

24 September 2024

Dear Sir/Madam

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

I am pleased to submit the OEP's response to your consultation, offering comments on Questions 12, 27 and 36, and also on broader, strategic issues to support you in ensuring that planning reform contributes to both economic growth and Government's ambitions for the environment as set out in its Environmental Improvement Plan ("EIP").

Spatial Planning

We welcome your intention to improve spatial planning. Good spatial planning, referred to in chapter 3 (paragraphs 25 and 26), will be essential to delivering Local Growth Plans and Local Nature Recovery Strategies (LNRS), and also to delivering the EIP goals and long-term environmental targets (made under the Environment Act 2021).

We have identified the need for better spatial planning, both in our review of environmental assessment regimes¹ and in our latest annual EIP progress report, reviewing progress in improving the natural environment.² In the latter we identified that a lack of effective spatial prioritisation of actions for land and sea is hindering progress towards achieving the EIP goal "thriving plants and wildlife". We recommended government should scale up and accelerate spatial prioritisation of actions, such as Local Nature Recovery Strategies, the

¹ [A review of the implementation of environmental assessment regimes in England](#), October 2023 at section 3.4.3.

² [Progress in Improving the Natural Environment in England 2022/2023](#) Chapter 2

Green Infrastructure Framework, the Land Use Framework and marine spatial plans. This would optimise implementation of key policies and ensure local and national scale activity is harmonised.

We re-emphasise that recommendation in this response. When considering the new mechanism for strategic planning, as mentioned in chapter 3 (paragraphs 25 and 26), it will be important to consider these spatial prioritisation actions, in addition to Environmental Land Management (ELM) Scheme projects and the existing network of protected wildlife sites. The anticipated Land Use Framework is not referenced in this consultation. However, the new mechanisms for strategic planning would no doubt be supported by this framework. It will be important to consider how the new framework can be used to bring together and accelerate the existing strategic planning initiatives, and support the proposed Sustainable Development Strategies.

Recently, we have seen some good use of spatial data for environmental planning emerging. For example, Natural England's Green Infrastructure Framework³ (as referenced at paragraph 25 of the consultation) and the new indicator for changes in landscape and waterscape character.⁴ The NPPF provides an opportunity to encourage decision-makers to use these spatial data tools, contributing to the delivery of the EIP goals and Environment Act 2021 targets alongside new development.

Local Nature Recovery Strategies (LNRS)

We are currently scrutinising the implementation of sections 104-108 Environment Act 2021 regarding LNRS. At present LNRS are not clearly identified in the NPPF as a material consideration for decision-makers. Removing ambiguity by making this clear in the NPPF would considerably improve their potential for reconciling development needs with contributing to nature's recovery. This would be further strengthened if reference were made in the NPPF to both LNRS and *emerging* LNRS, such that they both be viewed as material considerations, to be given weight both in plan-making and decision-taking. This is particularly important as there is no statutory timeframe in place for the completion of LNRS, and given the significance of LNRS in the context of biodiversity net gain (BNG) delivery.

We await the statutory guidance from MHCLG on LNRS (required by 1 January 2025). Whilst that guidance should provide more detail as to how local planning authorities should comply with their duty to 'have regard to' LNRS in the context of their role, it would be helpful, in updating the NPPF, to take the opportunity to strengthen the status of land identified for nature in LNRSs and clarify the relationship to the forthcoming guidance. We would also welcome information about the development and likely publication date of that guidance.

³ [Natural England unveils new Green Infrastructure Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/natural-england-unveils-new-green-infrastructure-framework)

⁴ [G1: Changes in landscape and waterscape character \(defra.gov.uk\)](https://defra.gov.uk/g1-changes-in-landscape-and-waterscape-character)

Question 12: yes – we do agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters.

Strategic planning is, indeed, important in the delivery of LNRs, however at present that is not recognised in the NPPF. An addition to the text of draft NPPF, para.20(d) should be made to address this specific point, and to note the importance of biodiversity improvements generally.

This draft NPPF represents an opportunity for the Government to make clear that in planning authorities' plan-making and decision-taking LNRs are a consideration to which they must have regard. For planning decision-taking in particular, the legislation is silent as to the role that LNRs are to play. There is an opportunity for the draft NPPF to make clear that a published relevant LNR would be a material consideration for a planning decision-taker, and to do the same in the case of emerging LNRs.

You have asked (at Chapter 5, p.8) whether “additional exclusions [from the Grey Belt] are necessary, such as areas identified in draft or published Local Nature Recovery Strategies, that could become of particular importance for biodiversity”. Yes: the definition of “grey belt” should exclude land identified in an emerging or published LNR, either as forming part of the s.106(1) Environment Act 2021 “biodiversity priorities” or on the s.106 local habitats map. Given the target of protecting 30% of land and sea by 2030, we would support the exclusion of types of land identified as contributing to this target from the proposed “Grey Belt”.⁵

Question 27 - views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced

It is our view that plan-makers and decision-takers should be influenced by emerging and adopted LNRs and this could be made explicit in the NPPF, as described above in answer to Question 12.

Question 36 - do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs

We agree with the commitment to secure improved access to good quality green space when Green Belt land is developed. If the ‘new rules’ are mandatory, as BNG is, then we would support the proposed approach.

Greater clarity is needed on how the rules will define and measure ‘good quality green space’ and ‘access’. The recently published ‘access to green space in England’ indicator demonstrates the big impact that differences in definitions of these terms can have.⁶

⁵ www.gov.uk/government/publications/delivering-30by30-on-land-in-england

⁶ www.gov.uk/government/statistics/access-to-green-space-in-england

To achieve the EIP commitment that everyone should live within 15-minutes' walk of green or blue space, Government will need to ensure that any development on Green Belt land does not adversely affect households' ability to access good quality green space.

Unlike off-site improvements for biodiversity, the physical reality of households' ability to walk to a green space cannot be offset by improvements in other locations.

The spatial data needed to model the impact of proposed Green Belt developments on households' access to good quality green space is readily available. We would welcome further detail on how it will be used as part of Government's proposed approach and any new rules.

Capacity and capabilities

We also welcome the Government's intention to consider the capacity and capabilities needed to support better strategic planning, in particular better geospatial data and digital tools. We have previously identified data accessibility and access to necessary expertise as deep-seated root causes of problems with environmental assessments.⁷

Policy coherence

A feature of our recent findings more generally has been that incoherence between different policy levers and aims across government can hold back progress. We welcomed the joint letter from the MHCLG and Defra Secretaries of State to eNGOs,⁸ which indicated a move toward better join-up across these two policy areas, and would like to understand more about how Government intends to achieve a "win-win" for housebuilding and nature.

Although not a change proposed in the consultation, we suggest the Government should also consider including explicit reference to Environment Act targets in the NPPF, such as is the case with the Climate Change Act 2008 (paragraph 159, footnote 57 in the draft NPPF) and air quality limit values and national objectives (paragraph 192 in the draft NPPF). This is important to improve policy coherence. Similar wording to that used with regard to air quality limit values ("planning policies and decisions should sustain and contribute towards compliance with relevant limit values...") would be welcome.

Environmental Outcomes

We responded to the Government's environmental outcome reports consultation in 2023, and we would welcome an update on the outcome of this consultation to understand the wider programme of planning reform under consideration.

⁷ [A review of the implementation of environmental assessment regimes in England](#), October 2023 – recommendations 1,3 and 8.

⁸ [Planning and Infrastructure Bill: Letter to Nature Conservation Organisations](#) 20 July 2024.

EPPS

Finally, you will be aware that there is a duty on Ministers to have due regard to the Environmental Principles Policy Statement (EPPS) when making policy, that came into force on 1 November 2023. It will be important to demonstrate how this has been achieved in connection with updating the NPPF.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'N. Prosser', is positioned below the closing text. The signature is fluid and cursive.

Natalie Prosser
Chief Executive Officer
Office for Environmental Protection