

# Neighbourhood planning - fresh powers for local conservation?

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*Reforms to the planning system could bring major change to directing development and managing the environment at the local level. This article looks at the emerging issues for wildlife and the natural environment as the reforms begin to bite and the first generation of neighbourhood plans take hold.*

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## **Political agonising over planning**

Greg Clark MP, Minister for Cities, Decentralisation and Planning made an impassioned speech to the Planning Officers Society in January 2011, including these words:

“Planning is more than a job: it is a vocation. It helps people articulate their aspirations and ambitions for the place where they live. It promotes local prosperity, safeguards the environment, and expresses the unique character that makes different places special. This is a unique and incredibly valuable form of public service.

So it's a tragedy that over-centralisation has led many people today to see the planning system in a poor light. Regional strategies and housing targets have succeeded not in boosting development but in generating antagonism. The Government is committed to profound reform. The Localism Bill [now Act], currently before parliament, will scrap regional targets, do away with unnecessary bureaucracy, and allow people at a very local level to exercise more power than ever before.

Instead of imposing on people, we want to give them the opportunity to make their own choices through neighbourhood planning. Our aim is to give people real choice, real influence, and real reasons to say “yes” to development”.<sup>1</sup>

On the one hand the Minister was praising a system that, by and large, has maintained so much that is loved about our country. On the other hand, he was condemning the system as broken and not fit for purpose. So does this ‘power to the people’ herald a new dawn for planning, and what does it mean for nature conservation?

## **Planning's heritage**

Before looking forwards, it is worth reflecting on the past. The planning system has come a long way since the landmark Town and Country Planning Act 1947,

which established the principle that land ownership by itself should not confer the right to develop land as the landowner saw fit. The Act introduced the need to apply for planning permission, in effect nationalising the right to develop land. The requirement for local authorities to prepare development plans was introduced.

There have been several refinements to the planning system since the 1947 Act, not least the concept of the plan-led system (introduced by the Town & Country Planning Act 1990 which changed the presumption against development unless it was in accordance with the development plan for an area except in exceptional circumstances). In addition, a myriad of complementary legislation and policy has grown up around it. Much of this has been concerned with protection of the environment, such as the introduction of Green Belts (under a 1955 Circular), the Wildlife and Countryside Act 1981, the Environmental Protection Act 1990, and legislation on the need for certain development projects to undergo Environmental Impact Assessment and more recently development plans to be subject to Sustainability Appraisal and Strategic Environmental Assessment.

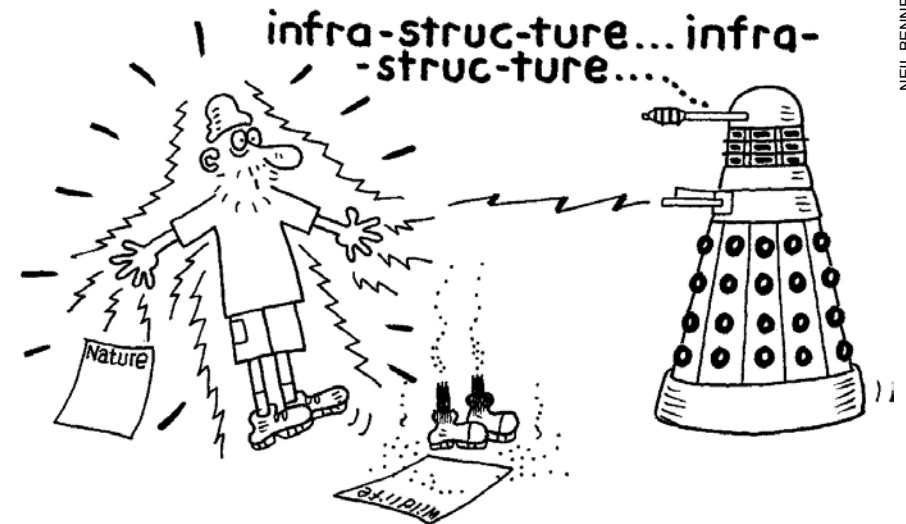
The need for more than simply local planning was recognised, ironically, by the Margaret Thatcher-led Conservative administration through the issuing of strategic guidance, later known as Regional Planning Guidance, in 1986. This was further refined by the introduction in 2004 of Regional Spatial Strategies, under the Tony Blair-led Labour administration. Regional planning did not replace local planning (although county Structure Plans were abolished at the same time that Regional Spatial Strategies were introduced) but complemented it. Unitary, district and borough local planning authorities were still required to prepare local plans, such as Core Strategies, under the plan-led system, but these had to conform to the higher level regional plans and national planning policy.

We are now on the verge of doing away with regional planning altogether, leaving local authorities and local people to their own devices. The Government believes that this will speed up planning and both local planning authorities and local communities will welcome the opportunity to plan for themselves, rather than rely on somebody else higher up to tell them what to do.

### A system which works – the evidence

Inevitably, given the intricacies of the planning system, and the important role of public consultation, the planning system can grind quite slowly, but not as slowly as some people might imagine. Government statistics<sup>2</sup> for the year ended September 2011 in England show that 62% of major applications were decided within thirteen weeks, and 72% of minor applications were decided within eight weeks. Furthermore, 86% of all applications were granted planning consent, suggesting that the planning system may not be quite as anti-development as some commentators would like to think.

Nevertheless, there is little doubt that the preparation of development plans has not been as speedy as successive Governments would have liked. Even now, eight years after the introduction of Local Development Frameworks, only 39% of local



planning authorities have adopted core strategies.<sup>3</sup> But is this really that surprising? The UK is the 33<sup>rd</sup> most densely populated country in the world with 656 people per square mile, more than double that of France.<sup>4</sup> In western Europe, only the Netherlands and Belgium are more densely populated. This places tremendous and competing pressures on land and its resources. Development is often controversial – any proposal is almost bound to affect someone.

Yet the planning system is expected to deliver almost everything. It is supposed to identify land for housing, industrial and commercial development, shops, schools and hospitals. It has to provide for transport, water and energy infrastructure, ports and distribution facilities. It has to cater for mineral extraction, and waste facilities. It has to make sure that people and property are not put at risk of flooding, and it is required both to ensure that places are adapted to cope with the impacts of climate change, and to reduce greenhouse gas emissions. At the same time, it has to protect and enhance our countryside, our green spaces and public amenity, our wildlife and biodiversity, and our heritage. Ironically, the one thing that planning has little control over is how agricultural land is used and managed, which is rather ironic given that this is by far the most significant land use of all, and arguably the most important for nature conservation.<sup>5</sup>

So when dealing with big numbers, as the Regional Spatial Strategies had to do for housing, planning is bound to provoke strong reactions. Some draft Regional Spatial Strategies generated tens of thousands of consultation responses. And it wasn't just the number of comments that challenged planners, it was the range – from those who complained that the Strategies wouldn't deliver the housing and economic development that is desperately needed, to those who pleaded that development on the scale proposed would dramatically change their town or countryside for ever.

If nothing else, planners have to perform a fine balancing act, attempting to steer a course through a mix of often conflicting agendas, all within a national policy framework, in order to deliver land-use change that is in the public interest.

### **The neighbourhood level – what will this mean for planning?**

By and large the planning system hasn't done too badly in the face of all these competing pressures, and certainly the country is a whole lot better than it would have been had development been left unchecked. As Greg Clark MP said in his speech to the 2012 Royal Town Planning Institute Planning Convention "Britain would not be the place it is today if it wasn't for the planning profession" (a compliment, I am sure, to my chosen profession!).

Well the Localism Bill is now an Act. The National Planning Policy Framework<sup>6</sup> (NPPF) is now in place. And local communities are starting to beaver away on their neighbourhood plans. The Government is supporting over 200 neighbourhood plan 'front runners' with grants of up to £20,000 to support and facilitate their preparation. But what does it mean in practice?

Neighbourhood planning will not result in communities doing whatever they like – they will have at least one if not both hands tied behind their back. Neighbourhood plans will have to conform with policies in the NPPF and with the strategic policies in the local plan in which the neighbourhood lies. Neighbourhood plans cannot be used to reduce the amount of housing and other types of development that is contained within a local plan – they are definitely not supposed to be a NIMBY's charter.

### **Steering local development – how will it happen?**

What communities can do through neighbourhood plans is decide where development should go in the community, what it should look like, and what should accompany development, such as the protection of open space and the delivery of community facilities. With a neighbourhood development order in place, a community can even grant planning permission for new buildings they want to see go ahead without the developers having to apply to the local planning authority.

Indeed, the Government is confident that local communities do want new homes, and new economic development. It believes that by giving communities greater powers to plan for themselves, coupled with incentives such as the new homes bonus (whereby the Government provides additional funding or a 'bonus' for new homes by match funding the additional council tax raised for new homes and empty properties brought back into use, with an additional amount for affordable homes, for six years) will mean that house building rates will start to increase again.

### **Room for nature?**

So where does nature conservation fit in? Good question. First, let's consider what has been lost as a result of the changes. Perhaps most significantly, the proposed revocation of the Regional Spatial Strategies (which has still yet to happen pending completion of the Strategic Environmental Assessment process, and the placing of orders before parliament) means that there is now little in the way of strategic

planning above the local plan level. This is significant for nature conservation because the Regional Spatial Strategies were able to take a cross-boundary approach, planning at a regional and sub-regional level.

A strong feature of Regional Spatial Strategies was the inclusion of policies, not only for the protection of biodiversity, but also for its enhancement through policies that sought to encourage the development of green infrastructure. Nature does not recognise political boundaries, and the now defunct regional assemblies understood that it needed to be planned for strategically to ensure that multi-functional biodiversity networks could be developed to reverse the slow but inexorable fragmentation and erosion of habitats and wildlife corridors.

So now that regional and sub-regional planning has gone, what do we have in its place? There is now a 'duty to co-operate' placed on local planning authorities as a result of the Localism Act. Local planning authorities are required to work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual local plans. One of the strategic priorities listed in the NPPF is the conservation and enhancement of the natural environment. But most attention to date has focused on development and infrastructure, such as identifying housing market areas and planning for waste, rather than nature conservation. Nonetheless, it is now up to local planning authorities to decide how nature should be planned for strategically across administrative boundaries. No longer can they look to a higher plan for guidance.

### **Getting nature into Neighbourhood Plans**

The NPPF does provide some pretty strong hints on what the Government expects local planning authorities to do. They are required to plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure, recognise the wider benefits of ecosystem services, and minimise impacts on biodiversity and provide net gains in biodiversity where possible, contribute to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

So many of the national policy 'hooks' are there, but whether local authorities have the resources and expertise to deliver is another matter. Planners are adept at turning their minds to many subjects but understanding and planning for ecological networks is pretty challenging stuff, especially when there is so much else for planners to grapple with. Natural England and other bodies with the skills and knowledge are under similar resource constraints and will struggle to engage meaningfully with such a large number of local planning authorities, rather than concentrate on getting it right at the regional and sub-regional level first, in the belief that this would filter down to the local level.

At the neighbourhood planning level, attention is likely to focus on what local people hold dear. There is little doubt that neighbourhood plans will seek to identify important areas of open space to protect, whether or not they are important for

nature conservation, but it is very unclear whether neighbourhood plans will provide the planning mechanism needed to stimulate significant improvements in ecological networks. To encourage local communities to think about such issues the statutory agencies have issued guidance to local communities on how to take environmental matters into account when preparing neighbourhood plans.<sup>7</sup> Similarly, voluntary bodies, such as the Somerset Wildlife Trust, have made available on-line advice.<sup>8</sup>

To look at one example, in Somerset in April 2012 one of the first draft Neighbourhood Plans emerged. Amongst a range of objectives for the village is one that focuses on improving wildlife potential of its open spaces. The draft Plan calls for 'Wild Life Refuges':

"Wild life refuges provide breeding grounds for pollinators and other beneficial fauna and feed for wild birds.

"Existing large green areas in the village should be managed with wild headland boundaries. This reduces the energy of space maintenance and encourages beneficial wild life activity."

"We would like a sustained consideration of small landscaping grassed areas and nature strips in the village to be managed sustainably to include wildlife refuges including the planting of fruit trees."

It is too early to judge whether or not things will really change as a result of neighbourhood plans. Many are in their formative stages, although emerging examples such as Much Wenlock<sup>9</sup>, Thame<sup>10</sup>, and Lynton & Lynmouth<sup>11</sup> all demonstrate that communities care about their local environments and are keen to ensure that it is protected and enhanced. But whether this is enough to make a difference is difficult to tell.

### Will neighbourhood planning be joined up?

It is unclear whether neighbourhood plans will need to undergo sustainability appraisal or strategic environmental assessment, although they will require independent examination. Many local communities will know and value the nature in their neighbourhood, but this is not the same as understanding its condition, or what needs to happen in ecological terms to support certain species, or how development proposals in one location may have knock-on effects on wildlife in another. Even qualified planners and environmental professionals can struggle to identify and understand such issues, so why should members of the public with no particular training be able to fare any better?

It seems to me that neighbourhood planning requires a lot of faith. Yes, local people do know their neighbourhoods best, although they may not always agree on how to plan for their future. They know which parts of their village or their town that they value. But do they understand whether that bit of derelict land is ideal for rare invertebrates, or that area of unsightly scrubland is important for breeding birds. Will it be the most pristine areas that are protected or those that are most important for nature conservation? Will the thousands of neighbourhood plans somehow all

join up to provide a seamless, coherent mosaic of habitats and corridors across the country? Who knows? I don't. Does the Government?

### References and notes

1. Greg Clark, Minister for Cities, Minister for Decentralisation and Planning in a speech to the Planning Officers Society, 24 January 2011, 'The opportunity of neighbourhood planning' <http://www.gregclark.org/articles-speeches/articles-speeches/the-opportunity-of-neighbourhood-planning-a-speech/16>
2. Table P122 at <http://www.communities.gov.uk/planningandbuilding/planningbuilding/planningstatistics/livatables/livablesdevelopmentcontrolst/>
3. The Planning Inspectorate Annual Report and Accounts 2011/12
4. <http://www.worldatlas.com/aatlas/populations/ctypopls.htm>
5. 18.6 million hectares is classified as agricultural land in the UK, over 70% of the total land area. See [http://www.ukagriculture.com/the\\_importance\\_of\\_agriculture.cfm](http://www.ukagriculture.com/the_importance_of_agriculture.cfm)
6. Department for Communities and Local Government (March 2012) National Planning Policy Framework
7. English Heritage, Environment Agency, Forestry Commission England, Natural England (no date) Planning for the environment at the neighbourhood level
8. <http://www.somersetwildlife.org/article129.html>
9. <http://beta.wenlockplan.org/themes-and-issues/built-environment/>
10. [http://www.thametowncouncil.gov.uk/index.php?option=com\\_content&view=article&id=1136&Itemid=111](http://www.thametowncouncil.gov.uk/index.php?option=com_content&view=article&id=1136&Itemid=111)
11. <http://www.lynplan.org.uk/>

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The Lynton and Lynmouth Neighbourhood Plan is one of the first generation of such plans. It has a strong focus on identifying sites for local needs housing whilst conserving the area's sensitive environment and protected landscape.