about sustainability as whole and the focus is mainly on the social pillar. **WWF suggests** that the objective for sustainable communities should say something about how these communities will support a low carbon economy as well as protecting the local environment.

#### Deliver open space, sports and recreational facilities

Paragraph 128. WWF welcomes the identification of open space as being important to new developments. However, we would be keen to see a definition that describes the types of open space and their benefits to the local area as well as an assurance that they will be adequately protected in the long term.

### **Green Belt**

The policy on planning and the Green Belt gives a strong clear message on Green Belt protection.

13(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input checked="" type="checkbox"/> |
| Strongly Disagree         | <input type="checkbox"/>            |

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

Paragraph 145. It is concerning that development brought forward under a Community Right to Build Order is not considered inappropriate within the Green Belt. This seems to bend the rules for such development and creates a loop hole that developers could exploit to obtaining planning permission in an area that may otherwise be out of bounds. If new development in Green Belts is considered inappropriate then it should be the case for whoever brings forward that development.

Paragraph 146 states that many elements of renewable energy projects will comprise inappropriate development in Green Belt areas and that in such cases, developers will need to "*demonstrate very special circumstances if projects are to proceed*", which may include for instance "*the wider environmental benefits associated with increased production of energy from renewable sources*". Whilst WWF is sympathetic to preserving Green Belt areas, this paragraph is a bit concerning as it is very vague as to what "special circumstances" means. **We suggest** that more detail is needed here so as to provide guidance to developers and encourage the development of carefully designed renewable energy projects in areas where a lot of energy could be generated from renewable sources.

### Climate change, flooding and coastal change

The policy relating to climate change takes the right approach.

14(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input checked="" type="checkbox"/> |
| Strongly Disagree         | <input type="checkbox"/>            |

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

WWF considers that there is a need to reference current national climate and energy policy within this section. It is important to ensure that local authorities are taking into account additional policy and objectives that may be relevant when planning for climate change and determining developments which may contribute to (or impede) mitigation and adaptation.

Paragraph 150. While WWF welcomes the Government's objective that planning should fully support the transition to a low carbon economy we find that the requirement for local authorities to set the standard for a building's sustainability in a way that is consistent with the zero carbon buildings policy to be woefully inadequate. The realignment of the definition of zero carbon for homes in the budget effectively slashed a third off of the target emissions to be covered by this policy leaving a significant hole in the carbon budget for homes. Given that housing can reduce carbon emissions in a more cost effective and faster way than many other sectors of our economy it would be a missed opportunity to further limit their potential. Local authorities that can demonstrate housing in their area can go beyond the Government's definition of zero carbon should be able to apply local requirements for developers to do so.

In addition, many areas of the UK are suffering from water stress and additional housing will only add to this. Local authorities within water stressed areas, or areas at risk of becoming water stressed, should be able to require higher levels of the Code for Sustainable Homes with regards to water efficiency in order to minimise the impact of new homes on the availability of water.

WWF is concerned that the draft NPPF does not provide sufficient policies and objectives related to climate change adaptation. Planning and decision-making also needs to take into account the impacts of climate change and attention given to ensuring the avoidance of mal-adaptation (which may bring benefits in the short term but may cause adverse impacts to ecosystems, habitats and people in the longer term). Coastal management will be an important aspect, but adaptation will need to be broader than this and include such matters as river management. **WWF recommends** that further consideration is given to appropriate policies to include in the NPPF in relation to adaptation and supporting the objective to “*minimise vulnerability and provide resilience to impacts arising from climate change*”, which extend beyond flood risk and coastal management.

Paragraph 156. We assert that it is crucial new developments are designed in such a way that they are not adding to the already over-stretched highway drainage systems. It should be the norm for new developments to significantly reduce their impact to flooding and pollution through the use of Sustainable Urban Drainage Systems and installation of permeable surfaces to minimise surface water runoff.

The policy on renewable energy will support the delivery of renewable and low carbon energy.

14(c) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input checked="" type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/>            |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

14(d) Do you have comments? (please begin with relevant paragraph number)

Paragraph 152. WWF generally welcomes the section related to renewable and low carbon energy and we believe that encouraging the use and supply of renewable energy projects will be beneficial to England in the long term. However, to improve these policies it may be beneficial to provide more detail to make sure that they do not remain vague statements of principle but require instead concrete actions from local authorities to show that they are complying with them.

WWF has some concerns regarding the terminology used within paragraphs 152 and 153. Currently, the draft NPPF refers to ‘suitable areas’ and ‘opportunity areas’ for renewables. The use of different terms may create confusion and uncertainty in practice because they are vague and open to interpretation. **We, therefore, recommend** that the NPPF instead refer to the well known and understood term ‘Broad Areas of Search’.

The draft Framework sets out clear and workable proposals for plan-making and development management for renewable and low carbon energy, including the test for developments proposed outside of opportunity areas identified by local authorities.

14(e) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input checked="" type="checkbox"/> |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

14(f) Do you have comments? (please begin with relevant paragraph number)

The policy on flooding and coastal change provides the right level of protection.

14(g) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input checked="" type="checkbox"/> |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

14(h) Do you have comments? (please begin with relevant paragraph number)

WWF believes that it is crucial that the NPPF undertakes to enshrine the recommendations of the Pitt Review<sup>27</sup> in relation to new and existing developments in policy to ensure that they are adequately protected from future flood risk.

### **Natural and local Environment**

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

15(a) Do you agree?

- |                |                          |
|----------------|--------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree          | <input type="checkbox"/> |

---

<sup>27</sup> 'Lessons Learned from the 2007 Floods', June 2008  
[http://webarchive.nationalarchives.gov.uk/20100807034701/http://archive.cabinetoffice.gov.uk/pittreview/thepittreview/final\\_report.html](http://webarchive.nationalarchives.gov.uk/20100807034701/http://archive.cabinetoffice.gov.uk/pittreview/thepittreview/final_report.html)

- Neither Agree or Disagree
- Disagree
- Strongly Disagree

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

WWF welcomes the primary objective in this section that planning should help to deliver a healthy natural environment for the benefit of everyone and safe places which promote wellbeing (paragraph 163). WWF also welcomes the objective of the planning system as being to minimise impacts on biodiversity and providing net gains in biodiversity where possible (paragraph 164) – on the understanding that ‘net gains’ means maintaining and enhancing the existing richness, range and extent of biodiversity. Our key concern relates to the impacts that may arise from the application of the overwhelming priority given to economic benefits and growth within the draft NPPF and the presumption, as we have outlined above.

Paragraph 165. In preparing plans, the aim should not just be limited to ‘minimising’ adverse impacts. The approach should be to avoid, mitigate and offset. WWF agrees that land identified as being of lesser environmental value is sought out first for development. However, it is important that this is confirmed by an independent assessment by a suitably qualified individual. The references to the presumption within this paragraph must be removed.

Paragraph 167. WWF welcomes the requirement on local planning authorities to set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. However, we are concerned that the weight to be contributed to environmental factors in the final bullet point is deemed to be only ‘great’ or an ‘important consideration’, as compared to ‘significant’ weight to be attributed to economic benefits. This demonstrates the imbalance created by the draft NPPF between economic, social and environmental factors. In WWF’s view, they should all be given equal consideration in planning and decision making and that appropriate amendments must be made to the draft NPPF to reflect this.

Paragraph 168 stipulates that planning policies should “*take account of the need to plan for biodiversity at a landscape-scale across local authority boundaries*” and “*identify and map components of the local ecological networks, including: international, national and local sites of importance for biodiversity, and areas identified by local partnerships for habitat restoration or creation*”. In this respect, WWF would again refer to the need to ensure that the NPPF is fully integrated with the NEWP process in order to ensure that the benefits of such recommendations are maximised.

WWF welcomes the recognition that planning policies should promote the preservation, restoration and re-creation of priority habitats, ecological networks and the recovery of priority species populations, linked to national and local targets (paragraph 168). We would again advocate full integration with the NEWP.

WWF welcomes the application of the following principles by local planning authorities:

- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and

- the following wildlife sites should be given the same protection as European sites:
- potential Special Protection Areas and possible Special Areas of Conservation;
- listed or proposed Ramsar sites; and
- sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

WWF also welcomes the recognition that development likely to have a significant effect on sites protected under the Birds and Habitats Directives would not be sustainable under the terms of the presumption in favour of sustainable development (paragraph 170).

Preventing unacceptable risks from pollution and land instability

Paragraph 171. It is important to note that it is not always obvious how a proposed development can in itself cause pollution to a local area. Surface water run off can seriously contaminate local waterways and ground water if left unchecked, which can potentially affect local amenities and businesses that people rely on (e.g. enjoyment of local waterways and production of local food crops). We would like to see the potential effects of different types of pollution given appropriate and adequate consideration in planning requirements.

**Historic Environment**

This policy provides the right level of protection for heritage assets.

16(a) Do you agree?

- |                           |                                     |
|---------------------------|-------------------------------------|
| Strongly Agree            | <input type="checkbox"/>            |
| Agree                     | <input type="checkbox"/>            |
| Neither Agree or Disagree | <input checked="" type="checkbox"/> |
| Disagree                  | <input type="checkbox"/>            |
| Strongly Disagree         | <input type="checkbox"/>            |

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

**Impact assessment**

The Framework is also accompanied by an impact assessment. There are more detailed questions on the assessment that you may wish to answer to help us collect further evidence to inform our final assessment. If you do not wish to answer the detailed questions, you may provide general comments on the assessment in response

to the following question:

17a. Is the impact assessment a fair and reasonable representation of the costs, benefits and impacts of introducing the Framework?

#### Specific Impact Tests

WWF is concerned with the approach adopted for the specific impact tests for sustainable development, greenhouse gas emissions and wider environmental impacts. The summary on page 6 advises that there are no adverse impacts on any of these issues. It is unclear what evidence base has been used to inform these impact assessments, as the list of evidence on page 7 includes no documentation or information on any of these issues. When reading the conclusions of the assessments on pages 93 to 96, they make general assumptions not demonstrated by reference to any evidence. There is also a lack of clear assessment of policy to identify impacts, understand how significant or otherwise they may be and assumptions are applied that the application of other existing policy will automatically mitigate any adverse impacts arising.

On sustainable development, it does not appear that there has been any use of the assessment proforma and guidance developed by Defra<sup>28</sup>. There is no consideration of intergenerational impacts, which are included within the proforma. Rather, the assessment is focused on the presumption and justifying its inclusion within the draft NPPF by reference to the intentions behind introducing it, instead of identifying and assessing the impacts that may actually arise in practice. As a result, WWF considers the specific impact test for sustainable development to be completely inadequate and contrary to the commitments from the government within the 'Mainstreaming Sustainable Development' vision. **WWF recommends** that this assessment is carried out again and follows the proforma and guidance issued by Defra. **We also encourage** DCLG to work closely with Defra on ensuring this is completed in a satisfactory way.

Similarly, the specific impact test for greenhouse gas emissions and wider environmental issues are not informed by any specific evidence. Again it would appear that the guidance issued by Defra has been ignored and that no actual assessment of impacts has been undertaken. We do not consider that such an approach is capable of providing a robust analysis of the likely significant environment impacts or identifying measures for their avoidance, mitigation or offsetting. In WWF's view, there is no evidence to demonstrate that the draft NPPF and the presumption in favour of sustainable development will not have any adverse impacts on the environment, greenhouse gas emissions or sustainable development, as is concluded in the impact assessment.

As a result, WWF strongly believes that the draft NPPF should have been developed with the aid of a Strategic Environmental Assessment (SEA), which would provide robust and detailed evidence on the likely significant environmental impacts of its policies and the presumption in favour of sustainable development. We understand that it is the Government's position that an SEA is not required because the draft NPPF is a policy document and not a 'plan or programme' to which the SEA Directive<sup>29</sup> applies. However, WWF considers that the Directive may in fact apply because the draft NPPF is effectively bringing about a modification of the development plan.

<sup>28</sup> WWF appreciates that this is currently being reviewed and updated by Defra. However, not even the current proforma has been used within this impact assessment.

<sup>29</sup> Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, which is transposed in UK law by the Environmental Assessment of Plans and Programmes Regulations 2004.

From the date it is adopted, planning applications will be determined in accordance with the NPPF and its presumption in favour of sustainable development, unless the local plan is consistent with that approach in taking the presumption as its starting point. Local authorities must either modify their plans or effectively ignore, or give little weight to, relevant but non-conforming policies. The NPPF is also establishing a policy default position which will take priority over development plans in the relevant circumstances. The Impact Assessment for the draft NPPF states that the intention is to strengthen the role of national policy in the planning system and that the NPPF should be the “*basis for decisions where plans are not an adequate basis for deciding applications*”<sup>30</sup>. This would strongly suggest that the NPPF should be the subject of an SEA.

Regardless of the differences in opinion on whether or not the SEA Directive applies to the draft NPPF, **WWF strongly recommends** that the Government agree to conduct an SEA on the draft NPPF, in the same way as it has done on the revocation of Regional Strategies. At this time, there is no evidence or certainty on what the impacts on the environment will be from the adoption of the NPPF and the presumption in favour of sustainable development. The SEA process would be extremely useful in helping to provide this evidence, to understand in practice what the implications of policy changes will be and to inform how to improve the policies to reduce the likelihood of adverse impacts. It would also demonstrate that the Government is committed to adopting an NPPF that truly furthers the achievement of sustainable development. WWF would strongly support the Government if it agreed to undertake an SEA and assist in any way possible.

## Planning for Travellers

18 Do you have views on the consistency of the draft Framework with the draft planning policy for traveller sites, or any other comments about the Government's plans to incorporate planning policy on traveller sites into the final National Planning Policy Framework?

## Specific questions on the impact assessment

QA1: We welcome views on this Impact Assessment and the assumptions/estimates contained within it about the impact of the National Planning Policy Framework on economic, environmental and social outcomes. More detailed questions follow throughout the document.

QA2: Are there any broad categories of costs or benefits that have not been included here and which may arise from the consolidation brought about by the National

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<sup>30</sup> See the Draft National Planning Policy Framework: Impact Assessment, under Part B1: Sustainable Development on pages 20 and 23 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951736.pdf>

Planning Policy Framework?

QA3: Are the assumptions and estimates regarding wage rates and time spent familiarising with the National Planning Policy Framework reasonable? Can you provide evidence of the number of agents affected?

QA4: Can you provide further evidence to inform our assumptions regarding wage rates and likely time savings from consolidated national policy?

QA5: What behavioural impact do you expect on the number of applications and appeals?

QA6: What do you think the impact will be on the above costs to applicants?

QA7: Do you have views on any other risks or wider benefits of the proposal to consolidate national policy?

QB1.1: What impact do you think the presumption will have on:  
(i) the number of planning applications;  
(ii) the approval rate; and  
(iii) the speed of decision-making?

QB1.2: What impact, if any, do you think the presumption will have on:  
(i) the overall costs of plan production incurred by local planning authorities?  
(ii) engagement by business?  
(iii) the number and type of neighbourhood plans produced?

QB1.3: What impact do you think the presumption in favour of sustainable development will have on the balance between economic, environmental and social outcomes?

As outlined in our response to questions 1(a) and (b) above on the draft NPPF, WWF considers that the presumption significantly changes the focus of the planning system and introduces a bias towards economic growth and benefits. This can only impact adversely on the 'balance' between economic, environmental and social outcomes. We strongly believe that the planning system must not be focused on one pillar of sustainable development more than the others. Rather, it must be focused on the integrated delivery of economic, social and environmental priorities and objectives.

QB1.4: What impact, if any, do you think the presumption will have on the number of planning appeals?

In WWF's view, the current wording of the presumption creates uncertainty and establishes an imprecise test for when planning permission should be granted. As a result, we believe that this will result in more planning appeals as either local authorities or developers seek clarification on differences in interpretation and application.

QB2.1: Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

QB2.2: Is 10 years the right time horizon for assessing impacts?

Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

WWF queries whether the 10 time horizon is the right length of time. Sustainability requires consideration of the interests of future generations and the likely impacts of development and resource use now on their quality of life in the future. To achieve sustainable development also requires longer term thinking and planning. A 10 year time horizon seems too short a period to encompass these considerations.

QB2.3: How much resource would it cost to develop an evidence base and adopt a local parking standards policy?

QB2.4: As a local council, at what level will you set your local parking standards, compared with the current national standards?

Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

QB2.5: Do you think the impact assessment presents a fair representation of the costs and benefits of the policy changes on minerals?

QB3.1: What impact do you think removing the national target for brownfield development will have on the housing land supply in your area? Are you minded to change your approach?

QB3.2: Will the requirement to identify 20% additional land for housing be achievable? And what additional resources will be incurred to identify it? Will this requirement help the delivery of homes?

QB3.3: Will you change your local affordable housing threshold in the light of the changes proposed? How?

QB3.4: Will you change your approach to the delivery of affordable housing in rural areas in light of the proposed changes?

QB3.5: How much resource would it cost local councils to develop an evidence base and adopt a community facilities policy?

QB3.6: How much resource would it cost developers to develop an evidence base to justify loss of the building or development previously used by community facilities?

QB3.7: Do you think the impact assessment presents a fair representation of the costs and benefits of the Green Belt policies set out in the Framework?

QB4.1: What are the resource implications of the new approach to green infrastructure?

QB4.2: What impact will the Local Green Space designation policy have, and is the policy's intention sufficiently clearly defined?

QB4.3: Are there resource implications from the clarification that wildlife sites should be given the same protection as European sites?

QB4.4: How will your approach to decentralised energy change as a result of this policy change?

QB4.5 Will your approach to renewable energy change as a result of this policy?

QB4.6: Will your approach to monitoring the impact of planning and development on the historic environment change as a result of the removal of this policy?