



Leverhulme Centre
for Nature Recovery

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Proposed reforms to the National Planning Policy Framework and other changes to the planning system

[See details of the consultation process](#)

Comments from the Leverhulme Centre for Nature Recovery, University of Oxford

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Introduction

This introductory text was included in our submission as a response to Q193. It is shown out of sequence here to assist the reader, and also at Q193 for completeness.

The [Leverhulme Centre for Nature Recovery](#) is a hub for multi-disciplinary research on nature recovery nationally and worldwide, based at the University of Oxford. Our response addresses the following broad concerns:

- **Nature protection and nature recovery obligations are not adequately addressed.** The current draft NPPF does not deliver the level of protection needed to deliver the UK's statutory nature recovery requirements under the Environment Act 2021 and our commitments under the Global Biodiversity Framework. Requirements on nature protection are weak, isolated, not given the same 'substantial weight' as policies on economic growth and development, and not adequately integrated into wider policies. For example, **Policy N6** has weakened protection for SSSIs and still does not offer any protection for National Nature Reserves or Priority habitats and species (of principal importance). Also, the list of standard information required does not include Environmental Impact Assessments or Strategic Environmental Assessments.

- **Presumption in favour of so-called 'sustainable' development is likely to drive habitat loss.** Much of the language in the document has moved away from a focus on necessary balance and weighting of evidence, towards a presumption in favour of development. In many cases, this funnels power, land and permissions towards developers, at the expense of local people and the environment. The IPBES report on Transformative Change emphasizes the need to tackle the underlying drivers of biodiversity loss, which includes land use planning.
- **Lack of safeguards:** the new document is overly vague in its definition of 'unacceptable impact', and risks creating the conditions for biodiversity loss via development. Given that we know that this is likely to lead to a decline in economic growth, as well as increased problems with national security, the policy is internally inconsistent. Producing economic growth in one sector, at the expense of a greater cost to economic growth in another is irrational and illogical – and these inconsistencies strongly suggest that MHCLG has not grasped the extent or urgency of biodiversity loss as a social problem.
- **Lack of appreciation of the benefits of green spaces to communities.** The draft does not explicitly refer to the benefits of green spaces for health and well-being. Reference to Natural England's Green Infrastructure Standards is welcome but there is no requirement to meet minimum standards for the area of green space provided per person, the accessibility (within a 15 minute walk) and the quality and nature-richness of green space, in line with these standards.
- **Local democracy is being undermined.** While there is a need for local decisions to be in line with national and international obligations, sound decisions can only be made with a full appreciation of local needs, priorities and constraints. The current draft NPPF undermines this local democracy by allowing Spatial Development Strategies or the Secretary of State to take over local planning powers or overrule local decisions. Centralisation of policy and authority is also inconsistent with stated government ambitions elsewhere towards devolution.
- **Ability of LPAs to set ambitious targets.** Limiting proposals to a 10% statutory minimum for BNG will constrain the ability to apply higher thresholds where required. It also flies in the face of the intention with BNG, which was to set a minimum standard for nature recovery, not a maximum. Similarly, **PM13** explicitly attempts to stop LPAs from applying Net Zero policies that go beyond the national minimum standard. More widely, the planning system works on site-by-site discretion for good reasons, and the imposition of constraints on LPAs risks locking in policies that cannot respond to local conditions.

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Summary

1. Do you have any views on how statutory National Development Management Policies could be introduced in the most effective manner, should a future decision be made to progress these?

We do not believe National Development Management Policies (NDMPs) should be introduced because these would risk imposing unsuitable development plans on local communities without being informed by a full understanding of local needs, priorities, opportunities and constraints. Policies should act as a floor, not a ceiling to ambitions, and must align with the Environment Act 2021 and Climate Change Act 2008 in embedding strong, enforceable requirements for nature-positive development.

NDMPs must not be used to weaken robust local planning, underpinned by place-specific evidence including scientific ecological reports. England has so many varied ecosystems and local contexts that there is a risk the NDMPs cannot adequately respond, risking poorer outcomes for nature, climate change, and local communities. There are also serious democratic questions about centralising power away from local communities and towards central decision-making in this way.

In particular, NDMPs must not be used to deregulate or dilute environmental safeguards, or to undermine local ambitions to deliver at a greater level for nature.

2. Do you agree with the new format and structure of the NPPF which comprises separate plan-making policies and national decision-making policies?

Partly disagree

While a greater degree of strategic planning is welcome, the environmental dimensions of sustainability need to be underpinned. There is a risk that these policies prioritise speed and certainty for development capital at the expense of environmental regulation. The need to enhance statutory safeguards (Environment Act, 2021, Climate Change Act 2008) needs to be embedded throughout the NPPF. The NPPF needs to work better to ensure that evidence is carefully considered to create qualitatively good places, including avoiding development that is constructed at huge environmental cost, and without infrastructure.

3. Do you agree with the proposed set of annexes to be incorporated into the draft Framework?

Strongly disagree

Annex A, Section 9. Planning freedoms. “The government will continue to explore with individual areas the potential for planning freedoms and flexibilities, for instance where this would facilitate an increase in the amount of housing that can be delivered.” This seems to offer a potential loophole for developments to avoid meeting the standards set out in the rest of the framework.

Annex B. The definition of irreplaceable habitats is too limited, and would not protect priority grasslands or ancient hedgerows. Ecological distinctiveness, establishment time, and uniqueness must be considered. The definition of “International, national and locally designated sites of importance for biodiversity” should include National Nature Reserves, which otherwise are not offered any protection by the NPPF. Defra’s ‘Confirmed Criteria for 30x30 on land in England’ state that the purpose should include SSSIs, SACs, SPAs, NNRs, and Ramsar sites. Chalk streams are also not currently covered in Annex B.

Annex C. Environmental Impact Assessments should be included in the list of required information. It is very important that each site is individually assessed to determine what habitats and species are present, before planning permission is granted.

Annex D. The Standard Method for calculation of housing need is very simplistic (0.8% of current housing stock plus a high penalty in areas with a high ratio of house prices to wages) and has no relationship with projected future population growth in the area, and no flexibility to account for local constraints. In addition, because it is based on current housing stock, building more homes will simply increase the next target – the target can never be met. This is likely to result in unrealistically high targets for many areas especially where house prices are high – which can be due to the environmental setting rather than reflecting a market imbalance. Setting targets that cannot be achieved will simply result in more LPAs failing to meet delivery targets and hence being opened up to the ‘tilted balance’, resulting in developers being allowed to proceed with speculative development in unsuitable locations not allocated in the Local Plan. This is highly likely to result in adverse impacts on the environment, and poorly planned development that does not address local needs, priorities and constraints.

In addition, the Housing Delivery Test is fundamentally flawed because many developers deliberately choose not to build on sites where permission has already been granted (‘land banking’), often in order to keep house prices high and thus increase their profit margins. Other barriers are lack of a skilled workforce or rising construction costs. The [IPPR estimated](#) that over 1 million homes with planning consent have remained unbuilt since 2010. The LPA has no control over whether sites are developed once permission has been granted. It is unfair to penalise local communities by subjecting areas to unplanned development in unsuitable locations because developers are unwilling or unable to build on their sites after planning permission has been granted. With this in mind, it is unnecessary to set such unrealistically high targets which are bound to lead to poor quality, environmentally damaging unplanned developments. It would be far more effective, as detailed in the IPPR report, to penalise developers for failing to deliver consented homes and provide greater resources for planning authorities and consultees such as Natural England to speed up delays in the system.

Annex E, Green Belt. The approach to identifying areas of the Green Belt that do not contribute to the relevant objectives is flawed, because it would be possible to carve up the Green Belt into small assessment units that by themselves do not meet all the criteria (e.g. only being ‘a small part’ of the gap between villages, or not being immediately adjacent to a settlement). In this way, the whole Green Belt could be gradually lost in a piecemeal fashion, especially as once the area is ‘not completely undeveloped’ it is deemed to be no longer Green Belt. Again, the emphasis has moved towards development at any ecological cost, rather than on safeguarding important areas of the Green Belt as crucial areas for nature recovery.

The redefinition of the Green Belt that ignores the purpose to focus development in city centres, driving urban regeneration, is particularly worrying. The government should be restricting development on edge-of-settlement sites in order to force developers to take on some of the economic cost of developing these sites.

The release of Green Belt land should be accompanied by policies to capture land value uplift from these developers and ringfence it for nature recovery.

Annex F, Flood Zones. No type of ‘vulnerable’ development (houses, schools, hospitals etc) should be allowed in Flood Zone 2 or 3, even with the Exception Test. The criteria that the development must ‘remain safe’ and/or that an emergency plan for evacuating occupants should be in place are highly unlikely to be meaningful or achievable in practice, especially in as flooding continues to worsen with climate change.

Chapter 1: Introduction

5. Do you agree with the proposed approach to simplifying the terminology in the NPPF where weight is intended to be applied?

Partly disagree

This is the kind of well-intentioned change that ends up having unintended consequences once the law is involved. The use of the term “substantial” as a catch-all for everything reduces nuance, and removes the ability of the policy to signal towards statutory targets and safeguards. This could make it easier for these to be marginalised in spatial decision-making processes.

Chapter 2: Plan-making policies

6. Do you agree with the role, purpose and content of spatial development strategies set out in policy PM1?

Strongly disagree

Overall purpose: we agree that Spatial Development Strategies (SDS) are necessary: the removal of regional planning has led to piecemeal development across the countryside, in less sustainable edge-of-settlement locations that require significant car use. However, the current wording around SDS suggests that development and economic growth will be prioritised over environmental factors. The risks of not taking the ‘nature emergency’ seriously are that policies like this end up having the opposite effect to that which is intended, causing a decline of economic growth due to the impacts of climate change and biodiversity loss. SDS must be streamlined with statutory environmental obligations, including bolstering the status of LNRS within the planning system.

SDS will only be effective at concentrating urban development where it is needed if they are used in a manner that avoids greenfield development (i.e. there is a direct contradiction between this ambition and the redefinition of Green Belt as grey belt).

PM1 Section 1 states that “Spatial development strategies should set a positive vision for future growth and change at a sub-regional scale and provide a clear spatial framework for investment and growth, including for new housing.” This is an unbalanced purpose, focusing only on economic growth without the other two pillars of sustainable development: social and environmental. The following purposes are currently omitted and should be added to Section 1:

- The need for SDSs to address environmental improvement, in line with the requirements for Local Plans in PM2.
- The Planning and Infrastructure Act 2025 requirement for SPSs to meet the need for affordable housing, climate mitigation and adaptation.
- The requirement from the current NPPF that plans and planning decisions should be compatible with international and national statutory obligations. This should include our national and international climate and nature recovery targets.

Local democracy – by setting broad locations for development, allocating housing numbers between LPAs and proposing areas where LPAs must consider changes to the Green Belt, SPSs undermine local democracy. It is crucial to give local people a say in these decisions and for them to be able to hold the decision-makers accountable through local elections.

LNRS – Section 2e (“Identifying broad locations for nature conservation and habitat enhancement, restoration and creation”) should refer to Local Nature Recovery Strategies in the relevant areas, to avoid duplicating or contradicting the huge amount of work that has already been done to create LNRS. This would be in line with the reference to Local Growth Plans in **Section 2c**. The need to follow LNRS allocations should be emphasized throughout.

Nature-based Solutions (NbS) – in **Section 2f**: after ‘flood risk management schemes’ we recommend adding in brackets “(including natural flood management)”. This will ensure that decision-makers do not simply default to the business-as-usual approach of prioritising hard infrastructure, which would fail to reap the multiple benefits of NbS.

7. Do you agree that alterations should be made to spatial development strategies at least every 5 years to reflect any changes to housing requirements for the local planning authorities in the strategy area?

a) If not, do you think there should be a different approach, for example, that alterations should only be made to spatial development strategies every five years where there are significant changes to housing need in the strategy area?

Partly agree

In an ideal world, SDS would be kept up to date – but this depends on appropriate allocation of resources to avoid the current situation, in which overstretched planning authorities treat housing as a quantitative matter of units, not a qualitative matter of placemaking. Rather than focusing on revisions due to changing housing targets, why not focus on the need to revise these strategies to reflect the nature and climate change emergencies?

9. Do you agree with the role, purpose and content of local plans set out in policy PM2?

Partly disagree

Section 1a: It seems unnecessary and arbitrary to limit the Local Plan to 10 measurable objectives. A good plan should follow SMART principles, with goals being Specific, Measurable, Achievable, Relevant, and Time-bound. Limiting the scope of measurable objectives simply encourages ineffective policy-making, and would have the effect of limiting local democracy and the scope and power of Local Plans. We would therefore like the clause “by no more than ten measurable outcomes” to be deleted from **PM2 Section 1a** of the NPPF.

Section 1.a.iii (long term objectives): Paragraph 1 opens by stating that Local Plans should deliver both development and environmental improvement, so for consistency in the long-term objectives we would like to change “including for large scale development proposals” to “including for large scale development and environmental improvement proposals.”

Section 2: The requirement for Local Plans to be published within 30 months from starting the process is very challenging and would only be feasible if far more resources were allocated to LPAs to achieve this.

Section 4: The Secretary of State should not be given the power to interfere in the Local Plan-making process. This undermines local democracy and risks top-down decisions being imposed on local communities without an understanding of local needs, constraints and priorities. Problems with adhering to the desired timescale should be addressed through a detailed understanding of the barriers facing LPAs, including time and budget constraints, and addressing those barriers accordingly.

11. Do you agree with the principles set out in policy PM6(1c), including its provisions for preventing duplication of national decision-making policies?

Strongly disagree

This policy could be used to limit the ability of LPAs to set the ambitious policies and targets that are needed to address the climate and biodiversity crises. National policies are currently insufficient to fully address these crises, as ecosystems and places vary considerably across England. Nationally, evidence shows that environmental quality and biodiversity continues to decline, and we are failing to put in place adequate climate change mitigation and adaptation measures, and many of these require local solutions that are not necessarily duplicable across contexts. Therefore, there is an important role for local governments to step up and take the lead in addressing these deficiencies in national policy. In particular, there needs to be effective local use of LNRS to support nature recovery locally.

13. Do you agree with the approach to the preparation of plan evidence set out in policy PM8?

Strongly disagree

PM8 does not place emphasis on environmental data and ecological evidence, with the risk than plan-making ends up using high-level modelling and desk-based assessment rather than being grounded in a robust evidence-based drawn from local scientific observation, i.e. surveys. There are large gaps in our national datasets, meaning that they cannot be relied on in isolation as a substitute for surveys.

Health Impact Assessments should be required for major developments and strategic plans. They must assess access to green and blue spaces, in line with Natural England's Green Infrastructure Standards, addressing the pervasive inequality that exists in this area across many communities. Walkability and sustainable transport infrastructure must be given serious consideration: no development should proceed if there isn't a walkable footpath and safe cycle/wheeling route to the nearest settlement, and adequate infrastructure provision (including green spaces) for the community in line with Natural England's Green Infrastructure Standards. There is currently a huge missed opportunity to use the planning system to deliver for health, and nature is critical to this mission.

The government should make it mandatory for all private ecological surveys to be submitted to the local LERC. At present, this is discretionary. It could avoid situations where developers pick and choose ecologists to obtain the survey results they require, rather than results that reflect what is present onsite.

14. Do you agree with the approach to identifying land for development in PM9?

Strongly disagree

PM9 places huge emphasis on development, ignoring the need to protect ecologically valuable sites, and sites that are important from a climate change and flooding perspective, from development.

15. Do you agree with the policies on maintaining and demonstrating cross-boundary cooperation set out in policy PM10 and policy PM11?

Partly disagree

PM11 Section 1.c requires "Planning effectively for cross-boundary growth locations, allocations or designations with significant implications across neighbouring areas." In order to achieve the aim of **PM2** to deliver both development and environmental improvement, there should be an equivalent requirement on "Planning effectively for cross-boundary environmental improvement schemes with significant implications across neighbouring areas, including protection and enhancement of critical natural infrastructure networks (including natural flood management schemes) and implementation of Local Nature Recovery Strategies and catchment management plans." Consideration must be given to managing land for nature at a landscape scale."

The lack of regional political infrastructure leaves SDSs in democratic deficit. This is reinforced by **PM10.3**. It is vital that spatial decisions are taken with local democratic accountability, and mechanisms for ensuring this must be put in place so that the needs and priorities of local communities are not overridden.

18. Do you agree with policy PM13 on setting local standards, including the proposal to commence s.43 of the Deregulation Act 2015?

Strongly disagree

The limitation of quantitative standards to this narrow list (infrastructure provision, affordable housing requirements, parking and design and placemaking) prevents LPAs from setting the ambitious targets on sustainability that are required to address the climate and biodiversity crises. Two key examples where LPAs should be allowed to set ambitious targets are for Biodiversity Net Gain and Net Zero homes.

In particular, **Section 1b** specifies that plans should “Not cover matters which are already addressed by Building Regulations” other than in relation to accessibility and water efficiency. Has this been designed explicitly to stop Local Authorities setting a requirement for Net Zero homes? Given the urgency of the climate and biodiversity crises, this is completely unacceptable and this clause should be removed from the NPPF. The TCPA point out that although the upcoming Future Homes Standard will improve the climate mitigation potential of new homes, we can do much better than this. [Net Zero homes are already being delivered](#) in several areas including Cornwall, Bath and North East Somerset and Central Lincolnshire, and Scotland is seeking mandatory Passivhaus-equivalent targets. Support for Net Zero homes that address both carbon and material footprints would also reduce the pressures on nature, both by helping to reduce climate change and by reducing the need for extraction of raw construction materials.

PM13 in its current form, inexplicably, seeks to block the innovation needed to decarbonise our construction industry. The building regulations are supposed to set minimum standards, not impose an artificial cap on performance. The rest of the NPPF already ensures that stricter standards would need to be backed by evidence of viability and deliverability, so this pointless cap is unnecessary and unhelpful. Ambitious local standards help to drive innovation (especially in SMEs) and support the development and growth of the green building industry in the UK, while also reducing energy bills to tackle the cost of living crisis and fuel poverty.

In addition, this policy conflicts with existing obligations to reach the UK's Net Zero targets, including requirements on LPAs via the Levelling Up and Regeneration Act 2023 and Section 19(1A) of the Planning & Compulsory Purchase Act 2004 which required them to include policies that mitigate and adapt to climate change. As national policy is guidance, not law, local circumstances can justify departures where robust evidence exists. This clause would therefore be open to legal challenge, which could slow down the planning process.

We would therefore like to see **Clause 1b of PM13** deleted. In addition, we strongly support the recommendation of the TCPA and other organisations to explicitly state that until building regulations universally achieve net zero buildings, local planning authorities may adopt standards in local plans which support national climate change targets, including those that go beyond current and future building regulations.

We would also like to see the government's Environmental Assessment of the impact of this policy change and its implications for the UK's climate targets published. This is significant given that the Climate Change Committee has stated that ambitious local action is needed for the UK to meet its net zero target.

19. Do you agree that the tests of soundness set out in policies PM14 and PM15 will allow for a proportionate assessment of spatial development strategies, local plans and minerals and waste plans at examination?

a) If not, please explain how this could be improved to ensure a proportionate assessment, making it clear which type of plan you are commenting on?

Partly disagree

PM14 (Spatial Development Plans): Section 2a requires that “the strategy sets out a positive approach to delivering growth”. In line with the principle of Sustainable Development, this needs to be expanded to “delivering growth and environmental improvement.” In **Section 2b**, the list of relevant strategies should be expanded to explicitly include Local Nature Recovery Strategies and the Environment Act 2021. An additional clause should be added to both PM14 (SDS) and PM15 (Local Plans) to test the adequacy of community engagement.

PM15 (Local Plans): Section 2a requires that “the strategy sets out a positive approach to delivering growth”. In line with the aims of **PM2** and the principle of Sustainable Development, this needs to be expanded to “delivering growth, affordable housing and environmental improvement and meeting nature recovery, climate change mitigation and adaptation goals.”

PM14 (Spatial Development Plans) and PM15 (Local Plans): There is a risk that **clause 1d** in both PM14 and PM15 limits local aspirations to go beyond national sustainability policies. Ambitious local action is required to tackle the climate and biodiversity crises. We believe that clause 1d in both PM14 and PM15 should be modified to “does not duplicate, substantively restate or modify the content of national policies for decision-making, except where this enables more ambitious local policies to tackle urgent environmental or social challenges.”

20. Do you have any specific comments on the content of the plan making chapter which are not already captured by the other questions in this section?

We have further comments on **PM6: General principles for plan-making** which are not covered by the consultation questions, which are limited to Section 1c of PM6.

PM6 Section 1b states that plans should “Only include policies which extend beyond site or location-specific requirements where these are necessary and where plan makers consider there is a clear and justified reason for inclusion”. We disagree with this because it appears to require LPAs to have to justify strategic policies such as GI strategies or policies for Net Zero homes, and raises the possibility that such strategic policies could be rejected at examination if the examiners disagree with the LPA that this is justified.

PM6 Section 1e: The current (2024) NPPF says “Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements” (with a footnote stating that this refers to Strategic Environmental Assessments). It continues “This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains).

Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).” This detailed requirement has been omitted from the new draft NPPF. It is replaced with a much shorter clause in Section PM6 1e: “Use environmental assessment to inform the preparation of plans, where legally required.” The footnote says “Neighbourhood plans may require Strategic Environmental Assessment (SEA), but only where there are potentially significant environmental effects”. This appears to be much weaker, does not explicitly cover SDSs and Local Plans, and raises the possibility that if there is no explicit legal requirement, an EA or SEA is not carried out. This is the ONLY mention of Environmental Assessment in the NPPF. We would like to see the reinstatement of the detailed requirement for an SEA to be carried out for all SDSs and Local Plans, and for Environmental Impact Assessments (including ecological surveys) to be carried out for all major and medium development sites.

A fundamental principle should be that plans show how they interact with other Land Use policy, including the Land Use Framework and LNRS.

The Secretary of State should not be enabled to override the need for an independent examination of Spatial Development Strategies. This opens the door to corruption, and to avoidance of proper scrutiny of plans for their environmental impacts. It also flies in the face of local democracy.

Chapter 3: Decision-making policies

21. Do you agree with the principles set out in policy DM1?

Partly disagree

While early engagement is vital, the focus needs to be placed on material outcomes, not processes. Development proposals must demonstrate how they contributed to environmental goals set out in law. Early engagement must identify constraints and opportunities for nature recovery, and must demonstrate alignment with LNRS.

22. Do you agree with the policy DM2 on information requirements for planning applications?

Strongly disagree

By proposing standardised national validation requirements, the draft limits the flexibility for Local Planning Authorities to address important local issues, especially any issues that may have emerged since the Local Plan and/or SDS was adopted. In addition, the list of requirements is very limited and – crucially – it does not include any requirement for any type of Environmental Assessment, including carbon measurement and reporting requirements, alongside biodiversity, soil, water, and wider ecosystem impacts. This will prevent LPAs from making informed decisions on whether a proposal aligns with national, regional and local policies on nature recovery and environmental improvement.

The requirement for an Environmental Assessment should be added to the list in **Annex C**, and **DM2** should be modified to give LPAs the power to request additional information where there is evidence to justify this, such as when circumstances have changed since requirements were laid out in the relevant adopted plans.

Provision needs to be made in DM2 for tree surveys, in accordance with BS 5837:2012 as ancient and veteran trees are poorly recorded in existing datasets.

23. Do you have any views on whether such a policy could be better implemented through regulations?

We do not believe this policy in its current form should be implemented through regulations, because we believe it could result in inadequate information being submitted (such as the lack of mention of environmental assessments), leading to damaging outcomes for nature recovery and the environment.

However, if the policy was strengthened to include the full list of necessary environmental information (including EIAs, SEAs, ecological surveys, tree surveys etc) then it could be implemented via the Building Regulations. This can be part of a wider rewrite of the Building Regulations to focus on the new risks we face in relation to climate change, especially drought/fire/flood, and biodiversity loss.

24. Do you agree with the principles set out in DM3?

Partly disagree

DM3 Section 1d states that decision maker should “Consult statutory or internal consultees only where it is necessary to do so. Decisions on development proposals should not be delayed in order to secure advice from a statutory or internal consultee beyond their statutory deadlines unless there is insufficient information to make the decision or more detailed advice may enable an approval rather than a refusal.” While appearing reasonable in principle, the reality is that many consultees face major barriers in terms of time and resources for responding to planning proposals. This needs to be addressed by addressing resource constraints, e.g. by restoring funding for Natural England and the Environment Agency (which has been progressively cut over the last 15 years to far below the level needed to discharge their statutory duties), rather than by imposing hard deadlines.

25. Do you agree that policy DM5 would prevent unnecessary negotiation of developer contributions, whilst also providing sufficient flexibility for development to proceed?

Strongly agree

We welcome this improvement to the current NPPF, which seeks to reduce the potential for developers to negotiate reductions in affordable housing provision. It has become almost standard practice for developers to try to evade their obligations by wearing down LPAs through repeated appeals based on viability arguments, as noted by the National Audit Office in 2025, and this is undermining the provision of affordable housing and leading to lack of public confidence in the planning system.

In line with this, we also strongly support **Section 3**, which clarifies that “Neither the price paid for land, nor the price intended to be paid through an option agreement, should be a justification for failing to accord with relevant policies in the plan.” If anything, the wording of this section could be tightened to allow fewer opportunities for developers to avoid contributing.

29. Do you agree with the approach for planning conditions and obligations set out in policy DM6, especially the use of model conditions and obligations?

Strongly disagree

The wording on pre-commencement conditions is nonsense. Pre-commencement planning conditions are essential to preventing ecological harm. Habitat surveys, ecological assessments, method statements and compensation strategies all need to be seen before work begins. It is impossible to tell whether a Biodiversity Net Gain strategy is feasible without seeing landscaping plans for the site: these must be viewed and signed off before construction commences. The full absurdity of this becomes clear when we think about the Construction Environmental Management Plan (CEMP): it makes absolutely no sense to try to secure a CEMP, which governs the ways in which construction must protect wildlife, after construction has commenced!

This rewording seems to be based on a fundamental lack of understanding of the role of pre-commencement conditions. They are not barriers to construction, but an essential part of knowing what a site is supposed to deliver.

30. Do you agree that policy DM7 clarifies the relationship between planning decisions and other regulatory regimes?

Strongly disagree

We must not introduce environmental permits where proposals will give rise to location-specific harms, e.g. nutrient neutrality. The planning process still requires a spatial judgement to be made on siting and cumulative impacts in relation to other developments close by. **DM7** must be strengthened to allow LPAs to refuse cumulative impacts, whether or not there is a permit in place.

Decision-makers should not be invited to assume that separate regulatory regimes will operate effectively. We are seeing increasing ‘wishful thinking’ built into the system for biodiversity protection, with unproven, unevidenced strategies (the translocation of orchids, the use of sulphur to ‘recreate’ ancient grassland) suggested and supported by bodies like Natural England.

It is imperative that LPAs and local communities are able to challenge these policies. Where the planning system can be used to secure better outcomes for biodiversity and net zero than national policy, this should be permitted.

31. Do you agree with the new intentional unauthorised development policy in policy DM8?

Strongly disagree

The development of land is a privilege, and all parties have a responsibility to find out what the planning rules are that govern their activity. Whether a breach is intentional or not should make no difference to the assessment. Planning enforcement teams need to be resourced adequately to pursue far more breaches of the rules.

Since there appears to be no opportunity in this consultation to respond to **DM9**, we wish to note here that this policy is undemocratic. Local and Mayoral Development Orders risk riding roughshod over the wishes of local communities and may reduce environmental protections.

32. Are there any specific types of harm arising from intentional unauthorised development, and any specific impacts from the proposed policy, which we should consider? If so, are there any particular additions or mitigations which we should consider?

Unauthorised development does huge harm, and risks undermining public confidence in the planning system. The NPPF must not allow developers to bypass the consent process where environmental harms will result. Irreparable damage to habitats should weigh decisively against granting planning permission.

Chapter 4: Achieving sustainable development

34. Do you agree with the proposed approach to setting a spatial strategy in development plans?

Partly disagree

We welcome the aim of **policy S1** (Positive plan-making) **Section 1.a.i**, to allow an exception to meeting housing targets if “the application of the policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area”. However, the definition of “areas or assets of particular importance” is too narrow. It correctly includes SACs, SPAs, Ramsar sites, marine sites, SSSIs, Green Belt, Local Green Space, National Landscapes, National Parks, Heritage Coasts, irreplaceable habitats, heritage assets and flood zones, but it should also include National Nature Reserves, Local Nature Reserves, Local Wildlife Sites, Priority habitats and areas supporting Priority species. Protection of these areas, which include vital refuges for threatened species, is essential to meet our statutory target to halt and reverse the decline of biodiversity in the UK, given that one in six species is threatened with extinction.

However, we strongly agree with **Section S2.1.c** which states that plans should identify “Land that is protected or proposed to be enhanced for specific purposes (such as habitat improvement) and which places limits on whether development proposals may be acceptable or where specific policies apply”.

36. Do you agree with the revised approach to the presumption in favour of sustainable development?

Strongly disagree

We welcome the general aim of focusing development in and around existing urban centres. However, the policy is worded in a way that favours development over environmental protection, rather than finding an appropriate balance between those things. In the context of environmental limits, protections for biodiversity and alignment with nature recovery goals are vital.

However, the safeguards to prevent loss of valuable urban green space and wildlife habitats in **policy S4** and **policy S5** are inadequate, as detailed in our reply to questions 37 and 38. In summary, the safeguards contain loopholes, omissions and subjective criteria which could result in loss of important wildlife habitats. Therefore, we believe development proposals should be informed by ecological surveys of each site, with firm protection for priority species and habitats, rather than being automatically approved unless they meet the narrow set of exclusion criteria in policies S4 and S5 and their underlying policies such as N6.

The focus on railway stations in the proposals draws attention to Ebbsfleet, a case that proves the need for exemptions to policies like these. An area close to the station was designated a SSSI, proving the need for site-specific policies that thoroughly investigate the ecology onsite and respond to what is found. In this case, the protection of nature did not reduce the provision of housing very much, proving that these ambitions are compatible.

37. Do you agree to the proposed approach to development within settlements?

Strongly disagree

We welcome the general aim of focusing development in and around existing urban centres rather than on greenfield sites. However, the safeguards to prevent loss of valuable urban green space and wildlife habitats in **Section 2.a.ii of policy S4** are inadequate. This clause covers ‘unacceptable impacts’ to existing open space, sport and recreation facilities in accordance with policy HC7, Local Green Space in accordance with policy HC8, and designated wildlife habitats in accordance with **policy N6**. However, these policies contain significant loopholes and allow subjective decision-making. Policy HC7 does not specify how to determine whether an open space is ‘surplus to requirements’, and Section 1c would allow replacement of a nature-rich green space with a sports facility such as playing fields. Policy HC8 applies only to designated Local Green Spaces and appears to encourage de-designation in line with the new Green Belt policies, although the wording is somewhat unclear.

Policy N6 does not cover the full range of habitats that are important for wildlife conservation and nature recovery. It covers SACs, SPAs, SSSIs, Local Nature Reserves, Local Wildlife Sites and irreplaceable habitats, but does not cover National Nature Reserves, Priority Habitats and areas that support Priority Species.

Both policy S5 and policy N6 allow subjective decision-making: there is no indication of what is an ‘unacceptable impact’ and what is an ‘imperative reason of overriding public importance’. Valuable wildlife habitats and green spaces could therefore be lost if a local decision-maker judges this to be acceptable, or judges the development to be of overriding public importance. Therefore, we believe these policies should be strengthened to remove these loopholes and offer full protection for these important habitats and green spaces. Guidance on determining whether green space is “surplus to requirements” should include public consultation and consideration of future population growth and needs.

In addition, many brownfield sites are recognised as priority habitats (‘open mosaic habitats on previously developed land’) supporting important wildlife populations. Proposals should therefore be assessed on a site-by-site basis involving an ecological assessment, rather than being given blanket approval.

Regarding policy N6, we also do not believe there are any circumstances in which our most valuable wildlife sites (SACs, SPAs, Ramsar sites, SSSIs, National Nature Reserves) could or should be destroyed or damaged under the pretext of compensation under an Environmental Delivery Plan (EDP). It would be technically impossible to replace these sites with compensatory habitat under an Environmental Delivery Plan without suffering a severe loss of biodiversity which would undermine our statutory targets to halt and reverse the decline in biodiversity. These sites are of exceptional importance and contain mature habitats that are the last refuges of many of our most threatened species. If these sites are destroyed or damaged, very few of the species that depends on them would be able to make their way to a compensatory habitat elsewhere. Many individuals would be directly killed by the habitat clearance for development, and few (with the exception of a few bird species) would be sufficiently mobile to move elsewhere. In addition, it would take decades or even centuries to replicate a mature, biodiverse habitat such as a wetland or forest in a new location, and it may even be impossible to completely replicate the local conditions in the habitat that was lost.

Finally, we note that protection for ‘valued landscapes’ has also been removed. We would like to see this reinstated to allow protection for areas that are valuable to the local community but not formally designated in any way. This is particularly important given that settlement boundaries often contain greenfield sites on urban fringes, and these areas are often highly valuable for both wildlife and people, as they tend to consist of small fields with ancient hedgerows and trees, rather than large expanses of intensive farmland.

38. Do you agree to the proposed approach to development outside settlements?

Partly disagree

We welcome the general restriction on development outside settlements. However, this intention is undermined by numerous loopholes.

Firstly, **policy S5** allows a subjective judgement on whether “the benefits of [the development] would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework”.

Next there is a very long list of exceptions, including development for agriculture, horticulture and forestry; outdoor sport and recreation; allotments; cemeteries and burial grounds; mineral extraction; engineering operations and infrastructure (including for transport, energy and water); roadside facilities; national defence and security; rural businesses and services including tourism; extension, of an existing building; infilling within groups of houses; exception sites under **policy HO10**; Community Right to Build Order or Neighbourhood Development Orders; unmet need for gypsy or traveller accommodation; development within walking distance of a railway station or physically well-related to a railway station or a settlement within which the station is located; land allocated outside settlements in the development plan; development to address unmet need (including where the LPA cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test; major development for storage and distribution; isolated homes for rural workers or which are “truly outstanding, reflecting the highest standards in architecture”, and “exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects.”

Although development can be refused if it does not comply with the national decision-making policies in the draft NPPF, this long list of loopholes and exceptions is concerning because the policies to protect nature are inadequate. As noted for Q37, Policy N6 does not cover the full range of habitats that are important for wildlife conservation and nature recovery. It covers SACs, SPAs, SSSIs, Local Nature Reserves, Local Wildlife Sites and irreplaceable habitats, but does not cover National Nature Reserves, Priority Habitats and areas that support Priority Species. N6 also allows developers to pay a fee to destroy designated biodiversity sites if an Environmental Delivery Plan (EDP) is in place. We do not believe there are any circumstances in which our most valuable wildlife sites (SACs, SPAs, Ramsar sites, SSSIs, National Nature Reserves) could or should be destroyed or damaged under the pretext of compensation under an EDP. It would be technically and biophysically impossible to replace these sites with compensatory habitat under an EDP without a severe loss of biodiversity which would undermine our statutory targets to halt and reverse the decline in biodiversity. These sites are of exceptional importance and contain mature habitats that are the last refuges of many of our most threatened species. If these sites are destroyed or damaged, very few of the species that depends on them would be able to make their way to a compensatory habitat elsewhere. Many individuals would be directly killed by the habitat clearance for development, and most (with the exception of a few bird species) would not be sufficiently mobile to move elsewhere. In addition, it would take decades or even centuries to replicate a mature, biodiverse habitat such as a wetland or forest in a new location, and it may even be impossible to completely replicate the unique local conditions in the habitat that was lost.

The weakness of N6 for protecting nature-rich sites and threatened species makes clause (j) particularly concerning. This will open up land outside settlements to development where there is an unmet housing need or where the LPA cannot demonstrate a five-year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test. As noted in our comments in Q3 on the standard housing assessment method in Annex D, this is an extremely unfair requirement as i) the crude methodology ignores local population trends and the 1 million unbuilt houses which already have permission, resulting in unrealistic and unnecessarily high targets in many areas; and ii) many developers choose to delay building on sites where planning permission has been granted so LPAs may fail to meet delivery targets through no fault of their own.

The extremely high targets imposed on LPAs mean that many are likely to be in a position of having ‘unmet need’, thus opening up the potential for widespread unplanned speculative development outside settlements and rendering policy S5 ineffective.

In summary, policy S5 will only deliver the goal of truly sustainable development if i) housing targets are reduced to realistic levels that take account of unbuilt consents, to avoid speculative development, and ii) policy N6 is strengthened by including full protection for all priority habitats and species and designated sites, including National Nature Reserves, with no loopholes or subjective tests. If these changes are not made, then the long list of exemptions for policy S5 should be deleted to protect priority habitats and species from further loss and damage.

39. Do you have any views on the specific categories of development which the policy would allow to take place outside settlements, and the associated criteria?

Strongly disagree

The long list of exceptions is concerning given the inadequate protection for nature (specifically priority habitats and species and National Nature Reserves) in **policy N6**. Exception j (unmet need / failure to meet housing targets) is the most concerning and we argue that this should be deleted, given the strong likelihood that this exception will apply in many cases due to the unrealistically high housing targets imposed in many areas. We also do not see the need to allow isolated houses of high architectural merit (under policy HO11) rather than meeting the urgent need for affordable, sustainable homes built at a high density to make best use of land. However, until policy N6 is strengthened to provide full protection for priority habitats and species, no exceptions to policy S5 should be allowed.

The impacts of intensive livestock units on watercourses need to be emphasized: there is a risk that the current draft will lead to an expansion of this form of development. The Environmental Audit Committee recommends a presumption against this form of land use in catchments where nutrient budgets are likely to be exceeded, even where mitigation is proposed.

The requirement for adverse impacts to 'substantially' outweigh benefits should be changed to 'outweigh' (deleting 'substantially'). The burden should be on the applicant to prove a positive environmental contribution, not on the LPA to prove that it is harmful.

40. Do you agree with the proposed approach to development around stations, including that it applies only to housing and mixed-use development capable of meeting the density requirements in chapter 12?

Partly disagree

We agree with the general principle of focusing development in settlements, and near to transport hubs, but this should not be an automatic requirement that bypasses the need for proper ecological surveys. The Ebbsfleet case proves what is at stake, and it is important that land close to railway stations is properly surveyed and protected for nature if it is particularly valuable.

41. Do you agree that neighbourhood plans should contain allocations to meet their identified housing requirement in order to qualify for this policy?

Strongly disagree

As noted previously in Q3, the standard housing assessment method in **Annex D** results in unfair and unrealistically high housing targets in many areas because i) the crude methodology ignores local population trends, ii) it ignores the 1 million unbuilt houses which already have permission, and iii) many developers choose to delay building on sites where planning permission has been granted, so LPAs may fail to meet delivery targets through no fault of their own. Therefore it would also be unfair to apportion these over-estimated targets to Neighbourhood Plan areas.

Chapter 5: Meeting the challenge of climate change

42. Do you agree with the approach to planning for climate change in policy CC1?

Strongly agree

We welcome the requirement for plans to take a pro-active approach to climate change adaptation and mitigation, which is essential to deliver liveable homes and reach our Net Zero targets. We particularly welcome the emphasis in part (d) on identifying opportunities for green infrastructure and nature-based solutions, and taking account of Local Nature Recovery Strategies. These policies are essential for tackling the interconnected climate and nature crises.

CC1 and **PM13** need to be more proactive: instead of focusing on areas in 'serious water stress', the approach should be extended to areas in 'potential water stress', enabling future problems to be avoided.

The wording of CC1 needs to be far more robust, focusing on meaningful change in this important area. It is important that the NPPF outlines clear standards linking mitigation and design. CC1(a) should refer to design requirements being informed by an assessment of carbon emissions.

PM13 must be reworded so it does not restrict LPAs from setting high standards on building performance and energy efficiency.

43. Do you agree with the approach to mitigating climate change through planning decisions in policy CC2? If not, what additional measures could be taken to ensure climate change mitigation is given appropriate consideration?

Partly disagree

The wording needs to be tightened and made more robust, referring to the mitigation hierarchy more clearly, and set a clear prohibition on harming habitats that act as significant carbon stores. These also need to be placed into environmental stewardship, ensuring proper management in the long term.

Fossil fuel extraction needs to be prohibited more clearly: there is a contradiction between CC2(g) and M5.

Research in 2022 showed that meeting government targets to build 300,000 houses per year using current construction methods and materials would far exceed the share of the UK carbon budget allocated to housebuilding, producing twice the allocated cumulative emissions by 2050 ([Modelling the embodied carbon cost of UK domestic building construction: Today to 2050](#)).

44. Do you agree with the approach to climate change adaptation through planning decisions in policy CC3? What additional measures could be taken to ensure climate change mitigation is given appropriate consideration?

Partly agree

We welcome the requirements to incorporate multifunctional Sustainable urban Drainage Systems and green infrastructure to tackle flooding and overheating in urban areas. However, the policies relating to avoidance of flood risk are inadequate as they do not completely prevent building homes and other infrastructure in unsuitable locations at risk of flooding. As noted in our earlier comments on **Annex F. Flood Zones**, no type of ‘vulnerable’ development (houses, schools, hospitals etc.) should be allowed in Flood Zone 2 or 3, even with the Exception Test. The criteria that the development must ‘remain safe’ and/or that an emergency plan for evacuating occupants should be in place are highly unlikely to be meaningful or achievable in practice, especially in as flooding continues to worsen with climate change.

The impacts of high winds and storms require more thought and consideration, as these will pose increasingly significant risks to buildings and infrastructure in future.

45. Does the policy on wildfire adaptation clearly explain when such risks should be considered and how these risks should be mitigated?

Partly disagree

It is good to see wildfire risk recognised, especially in relation to development in proximity to fire-prone habitats (heath, conifer woodland, agricultural land). However, the proposals are somewhat vague, and need significant tightening if this is not to become a meaningless addition to the framework.

46. How should wildfire adaptation measures be integrated with wider principles for good design, and what additional guidance would be helpful?

Wildfire risk goes hand-in-hand with landscape-scale restoration. It is best tackled by rewilding degraded landscapes, particularly via the rewetting of peatlands. Encouraging natural hydrology via nature-based solutions represents a ‘win’ for human communities and ecosystems. We need a joined-up approach across SuDS, biodiversity policy, and LNRS.

48. Do you agree the requirements for spatial development strategies and local plans in HO1 and HO2 are appropriate?

Strongly disagree

As previously noted in Q3, we strongly disagree with the standard method for assessing housing need set out in **Annex D**.

The Standard Method for calculation of housing need is very simplistic (0.8% of current housing stock plus a high penalty in areas with a high ratio of house prices to wages) and has no relationship with projected future population growth in the area, and no flexibility to account for local constraints. In addition, because it is based on current housing stock, building more homes will simply increase the next target – the target can never be met. This is likely to result in unrealistically high targets for many areas, especially where house prices are high – which can be due to the environmental setting rather than reflecting a market imbalance. This is exacerbated by **policy HO2 Section 3b**, which forces areas to take on unmet need from adjacent areas, or allows SDSs or neighbouring LPAs to add further arbitrary increases to account for ‘growth’. Setting targets that cannot be achieved will simply result in more LPAs failing to meet delivery targets and hence being opened up to the ‘tilted balance’, resulting in developers being allowed to proceed with speculative development in unsuitable locations not allocated in the Local Plan. Taken together, inflated housing targets are highly likely to result in adverse impacts on the environment, and poorly planned development that does not address local needs, priorities and constraints.

In addition, the Housing Delivery Test is fundamentally flawed because many developers deliberately choose not to build on sites where permission has already been granted (‘land banking’). Other barriers are lack of a skilled workforce or rising construction costs. The [IPPR estimated](#) that over 1 million homes with planning consent have remained unbuilt since 2010. The LPA has no control over whether sites are developed once permission has been granted. It is unfair to penalise local communities by subjecting areas to unplanned development in unsuitable locations because developers are unwilling or unable to build on their sites after planning permission has been granted. Allowing homes with planning permission that are not yet built to be offset against the delivery target would result in more meaningful targets and would help to avoid setting unrealistically high targets which lead to poor quality, environmentally damaging unplanned developments. It would be far more effective, as detailed in the IPPR report, to penalise developers for failing to deliver consented homes and provide greater resources for planning authorities and consultees such as Natural England to speed up the system.

In addition to the flaws in the standard method of calculating the overall housing target, which will lead to overestimates of the required number of homes to satisfy local needs in many cases, applying policy HO2 at the SDS level risks undermining local democracy. SDSs should be based on strong and meaningful two-way engagement with the communities in each part of the plan area, with flexibility to allow local constraints, needs and opportunities to be fully taken into account – including safeguarding local green spaces that are valued by the community.

In summary, we propose that as a minimum:

Annex D is modified to allow unbuilt consents to be subtracted from housing targets, to reduce the buffer from 20% to, for example, a more reasonable 10%, and to reconsider the use of a standard percentage of current housing stock (given that this simply results in ever-increasing targets as more homes are built).

Extra resources are provided for LPAs and consultees to allow them to speed up planning decisions.

Policy HO2 Section 3b is modified to allow housing targets to be decreased as well as increased, to take account of local constraints on land availability and competing needs for land.

52. Do you agree the new Annex D to the draft Framework is sufficiently clear on how local planning authorities should set the appropriate buffer for their local plan 5-year housing land supply?

Strongly disagree

As explained in our responses to Q3 and Q49, the new standard method will lead to unfeasibly high housing targets in many locations, and developers are already sitting on unbuilt planning consents totalling 1 million homes, with LPAs unable to control delivery of these consented homes. Therefore, it is unfair to expect LPAs that are already facing severe challenges in finding suitable land and persuading developers to deliver their agreed housing numbers to allocate a huge buffer of an additional 20% of housing. Pressure to find extra land in areas already facing high local constraints will force LPAs to identify unsuitable sites, with damaging impacts on the environment, loss of treasured but undesignated local green spaces and sub-optimum outcomes for local people. It is therefore not clear how this buffer could be considered 'appropriate', and it is very likely to be unachievable in practice and therefore put the LPA into the 'tilted balance' leading to unsuitable, unplanned speculative development that fails to meet local needs, priorities and constraints.

Instead, supply constraints can be more effectively tackled by i) taking unbuilt consents into account when setting targets, ii) penalising developers for 'land banking' (where they hold onto consented land until house prices increase, or sell on land after land prices increase) to unlock the 1 million homes that already have planning consent, iii) tackling skills shortages in construction and iv) providing extra resources for LPAs and public sector consultees. This would then reduce the need for such high housing targets and buffers.

53. Do you agree the new Annex D to the draft Framework is sufficiently clear on the wider procedural elements of 5-year housing land supply, the Housing Delivery Test and how they relate to decision making?

Partly disagree

The procedure itself appears to be reasonably clear but it is not clear how this method, which will result in undeliverable housing targets in many locations due to local constraints and slow build-out by developers, can be compatible with other parts of the draft NPPF that specify that plans and policies should be achievable and deliverable in practice.

55. Do you agree the plan-making requirements, for both local plans and spatial development strategies, in relation to large scale residential and mixed-use development are sufficiently clear?

Partly disagree

In some areas, especially predominantly urban areas, large scale development may not be possible or appropriate. Policy HO4 should therefore allow flexibility to take this into account, e.g. by starting with the words "Where appropriate..." Also, it is not clear how policy HO4 is compatible with the overall aim to restrict development outside settlements.

56. Do you agree our proposed changes to the definition of designated rural areas will better support rural social and affordable housing?

Strongly agree

57. Do you agree with our proposals to ask authorities to set out the proportion of new housing that should be delivered to M4(2) and M4(3) standards?

Strongly agree

61. Do you agree with proposals for authorities to allocate land to accommodate 10% of the housing requirement on sites of between 1 and 2.5 hectares?

Strongly disagree

This seems like an arbitrary requirement which may or may not be desirable or achievable in different local contexts. More importantly, the consultation document states that the purpose of identifying and promoting 'medium' development is for further relaxation of environmental and social requirements. The category will then be treated differently from the current single category of 'major' development for more than 10 houses, opening up major loopholes and exemptions for vital requirements such as affordable housing or Biodiversity Net Gain. If medium development is exempt from BNG (on top of the recent increase of the area threshold) this will destroy the entire BNG scheme and its associated market, as the vast majority of developments will then be exempt. This would be in direct contravention of our statutory nature recovery targets.

65. Would requiring a minimum proportion of social rent, unless otherwise specified in development plans, support the delivery of greater number of social rent homes?

Strongly agree

67. Do you agree that applicants should have discretion to deliver social and affordable housing requirements via cash payments in lieu of on-site delivery on medium sites?

Strongly disagree

a) If so, would it be desirable to limit the circumstances in which cash contributions in lieu of on-site delivery can be provided – for example, should it not be permitted on land released from the Green Belt where the Golden Rules apply? Please explain your answer.:

We agree that cash contributions in lieu of affordable housing should not be allowed on land released from the Green Belt. Lack of affordable housing is a huge social problem and developers should not be allowed to evade their responsibilities, especially where the environmental and cultural costs of building on land are high, such in the Green Belt.

b) If you do not believe applicants should have blanket discretion to discharge social and affordable housing requirements through commuted sums, do you think cash contributions in lieu of on-site delivery should be permitted in certain circumstances – for example where it could be evidenced that onsite delivery would prevent a scheme from being delivered? Please explain your answer:

Lack of affordable housing is a huge social problem and developers should not be allowed to evade their responsibilities to delivery on-site. However, this would be acceptable in one specific case: if these contributions to be ringfenced for social housing (so that councils could not spend them in other ways).

75. Do you agree the proposals provide adequate additional support for Rural Exception Sites?

Neither agree or disagree

There is an apparent error in Section 2b which should read “Be no larger than 1 hectare in size, and be less than 5% of the size of the existing settlement”.

76. Do you agree with proposals to remove First Homes Exception Sites as a discrete form of exception site?

Strongly agree

Rural exception sites are built in locations that were not identified as being suitable in the Local Plan, and therefore their use should be minimised as they could be in sub-optimal locations with adverse impacts on the local environment.

80. Do you agree the proposals in policy HO13 will help to ensure development proposals are built out in a reasonable period?

Section 2, allowing planning conditions to specify shorter timescales for construction to commence, is useful. However, there is still a risk that construction could commence and then be subsequently delayed. Penalties for failure to complete housing delivery within reasonable timescales should also be considered.

81. Do you agree the requirements to take a flexible approach to the consenting framework for large scale residential and mixed-use development is sufficient to ensure the opportunities of large-scale development are supported?

Partly disagree

There is a risk that **Section 3b of Policy HO13** enables deviation from agreed design and environmental standards. There should be a caveat that this should not result in weakening of the quality and sustainability of design, including environmental protections.

83. Do you agree with the proposed changes to the Housing Delivery Test rule book?

Strongly disagree

We do not agree that housing requirements in new spatial development strategies should replace those in Local Plans that are still in date. This would be unworkable in practice because it takes a lot of time, effort and consultation to identify housing locations in a Local Plan, and this cannot be instantly updated because the housing allocation in a SDS has changed. This would have the effect of immediately putting a Local Plan into the position of failing to meet identified housing need and being opened up to unplanned development.

For the same reasons we also do not agree with removing the 'lower of' rule, which states that for areas with an up-to-date plan, the housing requirement is the lower of the adopted housing requirement or the relevant local housing need figure. Again, this would put LPAs into the position of failing to meet housing need and being opened up to speculative development. Both of these proposed changes would therefore lead to sub-optimal planning outcomes and risk environmental harm.

84. Do you agree that more emphasis should be placed on relevant national strategies and the need for flexibility in planning for economic growth, as drafted in policy E1?

Strongly disagree

There is a risk that prioritising economic growth over environmental and social concerns results in development that is not sustainable. In particular, data centres have very high energy and water needs that may not be compatible with climate targets and available water supplies. They should only be approved if it can be shown that they will not jeopardise meeting our statutory climate and nature recovery targets, and will not result in over-abstraction of water with adverse impacts on ecology and local communities.

Economic objectives must be framed within our legally-binding commitments on biodiversity recovery, climate change mitigation and water quality (nutrient neutrality), rather than the other way around.

Industrial Strategy Zones should not be used to deregulate environmental protections.

The Land Use Framework and especially LNRS within it must ensure that land-intensive development is steered away from high-value areas for nature.

85. Do you agree with the approach to meeting the need for business land and premises in policy E2?

Strongly disagree

As for Q84, there is a risk that giving substantial weight to economic benefits over environmental and social concerns results in development that is not sustainable. In particular, AI growth zones may require data centres with very high energy and water needs that may not be compatible with climate targets and available water supplies. They should only be approved if it can be shown that they will not jeopardise meeting our statutory climate and nature recovery targets, and will not result in over-abstraction of water with adverse impacts on ecology and local communities.

E2 should not be used to allow development that is environmentally harmful and therefore not aligned with statutory environmental targets, such as those requiring environmental permits (e.g. intensive livestock farming)

Paragraph 2(b) should require consideration of environmental limitations and constraints: water capacity, grid connections, ecological value, carbon storage value etc. may make development particularly unsuitable in one area. Infrastructure must not override environmental limits.

86. Do you agree with the proposed new decision-making policy supporting freight and logistics development in policy E3?

Partly disagree

Many rural businesses have significant impacts on biodiversity, soils, water, and climate. Rural areas often also house strategically important land for nature recovery. E4 therefore requires a stronger emphasis on nature.

The reuse of agricultural buildings must be achieved in harmony with a scientifically evidenced understanding of ecological impacts on individual sites, e.g. on bird and bat roosts.

Chapter 8: Ensuring the vitality of town centres

91. Do you believe the sequential test in policy TC3 should be retained?

Strongly agree

The sequential test is necessary to limit the proliferation of out-of-town shopping centres which undermine the viability of local independent businesses in town centres and encourage car-dependence. Without the sequential test, there is very little control over the location of development.

[Note chapter 9 omitted as we didn't respond]

Chapter 10: Securing clean energy and water

96. Do you agree with the approach to planning for energy and water infrastructure in policy W1?

Partly disagree

Early engagement between LPAs, utility providers, and network operators is essential. However, the responses of each need to be based on facts, not on wishful thinking. We know of at least one case where a water company has been refusing to object to development, despite the fact that there is no sewage provision in place to treat effluent from new housing. This is an unacceptable disavowal of their environmental responsibilities, and is now the subject of a court case.

W1 needs to align with Environment Act (2021) objectives and plans. Development planning must focus on opportunities for environmental recovery and compliance with the law, not just economic growth.

Planning should support the Environment Act's ambition to reduce the per capita water use per head of the population by 20% by 2038. Demand management and water efficiency standards are needed to achieve this.

98. Do you agree with the proposed approach to supporting development for renewable and low carbon development and electricity network infrastructure in policy W3?

Partly disagree

Section 1: We agree that substantial weight should be given to climate benefits but this should not be used to outweigh the urgent need to halt and reverse the loss of biodiversity in line with our statutory commitments. **Policy N6** is currently inadequate to deliver these targets and has no corresponding instruction to attach substantial weight to protecting nature. Nature and Net Zero are interdependent and must be tackled with equal weight in order to achieve sustainable development. N6 must be strengthened and a caveat should be added to **W3** to note that this does not outweigh other National Policies for environmental protection.

A more strategic approach could be adopted to solar energy in particular, prioritising the use of existing grey areas (rooftops, car parks) before farmland and ecologically sensitive species-rich grasslands, heathlands, and wood pasture, where it can cause degradation.

W3 should be reworded to protect deep peat soils, disturbance of which risks accelerating greenhouse gas emissions. There should be a presumption against energy development on peat, supported by a sequential test requiring developers to demonstrate that there is no site of lower environmental value available.

While we agree with the overall intention of **Section 2 of policy W3** that “Applicants should not be required to demonstrate the need for renewable or low carbon energy development and electricity network infrastructure” in terms of preventing spurious challenges from those who reject our Net Zero targets, this category also includes nuclear power which raises other issues relevant to hazardous installations. Therefore, a caveat should state that a Strategic Environmental Assessment may still be required for such cases. Also, the second sentence of **Section 2 of policy W1** implies that energy and water infrastructure can be implemented in areas not allocated as being suitable in the Local Plan. This could lead to poor planning outcomes if there is no opportunity to consider evidence on the local context. Therefore, it should be deleted or modified to state that there is still a need for local consultation and engagement to understand and reflect local priorities, needs and constraints.

99. Do you agree with the proposed approach to supporting development for water infrastructure in policy W4?

Partly disagree

Section 1 gives substantial weight to the need for water infrastructure to unlock new developments. However, there are finite constraints on water availability from groundwater and surface water which cannot necessarily be addressed simply by building reservoirs or water transfer systems. Also, this weight should not be used to outweigh the urgent need to halt and reverse the loss of biodiversity in line with our statutory commitments. **Policy N6** is currently inadequate to deliver these targets and has no corresponding instruction to attach substantial weight to protecting nature. N6 must be strengthened and caveats should be added to W4 to note that this does not outweigh other National Policies for environmental protection, or the need to prevent over-abstraction of surface and groundwater supplies.

The ability of nature-based water solutions to deliver for biodiversity, pollution reduction, and communities, as well as for water quality needs to be recognised. There is ample research evidence that planning is not sufficiently weighted towards recognising the multiple benefits that such installations can bring, resulting in an approach in the water industry that is less environmentally sound.

Section 2 of policy W4 states that “Applicants should not be required to demonstrate the need for water infrastructure developments”. This should be deleted because there are alternative options for demand management that can reduce or avoid the need for large infrastructure, which should be tested via Strategic Environmental Assessment.

Chapter 11: Facilitating the sustainable use of minerals

100. Do you agree with the proposed prohibition on identifying new coal sites in policy M1, and to the removal of coal from the list of minerals of national and local importance?

Strongly agree

This is essential to meet our Net Zero targets.

101. Do you agree with how policy M1 sets out how the development plan should consider oil and gas?

Strongly agree

Halting the issuing of new licenses for oil and gas exploration is essential to meet our Net Zero targets and move to a low carbon economy.

104. Do you agree policy M3 appropriately reflects the importance of critical and growth minerals?

Partly disagree

Section 1 states that substantial weight should be given to mineral extraction, but this should not be used to outweigh the urgent need to halt and reverse the loss of biodiversity in line with our statutory commitments. **Policy N6** is currently inadequate to deliver these targets and has no corresponding instruction to attach substantial weight to protecting nature. In order to achieve sustainable development, N6 must be strengthened and a caveat should be added to M3 to note that this does not outweigh other National Policies for environmental protection.

Mineral extraction can have irreversible impacts on biodiversity, soils, water quality, landscape and carbon storage. This environmental footprint must be recognised, particularly where demand for critical minerals is linked to low-carbon technologies. Environmental harm should not be ignored on the excuse of net zero. Instead, demand reduction, resource efficiency, reuse and recycling need to be emphasised.

105. Do you agree with the exclusion of development involving onshore oil and gas extraction from policy M3?

Strongly agree

106. Please provide your reasons in response to question 105, particularly if you disagree

This is essential to meet our Net Zero targets.

107. Do you agree policy M4 sufficiently addresses the impacts of mineral development, noting that other national decision-making policies will also apply?

Partly disagree

108. Please provide your reasons in response to question 107, particularly if you do not agree

We welcome the addition of guidance on avoiding adverse impacts including cumulative effects and restoring to a high standard. However, the phrase “unacceptable adverse impact” is subjective and open to interpretation by decision-makers. For this to be effective in practice, **policy N6** must be strengthened in line with our comments in that section. It would also be beneficial to note in **Section 1c** that restoration should be in line with the priorities of the Local Nature Recovery Strategy.

The policy needs to refer more explicitly to impacts on protected landscapes, landscape character, and protected sites. There needs to be a clear statement of where harms are unmitigable, e.g. in relation to ancient woodland and peatlands.

109. Do you agree with approach to coal, oil and gas in policy M5?

Partly agree

We agree with the need to limit further oil, gas and coal exploration in line with our Net Zero targets. However, **Section 4** (the requirement to approve proposals for underground gas and carbon storage) needs a caveat that this must be in line with local plans and national policies for environmental protection. To support this, policy **N6** must be strengthened as noted elsewhere.

Damaging and degrading peat should be included in this section of the NPPF, making it clear that it should be avoided. This would help to avoid the repetition of mistakes, like those at Danes Moss, which highlights the need to protect our peatlands.

110. Are there any other exceptional circumstances in which coal extraction should be permitted?

No

Chapter 12: Making effective use of land

114. Do you agree Policy L1 provides clear guidance on how Local Plans should be prepared to promote the efficient use of land?

Partly agree

115. If not, in response to question 114, what further guidance is needed?

We support the guidance on setting minimum density standards, targeting previously developed land and securing net environmental gains through habitat creation and improved public access to the countryside. However, we would like to see additional guidance and safeguards in **Section 1b of policy L1** to ensure that networks of green and blue infrastructure are protected in existing settlements and created in new developments, to support health and wellbeing, nature recovery and climate resilience, in line with Natural England's Green Infrastructure Standards.

In addition there should be an additional caveat and/or **policy N6** must be strengthened to protect priority habitats on brownfield land ('Open Mosaic Habitats on Previously Developed Land') and priority species on brownfield land. Recognising the ecological value of brownfield sites is essential to avoid harms to biodiversity; this can only be achieved via proper surveys.

We do not support the use of compulsory purchase powers in **Section 2 of policy L1** without strong safeguards to prevent loss of sites that are of value to the local community or have biodiversity value.

116. Do you agree policy L2 provides clear guidance on how development proposals should be assessed to ensure efficient use of land?

Partly disagree

Policy L2 Section 1a requires substantial weight to be given to remediating "despoiled, degraded, derelict, contaminated or unstable land". There is no definition of "derelict land" but this term can sometimes be used to cover sites with significant biodiversity value, so this requires a clear caveat to explicitly exclude land that supports priority habitats (including 'Open Mosaic Habitats on Previously Developed Land') and priority species.

118. Do you agree the high-level design principles provided in policy L2(d) appropriate for national policy?

Partly disagree

We broadly agree with **Section 3** which requires greenfield sites to have compact footprints (“optimise a site’s development potential”) but there should be a caveat that it is still necessary to build in a network of green and blue infrastructure in line with Natural England’s Green Infrastructure Standards, to support health and wellbeing, biodiversity and climate resilience.

120. Do you agree with the proposed safeguards in policy L2 that allow development in residential curtilages?

Partly disagree

We agree with **Section 1diii**, which states that at development should retain at least 50% of non-developed area within a building’s curtilage. This strikes a balance between the need for housing densification and the need to retain natural surfaces and outdoor space for residents and nature.

122. Do you agree with the minimum density requirements set out within policy L3?

Partly agree

We agree with the principle of maximising density to reduce development footprints but suggest this should not be limited to the areas around stations. Also we suggest adding a caveat on the need to incorporate a network of green and blue infrastructure in line with Natural England’s Green Infrastructure Standards, to support health and wellbeing, biodiversity and climate resilience.

Chapter 13: Protecting Green Belt land

130. Do you agree that policy GB1 provides appropriate criteria for establishing new Green Belts?

Strongly disagree

131. Please provide your reasons in response to question 130, particularly if you disagree.

GB1 does not provide balanced criteria for new Green Belts, and indeed implies that their existence is in tension with economic growth ambitions. This frames the Green Belt as an obstacle to development, not an area that can deliver significant public benefits.

Green belt allocation must align with the Land Use Framework, statutory environmental targets, and LNRs. Strategic planning must be deployed to ensure that development targets the most appropriate areas, safeguarding land that is of high existing environmental value, or high future nature recovery potential. The government should consider the designation of areas of Green Belt as 'wild belts', in line with suggestions from The Wildlife Trusts.

132. Do you agree policy GB2 gives sufficient detail on the expected roles spatial development strategies and local plans play in assessing Green Belt land?

Strongly disagree

This NPPF draft represents an opportunity to develop a new definition of Green Belt, emphasizing its ability to contribute to nature recovery and climate resilience. Any release of Green Belt land, and any redefinition of former Green Belt as Grey Belt, should consider its function against statutory environmental objectives, including those laid out in the Environment Act 2021. Caution is needed, particularly in the context of housing targets, to avoid enabling speculative development of the Green Belt and to protect particularly critical areas from future development in perpetuity ('Wild belt' designation).

In **Annex E**, the approach to identifying areas of the Green Belt that do not contribute to the relevant objectives is flawed, because it would be possible to carve up the Green Belt into small assessment units that by themselves do not meet all the criteria (e.g. only being 'a small part' of the gap between villages, or not being immediately adjacent to a settlement). In this way, the whole Green Belt could be gradually lost in a piecemeal fashion, especially as once the area is 'not completely undeveloped' it is deemed to be no longer Green Belt.

The redefinition of the Green Belt will also undermine ambitions to focus development in city centres, driving urban regeneration.

The release of Green Belt land should be accompanied by policies to capture land value uplift from developers and ringfence it for nature recovery.

133. Do you agree with proposals to better enable development opportunities around suitable stations to be brought forward?

Strongly disagree

Although we agree with the principle that new development should be focused around good public transport systems including rail stations, this should not over-ride important environmental protections including protection of habitats, species, designated sites and treasured landscapes – including the Green Belt.

In addition, freeing up Green Belt land for development may not necessarily increase housing supply if housebuilders switch from more challenging and expensive brownfield urban development sites.

Section 2 of policy GB3 allows allocation of the Green Belt for development where LPAs cannot meet their housing needs on other sites, but this should be viewed in the context of the flaws in the Standard method for calculating housing need, which are likely to over-estimate true need. This is because they do not take account of unbuilt consents, use arbitrary multipliers to inflate housing estimates based on affordability, and are not related to local projections of population growth.

136. Do you agree policies GB6 and GB7 set out appropriate tests for considering development on Green Belt land?

Strongly disagree

The list of development that is considered to be “not inappropriate” in the Green Belt in **Section 1f of policy GB7** contains some forms of development that clearly could cause harm to the character and functions of the Green Belt, including mineral extraction, engineering operations, transport, electricity and water infrastructure, the very broad category of ‘material changes to the use of land’ (which could cover far more than playing fields and cemeteries) and buildings for sports facilities and recreation (which could include, for example, large stadiums). These categories should be excluded.

Section 1g would allow major development on so-called ‘grey belt’ land and **Section 1h** would allow major development even on Green Belt that does not qualify as ‘Grey Belt’, provided that it is near a station. Taken together with the other policies, this would open up large areas of Green Belt to major development. We oppose these sweeping changes because they seem disproportionate in view of the likely impact on the Green Belt and its importance for health and wellbeing. It would be more reasonable to restrict development to land which is ‘grey belt’ and near a station and where this would not affect any priority habitats and species or designated sites.

Although the Golden Rules refer to supporting nature recovery and contributing positively to landscape setting, these provisions are largely qualitative and lack enforceable ecological performance thresholds. There should be a quantitative target such as a minimum percentage of the development that should be allocated for a connected network of biodiverse habitats in line with the LNRS.

137. Do you agree policy GB7(1h) successfully targets appropriate development locations and types in the Green Belt, including that it applies only to housing and mixed-use development capable of meeting the density requirements in Chapter 12?

Strongly disagree

138. Please provide your reasons to your reply to question 137, including any evidence that this policy would lead to adverse impacts on Gypsies and Travellers

We support density requirements for all housing, not just in the Green Belt. We oppose the opening up of the Green Belt to major developments, even with the proposed housing density requirements.

139. Do you agree that site-specific viability assessment should be permitted on development proposals subject to the Golden Rules in these three circumstances?

Strongly disagree

Site-specific viability assessments should not be used to allow developers to evade their obligations under the Golden Rules. If land is to be released from the Green Belt it must always deliver exceptional value for the public. The Golden Rules also need to be made more explicit with regard to the contributions that can be made towards nature recovery. Strategic release of Green Belt land should be accompanied by the identification of new sites for nature recovery, which are protected in perpetuity from development. Land value from Green Belt release should be prioritised for nature recovery.

141. Do you agree with setting an affordable housing 'floor' for schemes subject to the Golden Rules accompanied by a viability assessment subject to the terms set out?

Strongly agree

142. Please explain your answer to question 141, including your view on the appropriate approach to setting a 'floor', and the right level for this?

The affordable housing floor should be at least 10% more than Plan policies for other housing types, with a minimum of 45%, including at least 15% houses for Social Rent.

145. Do you agree that proposed changes to the grey belt definition will improve the operability of the grey belt definition, without undermining the general protections given to other footnote 7 areas?

Strongly disagree

The '**footnote 7**' areas include our most valuable biodiversity and green space assets: SPAs, SACs, Sites of Special Scientific Interest; Local Green Space, National Landscapes, National Parks, The Broads, Heritage Coast; irreplaceable habitats; designated heritage assets and areas at risk of flooding or coastal change.

These areas are completely unsuitable for development and should definitely not form part of the 'grey belt' given their high value for biodiversity and people, but they are not currently fully protected by other policies. **Policy N6** contains loopholes that allow development on these areas in a range of circumstances. It is therefore not correct to say it is unnecessary to 'apply additional layers of protection to this land in a Green Belt context', as stated in the consultation document.

The term 'Grey Belt' is very misleading – it suggests concreted land, but research by the CPRE and the Community Planning Alliance suggests that the majority of sites targeted to date are on greenfield sites, some of it ecologically rich. Nature restoration and biodiversity need to be made core functions of the modern Green Belt, offering a greater degree of protection particularly to local wildlife sites and to brownfield/open mosaic habitat sites that may now be released for development on the erroneous assumption that they are of low biodiversity value.

There is a real risk that the removal of the ambition to drive urban regeneration from the Grey Belt purposes enables a spatial morphology of cheap, unsustainable development on the edges of settlements, rather than focusing the minds of developers on more expensive and challenging inner city sites.

Chapter 14: Achieving well-designed places

146. Do you agree that policy DP1 provides sufficient clarity on how development plans should deliver high quality design and placemaking outcomes?

Partly disagree

Design codes can integrate meaningful and measurable provisions for nature recovery when they move beyond aesthetic and visual considerations to think about the functional ecology of land. They must therefore be moderated to incorporate locally-appropriate requirements for nature and climate. They should also enable LPAs to set higher minimum standards than national policy, including >10% BNG and Net Zero homes.

Design codes should not be used as a substitute for Building Regulations, where these can be a preferential route used to secure wildlife-friendly measures, e.g. swift bricks. The binding nature of building regulations, and the superior enforcement regime for breaches, makes this a preferred option. However, until this is implemented in regulations we strongly support inclusion of wildlife features such as swift bricks and hedgehog holes in design codes.

147. Do you agree with the approach to design tools set out in policy DP2?

Partly agree

We welcome the recognition of the need to take the local environmental context into account including through effective community engagement. This could go further through requiring consideration of how to integrate planting and landscaping schemes with Local Nature Recovery Strategy priorities, to support local species and habitats, and other actions to support biodiversity.

148. Do you agree policy DP3 clearly set out principles for development proposals to respond to their context and create well-designed places?

Strongly agree

We welcome the direction that development should contribute to climate change mitigation and adaptation and incorporate or connect to a network of high quality, accessible, multi-functional green infrastructure and sustainable drainage systems, and we strongly agree that substantial weight should be given to compliance with these principles.

149. Do you agree with the proposed approach to using design review and other design processes in policy DP4?

Partly agree

Design codes are only as effective as mechanisms to ensure that they are upheld. Enforcement teams within LPAs need to be properly resourced to ensure that design stipulations are met. Wild Justice's [Lost Nature report](#) revealed that just 53% of the promised features for ecology are actually installed on construction sites. This indicates the need for greater funding for regulators to check and enforce planning conditions.

Chapter 15: Sustainable transport

152. Do you agree with the changes proposed in policy TR3(1a), including the reference to proposals which could generate a significant amount of movement, and the proposed use of the Connectivity Tool?

Partly agree

This attempts to address a very significant problem: the car-dependent location of much new development. However, the wording only requires environmental impacts to be 'identified, assessed and taken into account' – stronger, more rigorous stipulations are needed to avoid environmental harm, in particular habitat fragmentation.

153. Do you agree that proposed policy TR4 provides a sufficient basis for the effective integration of transport considerations in creating well-designed places?

Strongly agree

We strongly agree with the prioritisation of support for pedestrians, cyclists and public transport and the focus on inclusive access. We suggest that an additional clause could promote the use of nature-rich landscaping around transport infrastructure to deliver benefits for humans and nature.

158. Do you agree with the approach to planning for healthy communities in policy HC1, including the expectation that the development plan set local standards for different types of recreational land, drawing upon relevant national standards?

Partly disagree

The health and wellbeing section rightly emphasises access to informal recreational land and other types of outdoor space but does not mention the importance of interaction with nature. There is considerable evidence of the health and wellbeing benefits of access to nature-rich green space (see [Embedding nature recovery in the Levelling-up and Regeneration Bill](#)). This could be reflected by adding “nature-rich green space” to the list of categories in **Section 1d** of HC1.

We also recommend expanding the consideration of healthy outcomes in planning drawing on the criteria in a paper, [A multi-criteria evaluation framework for assessing green space interventions through a healthy urban planning approach](#), which goes beyond broad inclusion of green spaces to consider issues around access, usability, quality and management in more detail.

159. Do you agree that Local Green Space should be ‘close’ to the community it serves?

Partly agree

People need access to green space and nature-rich habitats within walking distance, in line with Natural England’s Green Infrastructure Standards. However, existing local green spaces can be well used and valued by the local community even if they are a little further away, e.g. a ten-minute drive, so this should not be too prescriptive. Also, there should be opportunities to designate land as Local Green Space at any stage of the planning cycle, not only when Local Plans are updated. If land meets the requirements, it should be designated immediately so that it can be safeguarded for the local community.

BNG requirements can help to encourage retention of nature-rich green space on developments. We need both green space on new developments and land set aside for nature recovery. The discourse on BNG has encouraged a view that these two things are somehow in opposition to one another, but actually they are complementary, ensuring that green corridors run through contemporary development and connect various areas of habitat.

160. Do you agree that the proposed policies at HC3 and HC4 will support the provision of community facilities and public service infrastructure serving new development?

Strongly agree

We need to embed an expectation that development proposals are informed by infrastructure provision. Locally-specific or national standards for greenspace provision are vitally important for success in this area. We also welcome the requirement for consultation with the local community over the design of play spaces.

163. Do you agree with the approach taken to recreational facilities in policy HC7, including the addition of 'and/or' with reference to quantity and quality of replacement provision?

Partly disagree

We disagree with changing the requirement for equivalent quality and quantity to equivalent quality and/or quantity. This could lead to a decline in the level of usable/accessible recreational infrastructure provided. The balance to be struck between quantity and quality is complex and extremely location-specific, particularly as reductions in quantity can have cumulative impacts. The wording needs to be clarified and linked to the provision of active travel networks.

Clause 1a) of policy HC7 provides no guidance as to what criteria should be taken into account when assessing whether open space is surplus to requirements. Clearer guidance should be provided here, including the requirement for public consultation and the need to consider not just current use, but future needs as population sizes and demographics change. It is very hard to create open space after a development is complete, therefore any loss of open space needs very careful consideration.

In addition, **Section 1c** would allow replacement of a nature-rich green space with a sports facility such as playing fields. This should not be automatically approved, and ideally would be explicitly discouraged. At the very least it would require ecological assessment and mitigation or compensation as a last resort.

164. Do you agree with the clarification that Local Green Space should not fall into areas regarded as grey belt or where Green Belt policy on previously developed land apply?

Strongly agree

Local Green Space (LGS) should not fall within areas regarded as grey belt, nor be subject to Green Belt policy relating to previously-developed land. Local Green Space is vital to protect areas that are much-loved by communities. However, policy HC8 still does not provide full protection for Local Green Space because development is permitted on Green Belt land around rail stations, or for certain types of development including mineral extraction, engineering operations, transport, electricity and water infrastructure, the very broad category of 'material changes to the use of land' (which could cover far more than playing fields and cemeteries) and buildings for sports facilities and recreation (which could include, for example, large stadiums). Therefore this policy should be further strengthened by clarifying that these options do not apply on LGS.

Chapter 17: Pollution, public protection and security

165. Do you agree with policy P1 as a basis for identifying and addressing relevant risks when preparing plans?

Partly disagree

There are missing risks that are not considered. In particular, Artificial Light at Night requires careful consideration, since there is a growing evidence base that suggests that it harms entire ecosystems and disrupts the behaviour and movement of many species, affecting their survival.

167. Do you agree with the criteria set out in proposed policy P3 as a basis for securing acceptable living conditions and managing pollution?

Partly disagree

The adverse impacts of development cannot always be assessed and mitigated – in some cases, the correct course is avoidance. This is particularly the case for chalk streams and ancient grassland, which need to be designated as irreplaceable habitats. Buffer zones to all irreplaceable habitats, including ancient woodland, must be set much wider than at present.

Chapter 18: Managing flood risk and coastal change

171. Do you agree with the proposed changes set out in policy F3 to improve how Coastal Change Management Areas are identified and taken into account in development plans?

Strongly agree

We strongly agree with the changes, including the need to take account of Shoreline Management Plans and the National Coastal Erosion Risk Map, and to safeguard land that will be needed for flood protection in future, including by managed realignment. These are essential to fully manage future climate risks, and managed realignment can also contribute to nature recovery and carbon sequestration efforts by creating new saltmarshes and other coastal habitats.

172. Do you agree with the proposed clarifications to the sequential test set out in policy F5?

Strongly disagree

In law, the sequential test is increasingly being treated as part of the overall planning balance, which means that in certain circumstance it can be outweighed or disregarded. This was not the spirit of the original policy, which was to act as a gateway test so that development could be directed to the lowest-risk locations. The new NPPF must emphasize that the sequential test is a pre-eminent material consideration, leaving very little scope for negotiation.

In addition, the policy is still too weak. We strongly disagree with the removal of the sequential test for areas at risk of surface water flooding. Taken together, the sequential test in **policy F6** and the exception test in **policy F7** still allow construction of homes, shops, restaurants, schools and hospitals with Flood Zones 2 and 3, if land outside the flood zone is 'not available' and if the flood risk assessment appears to show that the buildings and escape routes are 'safe'. However, given that future predictions of flood risk involve high uncertainty, building in flood zones can still expose communities to risks of property damage, high financial losses, distress, uninsurable properties, business failures and even death in the event of the type of severe, unprecedented flooding which is becoming more common throughout the UK. The exception test should therefore be tightened to limit the circumstances of its application, in particular to disallow development of any premises where people live or work in Flood Zone 3 under any circumstances, and stricter limits in Flood Zone 2. In particular, data centres (now classed as 'essential infrastructure') should not be built in flood zone 3. All forms of flood risk, including surface water and groundwater flooding, must be considered in the test.

This conclusion is reinforced when considering its dependence on **policy F7**, which is seriously flawed. Locating the 'most vulnerable development' on the 'areas of lowest flood risk' does not mean they are safe in absolute terms, only that they are relatively less unsafe than other areas. They could still be at risk of flooding. The policy appears to expect flooding of the site to occur and for emergency evacuations to have to take place along 'safe access and escape routes' according to an 'emergency plan'. It also appears to acknowledge that properties could flood, but this is acceptable if they won't require 'significant refurbishment'. The prospect of occupiers and users of houses and businesses having to face this type of flood event, with the consequent impact on their lives, potential uninsurable properties, financial impacts or bankruptcies and consequent issues for mental health and wellbeing, is unacceptable.

Rather than building further developments on floodplains and putting occupiers and surrounding populations at risk, much better use can be made of them by incorporating them into natural flood management and nature recovery schemes. Reconnecting rivers with their floodplains, where appropriate, can mitigate flood risks downstream and create valuable floodplain mosaics of wetlands, ponds, wet woodland and meadows. Floodplains often play a key role in Local Nature Recovery Strategies, both for habitat creation and to link together other areas of importance for biodiversity.

Under **policy F4** (where there is no opportunity to comment), sites under 1 ha in Flood zone 1 should also provide a flood risk assessment – the size of the site is irrelevant if the object is to protect occupants and neighbouring communities from risk.

173. Do you agree with the proposed approach to the exception test set out in policy F6?

Strongly disagree

The exception test should be tightened to disallow development of any premises where people live or work under any circumstances in Flood Zone 3, and stricter limits in Flood Zone 2. All forms of flood risk, including surface water and groundwater flooding, must be considered in the test. Sites in Flood Zone 1 where the flood risk assessment reveals a risk of flooding (from any source, and including sites under 1ha) should also be subject to the exception test.

The requirement that development should ‘provide wider sustainability benefits to the community that outweigh flood risk’ is subjective and unclear. For example, could a housing development that includes new accessible green space pass the test in this way? That would appear to trade off flood risk against a different type of benefit that is not directly comparable. If this exception is to be retained, development must deliver specific, demonstrable and evidence-based benefits to the community that outweigh flood risk.

Areas of higher flood risk should be considered for development that has a specific conservation objective, e.g. habitat creation. These should be exempted from the sequential test requirement.

There is no opportunity to comment on **policy F7** but as noted above it is seriously flawed. Locating the ‘most vulnerable development’ on the ‘areas of lowest flood risk’ does not mean they are safe in absolute terms, only that they are relatively less unsafe than other areas. They could still be at risk of flooding. The policy appears to expect flooding of the site to occur and for emergency evacuations to have to take place along ‘safe access and escape routes’ according to an ‘emergency plan’. It also appears to acknowledge that properties could flood, but this is acceptable if they won’t require ‘significant refurbishment’. The prospect of occupiers and users of houses and businesses having to face this type of flood event, with the consequent impact on their lives, potential uninsurable properties, financial impacts or bankruptcies and consequent issues for mental health and wellbeing, is unacceptable.

174. Do you agree with the proposed requirement in policy F8 for sustainable drainage systems to be designed in accordance with the National Standards?

Partly agree

We strongly agree with the new requirement that Sustainable Drainage Systems should be designed in accordance with the National Standards for Sustainable Drainage Systems. If implemented effectively, this will deliver significant reductions in flood risk alongside benefits for biodiversity, water quality and local green and blue spaces for amenity.

However, we strongly advocate making SuDS mandatory on all new developments through the long-awaited implementation of Schedule 3 of the Flood and Water Management Act 2010, which was promised by this government but has still not been implemented. The

The caveat “in ways which are proportionate to the nature and scale of the proposal” is not necessary and should be deleted – it simply provides a loophole for developers to try to avoid their obligations.

Similarly the caveat “wherever possible” is not necessary and should be deleted. All SuDS systems are capable of providing multifunctional benefits unless they are simply an underground tank and pipe, which is exactly the default option that the policy aims to avoid.

Appropriate enforcement is needed to maintain good standards of design and construction. timescales for the standards to apply also need clarification – we would suggest that they should be in place for the lifetime of the development.

The non-adoption of public open space, including many SuDS schemes in new build estates, represents a significant risk if SuDS are not appropriately constructed. In the event of infrastructure failure, local homeowners will face large bills to remedy the situation. This could drag newbuild housing into a similar crisis as that faced by the owners of apartments in relation to service charges. If the development industry wants to ensure that its model remains viable, it needs either to fund local authorities to adopt these spaces, or to ensure that there are appropriate sinking funds in place.

175. Do you agree with the proposed new policy to avoid the enclosure of watercourses, and encourage the de-culverting and re-naturalisation of river channels?

Partly agree

We strongly agree with the new policy to avoid the enclosure of watercourses and encourage the de-culverting and re-naturalising of river channels, which should avoid harm to biodiversity and provide amenity benefits for communities. However, the wording needs to be strengthened to require developers to avoid culverting 'wherever possible', not 'unless there are compelling reasons to do so'. A strong presumption against culverting should be established. Where this cannot be avoided, appropriate compensation through BNG must be provided for all developments of any size.

176. Do you agree with the proposed changes to policy for managing development in areas affected by coastal change?

Strongly agree

We strongly agree with the stronger policy wording to make clear that permanent new residential development (including through changes of use) is inappropriate. Coastal retreat is already in the news, with many areas in the East of England particularly badly affected (Thorpeness for instance). There must be a presumption against permanent residential development in Coastal Change Management Areas given the severity of the risk and its economic consequences for those living in these areas.

177. The National Coastal Erosion Risk Map sets out where areas may be vulnerable to coastal change based on different scenarios. Do you have views on how these scenarios should be applied to ensure a proportionate approach in applying this policy?

We do not believe it is appropriate to consider proportionality in this case. The government needs to effectively manage severe risk, which requires ensuring that sea level rise and long-term coastal erosion are properly modelled. The consequences of not doing so, in the absence of a proper compensation scheme for affected communities, are socially and economically appalling for those affected. Developers should not be allowed to make money from the creation of social misery.

178. Do you agree with the proposed new additions to Table 2: Flood Risk Vulnerability Classifications? Should any other forms of development should be added?

Strongly disagree

Water-compatible biodiversity schemes should be added to the list of water-compatible development. Natural flood management schemes should be considered as part of this category.

This question, oddly, does not ask for details on why we disagree with the new additions to the list of 'essential infrastructure' that can be built even on the functional floodplain. We would like to state that we strongly disagree with building data centres, hydrogen plants and carbon capture and storage facilities on the functional floodplain. It is very hard to envisage a scenario where this could be appropriate or where these facilities could be made safe from the regular flooding that takes place in these zones, given the high use of electricity and large amount of vulnerable equipment in data centres, and the risk of electrocution events associated with flooding.

Chapter 19: Conserving and enhancing the natural environment

179. Do you agree that the proposed approach to planning for the natural environment in policy N1, including the proposed approach to biodiversity net gain, strikes the right balance between consistency, viability, deliverability, and supporting nature recovery?

Strongly disagree

We welcome the alignment with Local Nature Recovery Strategies, the requirement to set standards for green infrastructure provision and to identify opportunities for nature-based solutions. However, we strongly disagree with the new limitation on the ability of LPAs to set higher targets for BNG. The statutory minimum 10% BNG is the bare minimum needed to account for uncertainty in the BNG methodology and poor delivery on the ground (e.g. see [Property developers installing as few as half of promised ecological features](#)), because 10% BNG on paper does not necessarily translate into 10% gain in practice. Setting higher targets helps to counter well-evidenced issues with delivery of BNG benefits in practice, and should be supported, not limited to specific allocation sites with a burden of providing evidence for each site. Also, we are facing a severe biodiversity crisis with one in six British species facing extinction and an average decline of 19% in species abundance since 1970 (State of Nature Report, 2023). With just four years to go, there is no sign of progress towards the statutory target of halting and reversing biodiversity loss by 2030. As such, any local measures to reduce damage to biodiversity should be welcomed and encouraged, especially as there is no evidence that BNG requirements beyond the minimum have any impact on housing delivery.

We are also concerned about the disappearance of the requirements for "protecting and enhancing valued landscapes" (in the current NPPF's para 187) as this afforded some protection for treasured landscapes that were not formally designated.

We also request that the caveat “where that would be consistent with other policies in this Framework” is deleted from **Section 1c**. This appears to be unnecessary as other policies do not have this caveat, and it could be used to accord lower weight to nature protection than to other policies. This would not align with the principles of sustainable development and our statutory nature recovery targets.

180. In what circumstances would it be reasonable to seek more than 10% biodiversity net gain on sites being allocated in the development plan, especially where this could support meeting biodiversity net gain obligations on other neighbouring sites in a particular area?

The statutory minimum 10% BNG is the bare minimum needed to account for uncertainty in the BNG methodology, and 10% BNG on paper does not necessarily translate into 10% gain in practice (e.g. see [Property developers installing as few as half of promised ecological features](#)). Setting higher targets helps to counter these well-evidenced issues with delivery of BNG benefits in practice. Also, given the severity of the biodiversity crisis and our continued failure to make progress towards our statutory nature recovery targets, setting higher targets should be welcomed and supported under any circumstances, not limited to specific allocation sites with a burden of providing evidence for each site, especially as there is no evidence that BNG requirements beyond the minimum have any impact on housing delivery.

181. Do you agree policy N2 sets sufficiently clear expectations for how development proposals should consider and enhance the existing natural characteristics of sites proposed for development?

Partly disagree

We welcome the inclusion of protection for existing features such as trees and hedgerows, and the support for LNRS, green infrastructure, nature-based solutions and biodiversity enhancements. However, the language is weak and needs strengthening to ensure that the planning system delivers for nature. References to the mitigation hierarchy are insufficiently strong and there needs to be more emphasis on avoidance of harms. Specifically, in **Section 1d**, replace “wherever possible” with “unless, in rare cases, there are exceptional and well-evidenced reasons why this would not be possible” and in **Section 1f** replace “Minimise impacts on biodiversity” with “Avoid impacts on biodiversity”.

There is a lack of clarity in the wording over protected species: is it ‘priority’ or ‘threatened’ or ‘species of principal importance’?

We would like to see strong support for incorporating hedgehog highways (small holes in fences) into all new developments, equivalent to the requirement for swift bricks. Hedgehog populations in rural areas have declined by half to three quarters since 2000 and hedgehogs are now classified as [vulnerable to extinction](#), with up to 20% killed on the roads each year, but urban areas are an important stronghold. This simple low-cost measure could be transformative by allowing hedgehogs to roam safely through networks of urban gardens, as they need to travel up to 2 km each night, covering an area of around 10-20 hectares, to meet their food requirements.

While planning policy support for wildlife-friendly features in N2 is welcome, planning conditions alone are not sufficient to secure delivery on the ground. The [Lost Nature report](#) found that only around 53% of the legally-secured ecological features required by planning permissions on nearly 6,000 new homes were actually present in reality, based on a survey of 42 developments across England. Large proportions of specific measures were missing, with 83% of hedgehog highways, 75% of bird and bat boxes, 85% of reptile refuges and 100% of promised bug boxes not installed on site. Among planted features, 39% of trees were dead or missing and 82% of woodland edge seed mixes failed to materialise, with a majority of wildflower grasslands improperly sown or damaged. These findings illustrate a systemic failure in implementation and enforcement of planning-secured biodiversity enhancements, meaning that “net gain” often exists only on spreadsheets rather than in reality. This underlines the need for stronger mechanisms. We therefore support the introduction of a new Part N of the Building Regulations to require nature-friendly design features as standard, which would provide greater certainty and consistency than reliance on discretionary planning conditions. While some elements, such as the inclusion of swift bricks, are welcome, this should be stronger and specify that “Development proposals should incorporate integrated nest boxes (commonly known as swift bricks) into their construction unless, in rare and exceptional cases, there are compelling technical reasons which prevent their use, or would make them ineffective; and” to reduce the potential for exemption misuse.

Section 1b should be strengthened to include a presumption against loss of Best and Most Versatile farmland, rather than the current much weaker version of ‘taking into consideration’ BMV and developing lower grade land instead only where this is available.

N2 also needs to be strengthened to force on-farm developers to demonstrate how they will avoid cumulative ammonia and nutrient impacts on sensitive ecosystems, including waters. We draw your attention to the Environmental Audit Committee’s recommendation that intensive livestock units should be deemed unacceptable in nutrient-exceeded catchments.

Finally, we disagree strongly with the limits to allowing BNG requirements to exceed the statutory minimum, as explained earlier, given the severity of the biodiversity crisis.

182. Do you agree the policy in Policy N4 provides a sufficiently clear basis for considering development proposals affecting protected landscapes and reflecting the statutory duties which apply to them?

Strongly disagree

The proposed changes significantly weaken protection for Protected Landscapes and do not reflect the duty to further their objectives rather than just avoid harm. This is highly concerning, especially as Protected Landscapes are expected to play a key role in delivering our statutory target to protect 30% of land for nature by 2030. The new wording in **N4(2)** turns a presumption for refusal into caveated support for development. **S5(2)** further weakens protections for nature by restricting where development can be challenged.

Firstly, given the shift from ‘great weight’ to ‘substantial weight’ in line with the simplified language of the NPPF, the policy must restate the current position that protected landscapes (National Parks, National Landscapes and the Broads) have the highest status of protection. Also, the stronger protected landscapes duty from the Levelling-up and Regeneration Act 2023 needs to be reflected, i.e. that LPAs should “seek to further” protected landscape purposes, not just “have regard” to them. This is critical to meet nature recovery targets.

Secondly, the wording needs to revert to the previous version where both the tests of “Exceptional circumstances” and “in the public interest” have to be legally met, not just one. Also, the public interest test should also include the value that protected landscapes provide to the public for health, wellbeing, interaction with nature, aesthetic value and sense of place, and their expected future role in delivering nature recovery. Finally, **footnote 71**, which opens up the possibility of approving development if compensation is offered, should be removed as it provides another loophole for approving unsuitable development.

183. Do you agree policy N6 provides clarity on the treatment of internationally, nationally and locally recognised site within the planning system?

Strongly disagree

Policy N6 does not cover the full range of habitats that are important for wildlife conservation and nature recovery. It covers SACs, SPAs, SSSIs, Local Nature Reserves, Local Wildlife Sites and irreplaceable habitats, but does not cover National Nature Reserves, Priority Habitats and areas that support Priority Species.

Policy N6 allows subjective decision-making: there is no indication of what is an ‘imperative reason of overriding public importance’ or a ‘significant adverse impact’, or when benefits of the development ‘clearly outweigh’ the impact on the site. Valuable wildlife habitats could therefore be lost if a local decision-maker judges this to be acceptable, or judges the development to be of overriding public importance. This is particularly concerning given the many other policies which give ‘substantial weight’ to development proposals, leaving N6 as the only line of defence for biodiversity. Therefore we believe policy N6 must be significantly strengthened to remove loopholes and offer full protection for our important habitats and species.

In **Section 1b** there is an unacceptable weakening of the language relating to SSSIs compared to existing policy. The site as a whole needs to be protected, not just ‘features of special scientific interest’: otherwise, the context-specific nature of ecosystems such as mosaic habitats is not recognised. The removal of the reference to development ‘within or outside’ a SSSI introduces ambiguity about offsite impacts. SSSIs should be subject to strong protection, including from the impacts of offsite development. National Nature Reserves should also be added to the list of sites with national importance; otherwise they do not receive any protection.

The recognition of Local Wildlife Sites and Local Nature reserves in **Section 1c** is welcome, but this needs to include sites that have been designated but not yet included in a Local Plan. Protection should apply to all sites that meet these locally-agreed criteria (including County Wildlife Sites, Sites of Nature Conservation Importance, SINCS etc) whether or not they were included in the most recent development plan.

There is no protection for Habitats and Species of Principal Importance (Priority habitats and Species) in N6, although N1 specifies that opportunities to conserve these should be identified in Plans. For consistency, a new section should be added to N6 to provide protection for Habitats and Species of Principal Importance.

The comprehensive national list of irreplaceable habitats must be published immediately, as the current list leaves worrying gaps.

We also do not believe there are any circumstances in which our most valuable wildlife sites (SACs, SPAs, Ramsar sites, SSSIs, National Nature Reserves) could or should be destroyed or damaged under the pretext of compensation under an Environmental Delivery Plan (EDP) – as pointed out by almost all England’s nature organisations during the debates on the Planning and Infrastructure Bill. It would be technically impossible to replace these sites with equivalent compensatory habitat under an Environmental Delivery Plan without suffering a severe loss of biodiversity which would undermine our statutory targets to halt and reverse the decline in biodiversity by 2030. These sites are of exceptional importance and contain mature habitats that are the last refuges of many of our most threatened species. If these sites are destroyed or damaged, very few of the species that depend on them would be able to make their way to a compensatory habitat elsewhere. Many individuals would be directly killed by the habitat clearance for development, and very few (with the exception of some bird species) would be sufficiently mobile to move elsewhere. In addition, it would take decades or even centuries to replicate a mature, biodiverse habitat such as a wetland or forest in a new location, and it may even be impossible to completely replicate the local conditions in the habitat that was lost.

184. Are there any further issues for planning policy that we need to consider as we take forward the implementation of Environmental Delivery Plans?

Appropriate governance and safeguards need to be put in place to define where EDPs cannot be used (irreplaceable habitats, or where it is not feasible to recreate a habitat of equivalent quality and species composition and ensure the successful movement of dependent species from the old habitat to the new one before the development commences).

We have significant concerns whether Natural England are sufficiently resourced to formulate properly evidence-based EDPs alongside their existing remit. Would this lead to trade-offs with their other important functions including monitoring and protecting SSSIs?

Further questions

192. Do you agree with the transitional arrangements approach to decision-making?

Strongly disagree

Annex A Section 2: We disagree that policies in existing Local Plans that are “inconsistent in any way” with the new national decision-making policies must be given very limited weight. Existing Local Plans, some of which could be very recently developed, have been developed in close consultation with local stakeholders and support local democracy, taking account of local needs and constraints. Given the number of policies in the draft NPPF that prioritise growth and development over environmental safeguards, we believe that existing Local Plan policies should be allowed to stand if they provide greater environmental or social protection than the new NPPF.

Annex A Section 9. Planning freedoms. “The government will continue to explore with individual areas the potential for planning freedoms and flexibilities, for instance where this would facilitate an increase in the amount of housing that can be delivered.” This seems to offer a potential loophole for developments to avoid meeting the standards set out in the rest of the framework.

193. Do you have any further thoughts on the policies outlined in this consultation?

The [Leverhulme Centre for Nature Recovery](#) is a hub for multi-disciplinary research on nature recovery nationally and worldwide, based at the University of Oxford. Our response addresses the following broad concerns:

- Nature protection and nature recovery obligations are not adequately addressed. The current draft NPPF does not deliver the level of protection needed to deliver the UK's statutory nature recovery requirements under the Environment Act 2021 and our commitments under the Global Biodiversity Framework. Requirements on nature protection are weak, isolated, not given the same 'substantial weight' as policies on economic growth and development, and not adequately integrated into wider policies. For example, Policy N6 has weakened protection for SSSIs and still does not offer any protection for National Nature Reserves or Priority habitats and species (of principal importance). Also, the list of standard information required does not include Environmental Impact Assessments or Strategic Environmental Assessments.
- Presumption in favour of so-called 'sustainable' development is likely to drive habitat loss. Much of the language in the document has moved away from a focus on necessary balance and weighting of evidence, towards a presumption in favour of development. In many cases, this funnels power, land and permissions towards developers, at the expense of local people and the environment. The IPBES report on Transformative Change emphasizes the need to tackle the underlying drivers of biodiversity loss, which includes land use planning.
- Lack of safeguards: the new document is overly vague in its definition of 'unacceptable impact', and risks creating the conditions for biodiversity loss via development. Given that we know that this is likely to lead to a decline in economic growth, as well as increased problems with national security, the policy is internally inconsistent. Producing economic growth in one sector, at the expense of a greater cost to economic growth in another is irrational and illogical – and these inconsistencies strongly suggest that MHCLG has not grasped the extent or urgency of biodiversity loss as a social problem.
- Lack of appreciation of the benefits of green spaces to communities. The draft does not explicitly refer to the benefits of green spaces for health and well-being. Reference to Natural England's Green Infrastructure Standards is welcome but there is no requirement to meet minimum standards for the area of green space provided per person, the accessibility (within a 15 minute walk) and the quality and nature-richness of green space, in line with these standards.
- Local democracy is being undermined. While there is a need for local decisions to be in line with national and international obligations, sound decisions can only be made with a full appreciation of local needs, priorities and constraints. The current draft NPPF undermines this local democracy by allowing Spatial Development Strategies or the Secretary of State to take over local planning powers or overrule local decisions. Centralisation of policy and authority is also inconsistent with stated government ambitions elsewhere towards devolution.

- Ability of LPAs to set ambitious targets. Limiting proposals to a 10% statutory minimum for BNG will constrain the ability to apply higher thresholds where required. It also flies in the face of the intention with BNG, which was to set a minimum standard for nature recovery, not a maximum. Similarly, PM13 explicitly attempts to stop LPAs from applying Net Zero policies that go beyond the national minimum standard. More widely, the planning system works on site-by-site discretion for good reasons, and the imposition of constraints on LPAs risks locking in policies that cannot respond to local conditions.

Annex B: Viability – standardised input in viability assessment

208. Do you agree that guidance should be updated to reflect the fact a premium may not be required in all circumstances?

Strongly agree

Annex C: Reforming site thresholds

213. Do you agree that a 2.5 hectare threshold is appropriate?

Strongly disagree

A ‘medium development’ category would be exceptionally large, and would effectively exempt a huge proportion of developments, with potentially devastating consequences in terms of habitat fragmentation and species loss. We are concerned that the threshold is also liable to be manipulated, with developers bringing forward phased schemes as a series of ‘medium’ developments. Additionally, some developments of this size have a disproportionate impact on the climate, nature or landscape, for example industrial livestock units have a huge negative impact on watercourses. This is extremely concerning given the intention to exempt ‘medium’ sites from BNG requirements, which would completely destroy the whole BNG market in the UK by exempting almost all developments. This would directly conflict with delivery of our statutory nature recovery targets.

However, we support the recognition that green space is an important component of developments, and should provide a significant component of new developments.

214. Do you agree that a unit threshold of between 10 and 49 units is appropriate?

Strongly disagree

Environmental protections should not be diluted based on scheme scale. Mitigation is needed for all sites. The new category will create a light-regulation route, reducing nature protections – with potential BNG exemptions being particularly alarming.

215. Do you foresee risks or operability issues anticipated with the proposed definition of medium development?

Yes

216. In relation to question 215, if so, please explain your answer and provide views on potential mitigations.

We anticipate that this would lead to widespread gaming of the system, with developers 'chunking' their sites into smaller sections or phased development to avoid regulatory requirements. This is widely known to take place to avoid BNG requirements. We therefore strongly oppose the new category of medium development because there are very high risks of developers evading their obligations and thus delivering poorly designed developments with damaging environmental impacts. If the category is to be retained, the size threshold should revert to the initial proposal of 1 ha and there should be a watertight procedure to stop developers bringing forward multiple smaller 'medium' proposals on a single large site.

222. Do you agree with the proposal to extend the Permission in Principle application route to medium development?

Strongly disagree

If medium sites are allowed to go up to 2.5 ha / 49 houses, this could have significant impacts on nature. It would require an ecological assessment to determine whether a site is suitable for a development of this size, especially if medium sites are to be exempt from BNG requirements. Therefore a brief application with just the location of the development would not be sufficient to determine whether Permission in Principle should be granted, especially as this then appears to provide a fast track to evade further environmental checks and conditions.

About us

The ongoing loss and degradation of nature is one of the greatest challenges of our time. In response, the Leverhulme Centre for Nature Recovery (LCNR) was created in 2022 as a hub for innovative research on nature recovery. It brings together experts from a broad range of disciplines across the University of Oxford. The team collaborates with partners in communities and organisations around the world.

What is nature recovery?

We define nature recovery as the activity of helping life on Earth to thrive by repairing human relationships with the rest of the natural world.


Our aims


- To understand the societal, biophysical, policy and systemic factors that enable or challenge nature recovery
- To collaborate with partners in case study landscapes to test and enhance frameworks, technologies, and tools for effective, inclusive, scalable, nature recovery delivery that also provides for society and its wellbeing
- To establish an inclusive nature recovery community at Oxford, leveraging its intellectual capital and interdisciplinary convening power to address key debates and challenges in the field.



Leverhulme Centre
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