

National Planning Policy Framework (NPPF) consultation

Response from the Open Spaces Society, February 2023

1 Introduction

1.1 The Open Spaces Society (OSS) was founded in 1865 and is Britain's oldest national conservation body. It campaigns to protect common land, village greens, open spaces and public paths, and people's rights to enjoy them.

1.2 OSS is a member of the [Better Planning Coalition](#) (BPC) and continues to lobby for a fair and transparent system that works for access and people, and addresses mitigation of climate change.

1.3 Due to the fundamental importance to levelling up of access to a healthy natural environment, the BPC is asking for a levelling up mission to reduce environmental inequality across the UK to be added to the Levelling Up and Regeneration Bill. This will create a crucial cross-Government strategic focus to tackle environmental inequality, promoting nature recovery, climate mitigation and adaptation, people's health and wellbeing, and the prosperity and cohesion of local communities.

1.4 The society welcomes the opportunity to influence how the government can deliver its levelling-up plans.

1.5 The Department for Levelling Up, Housing, and Communities (DLUHC) issued a [consultation](#) on 22 December seeking views on how to develop national planning policy in England to support the government's wider objectives. The proposals include amendments to the NPPF, the preparation of National Development Management Plans (NDMPs), policy to support levelling up, and how national planning policy is currently accessed by users. There is a separate [document](#) with the proposed amended text for the NPPF.

1.6 We were pleased to note that the Secretary of State for Environment, Food and Rural Affairs stated in the last paragraph of his foreword to the **Nature recovery green paper: protected sites and species (March 2022)**: *As we continue our work to build back better and level up our country, the health of our environment and access to it has (sic) never been more crucial.*

1.7 We remind Defra that the government, in its 25-year environment plan, pledged to make sure that our natural environment *can be enjoyed, used by, and cared for by everyone*. Access to and protection of our natural environment needs to be addressed within the planning system to ensure equality for all.

1.8 The society's priorities for the government during this process include:

- improving the process to designate land as a local green space (LGS) and strengthening the protection to ensure that local open spaces, so vital during the lockdown restrictions, are not vulnerable to development;
- developing pro-active measures to equalise open space provision for all;
- delivering a more accessible neighbourhood-planning regime;
- ensuring that the use of permitted development rights, and permission in principle, will not result in more development affecting public rights of way;
- providing protection for the environment, important open spaces and public rights of way when onshore wind-power schemes are proposed on sites that have not been designated in the local plan.

1.9 It is disappointing that a full review of the NPPF is not being undertaken now and has been postponed until next year. Users of the planning system require certainty not constant change; councils are now increasingly delaying preparation of local plans. Given the increasing number of government proposals in relation to planning, including in the [Levelling Up and Regeneration Bill](#), and the intention of implementing the changes to the NPPF this spring, we are concerned that the responses to this consultation will not be adequately evaluated.

1.10 The consultation extols the policy objectives of building beautiful and refusing ugliness, securing infrastructure to support development, more democratic engagement with communities on local plans, better environmental outcomes, empowering local communities to shape their neighbourhood, and delivering more homes in the right places. These are laudable aims, but it remains unclear how they will be achieved. We are deeply concerned that, contrary to these intentions, the NDMPs will lead to centralisation of powers as they will enable the secretary of state to change planning policy with little restraint.

1.11 We note there are to be separate and welcome consultations on NDMPs and permitted development rights, but these have not yet been produced making it difficult to give a view about the relatively minor changes to the NPPF. It would be far preferable to be given a clear holistic set of documents to consider.

2 Open Spaces Society response to the consultation

2.1 Thank you for the opportunity to respond to this consultation on national planning policy. We will respond to questions relevant to OSS interests.

2.2 We welcome the Government's recognition that the land use planning system and national planning policy need to recover nature and tackle climate change and contribute to meeting the Government's own environmental targets, such as the Environment Act 2021 targets and net zero, and environmental ambitions.



2.3 However, this consultation is a significant missed opportunity for tackling the urgent nature and climate crises. Instead of bringing forward the strategic policies that would enable the planning system to work for nature and people, this consultation does not propose any direct changes to the NPPF to support the planning and protection of open spaces, including for biodiversity, and defers the detail of important policies that come into effect this year (2023) such as Biodiversity Net Gain and Local Nature Recovery Strategies.

2.4 Current open space protections and policies relating to the disposal of open space in the planning system and in the proposed planning reforms are designed mainly to assist developers rather than to protect existing green space by allowing for disposal and mitigation that may not even be in the same neighbourhood. In the society's view the planning system must have the protection and creation of open space, and the need to provide opportunities for public recreation (including public rights of way), at the same level of priority as transport and other infrastructure requirements.

2.5 **The Government should consider the following additions to the NPPF:**

- the prohibition of development on irreplaceable habitats, applying the strengthened policy protection for ancient woodland and ancient and veteran trees to land registered as common land which provides multiple benefits for access, farming, and mitigation of climate change;
- a new planning designation with a presumption against any change that would be to the detriment of equitable open space provision for all consistent with the recently published [Environment Improvement Plan](#). The mechanism could be through the Local Nature Recovery Strategies and recognised in local plans, to ensure people nature and climate all benefit. The equitable provision of open space is a crucial part of the levelling-up agenda;
- the Natural England Green Infrastructure (GI) Standards should be included in a local GI Strategy and applied in local and neighbourhood plans and require consideration of the urban-greening factor contained in the standards;
- local design codes, which are to be made mandatory, must be based on good community engagement. However, the National Model Design Code (NMDC) only contains principles in the Nature and Movement sections about connective networks and open space provision. There must be more robust protection for open space once a new development has been created, for instance by voluntary registration of the land as [town or village green](#) (TVG).

2.6 We trust that the society's suggestions, necessary to ensure provision of access and creation and protection of open space for all, will be reflected in the next NPPF consultation promised later this year (2023) or early next year (2024).

Chapter 2 - policy objectives

2.7 We support the premise that if communities know they can protect valuable green space and natural habitats as well as requiring new developments to be high quality and beautiful, plans are more likely to be both durable and robust.

2.8 The government must be held to account to deliver its proposal to do more to support environmental enhancement, nature recovery and climate change adaptation; to mitigate the effects of pollution; and to embed the important reforms introduced by the Environment Act 2021.

Chapter 3 – Providing certainty through local and neighbourhood plans

Q.5: Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?

2.9 We support the strengthening of the influence of Neighbourhood Plans in the planning system because greater community engagement will help to create places that deliver for access, people, nature, and mitigation of climate change.

2.10 However, the concerns of the OSS about the LGS process and designation must be addressed to ensure provision of open space for all. At present the protection of LGS is said in the NPPF at paragraph 101-103 to be similar to that of green belt (GB) protection. The protection must include opportunities for public recreation. At present GB does not provide opportunities for recreation or for the creation of public rights of way. There is nothing in Part 2 of the NMDC (Nature) about protection of green space. Changes are needed to ensure open space is protected so that it can provide multiple benefits for future generations.

2.11 Existing NPPF paragraph 14 gives strong protection from speculative development to areas with a neighbourhood plan less than two years old that meets its housing requirement. It does, however, mean that areas with older neighbourhood plans, or where the local planning authority has a low housing-land supply or poor housing delivery, can be vulnerable to speculative development.

2.12 We support the proposal better to protect neighbourhood plans in future, because where a local plan for the area is up to date, a five-year housing land supply will not be required. This would mean that the presumption in favour of sustainable development would not apply as often.

Chapter 4

Q.6: Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?

2.13 No, we do not agree. The proposed changes shift the balance of the NPPF away from considering the three parts of sustainable development (economic, social, environmental) and the policy objectives set out in chapter 2.

Q.9: Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out-of-character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?

2.14 While we support the strengthening of GB through national policy so that the boundaries are not required to be reviewed or altered, there is a missed opportunity to improve public access to the countryside and green spaces by providing for access within GB for public recreation.

Chapter 6 – Asking for beauty

Q.33: Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?

2.15 While we agree in principle that development should be well-designed and beautiful, these words are without clear definition and are subjective.



2.16 The NMDC also lacks reference and detail on how landscape character will be taken into account in the design process, an important aspect of protecting local green spaces.

Chapter 7 – Protecting the environment and tackling climate change

Q.40 Do you have any views on how planning policy could support climate change adaptation further, including through the use of nature-based solutions which provide multi-functional benefits?

2.17 We support measures that would be beneficial for ensuring future development is resilient to changes in climate. For example, the provision of GI in new development can aid climate-change adaptation and improve resilience to extreme weather events. In doing so it can provide a pleasant environment, have a positive impact on people's health and well-being, enhance biodiversity, assist with water management, and contribute towards cooling and shading.

2.18 It is essential that the consultation response and regulations for Biodiversity Net Gain (BNG) be published without delay in order to ensure effective implementation in advance of the mandatory BNG in November 2023.

2.19 Local Nature Recovery Strategies should be given stronger weight in the planning system by being recognised as formal planning documents, part of the development plan of a local planning authority.

2.20 To deliver more small-scale nature interventions, national planning policy should be amended to require locally set GI Standards (see para 2.5 above) identified in a local GI Strategy and applied in plan-making.

Chapter 8 – Onshore wind and energy efficiency

2.21 We support in principle changes to planning policy for onshore wind to deliver a more localist approach that provides local authorities more flexibility to respond to the views of their local consultation.

Q.41: Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?

2.22 Yes, in principle we agree with the proposed changes to enable the re-powering of renewable and low carbon energy sources.

2.23 However, the implications for impacts on open space and public rights of way need to be assessed and considered before any decision is taken.

Q.42: Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?

2.24 Yes, in principle we agree with the proposed changes to enable the re-powering of renewable and low carbon energy sources.

2.25 However, the implications for impacts on open space and public rights of way need to be assessed and considered before any decision is taken.

Q.43: Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework?

Do you have any views on specific wording for new footnote 62?

2.26 We are concerned that greater use of permitted development rights will result in more impact on public rights of way with no opportunity for prior consultation or consideration of the effect on public rights of way as is required for full planning applications.

2.27 We welcome proposed changes to the existing NPPF Footnote 54 to ensure that:

- permission is predicated on satisfactorily addressing the planning impacts of onshore wind projects as identified by local communities, and on demonstrable local support for the scheme, learning from best practice and using new digital engagement techniques;
- local authorities have a range of routes to demonstrate their support for certain areas in their boundaries to be suitable for onshore wind, outside the overly rigid requirement for onshore wind sites to be designated in the development plan.

2.28 It will be important that the government fulfils its proposals to retain regulations that require onshore wind developers to consult with the local community at pre-application stage so that:

- communities will retain the right to have a say before an application is submitted;
- further information is provided in planning practice guidance to explain how it can be demonstrated that the planning impacts identified by the affected local community have been satisfactorily addressed and the proposal has community support, reflecting our proposed changes to the NPPF;
- current legislation, that provides for all onshore wind applications to be considered by local planning authorities rather than through the Nationally Significant Infrastructure Projects regime, is retained.

Chapter 10 – National Development Management Policies

2.29 We welcome the promise of a consultation on proposals for the draft NDMP themselves following passage of the Bill. However, with so many changes being proposed through both legislation and policy it is disappointing that further detail has not been made available now.

Q.49 Do you agree with the suggested scope and principles for guiding National Development Management Policies?

2.30 The policies set out in the NPPF are not statutory but are material considerations when determining planning applications. It would be helpful if the development management policies currently described in the NPPF evolved into NDMPs and then formed part of a local authority's development plan.

2.31 However, it is essential that local development plans retain their primacy in law, and can provide for local variations to NDMPs wherever there is a local justification to do so, and that changes to NDMPs are subject to public consultation and parliamentary scrutiny.

2.32 In addition, if a local plan or neighbourhood plan has been made in full consistency with NDMPs at the time, and then the NDMPs change, that plan could be deemed out of date for the

purposes of decision-making. This could be detrimental for local communities who have been working for years on a neighbourhood plan.

Q.52: Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?

2.33 It is noted that allotments may be incorporated into a wider policy on protection of green space. We suggest this policy could be widened to include common land, town and village greens, and public rights of way.

Q.53: What, if any, planning policies do you think could be included in a new Framework to help achieve the 12 levelling up missions in the Levelling Up White Paper?

2.34 Planning policies which support access to green space are essential to achieving the levelling up missions on health and well-being.

2.35 However, one in three people in England do not have access to a green space within 15 minutes and this disparity in access to nature increases for people from a minority ethnic background, disabled people, and people on low incomes. For levelling up to be successful there must be environmental equality for all.

2.36 Due to the fundamental importance of access to a healthy natural environment, a levelling up mission to reduce environmental inequality across the UK should be added to the Levelling Up and Regeneration Bill through amendments to the bill which have been laid by the BPC.

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