



giving
nature
a home



Planning for nature's recovery

10

steps
towards the
planning system
that nature
needs

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Over half of the species making up our amazing wildlife in the UK are declining, and one in seven is at risk of extinction.

Introduction: why we must act now

We are at a crossroads. Nature is in crisis and we have a climate emergency. We must make the right choices, for the long-term, and make them immediately. Over half of the species making up our amazing wildlife in the UK are declining, and one in seven is at risk of extinction. We are one of the most nature-depleted countries on Earth. Climate change is biting and accelerating. These dual and inter-connected catastrophes present existential threats to our society, economy and survival.

Being a small island, intense pressures exist in meeting the needs of the inhabitants, including the multitude of species that we live alongside and that our future health relies upon, and the ecosystems in turn that underpin them.

The planning system has a vital role in integrating and reconciling these competing needs. It has achieved much, but it was never designed for a nature and climate emergency. It also has flaws and weaknesses, some stemming from how it is implemented, including an inability to adapt due to changed circumstances. Therefore, despite the contributions the planning system has made in slowing down the rate of biodiversity decline due to current protections it affords, it does not and cannot

always protect nature and is certainly not driving the recovery that it urgently needs.

The proposals in the 'Planning for the Future' White Paper published in 2020 threatened further damage to wildlife and compounded these problems, and so alongside the Government's pledge to *leave the environment in a better state than it found it*, we welcome the new Secretary of State's immediate decision to pause the planning reform process and review the proposals set out within it given the context of the nature and climate emergency.

In this critical decade, we must not just protect nature, but urgently reverse its decline, restore it and then improve its protection. Its ongoing decline is incompatible with so many Government duties and ambitions, including the new Environment Act 2021's target to halt the decline in species abundance by 2030¹. We need a planning system that is fit for purpose: to drive nature's recovery and ensure its robust protection, alongside meeting the wider needs of society including through the provision of new housing, infrastructure and economic development. Here we set out the 10 steps required for a nature-positive planning system, which can be delivered through the planning reform and levelling up agendas.

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10 steps for a nature positive planning system

1. Introduce a new and additional planning designation to safeguard land for nature's recovery.
2. Reintroduce an effective 'larger than local' tier of planning and give proper weight in the planning system to it, along with welcomed new measures such as Local Nature Recovery Strategies.
3. Ensure the provision of enhanced environmental data and intelligence gathering through a new Environmental Observatory.
4. Strengthen assessment and protections through improved environmental assessments.
5. Ensure that developer contribution funding continues to be forthcoming for nature.
6. Ensure nature positive new development, with ready access to nature for every community.
7. Get the most out of the Biodiversity Net Gain requirements.
8. Maintain and strengthen democracy and public participation in the planning system and retain the Right to be Heard.
9. Equip Designated Landscapes to work better for nature's recovery.
10. Ensure properly funded and resourced local planning authorities.



Strengthening assessment and designations will help nature to recover and contribute towards the Government's target to protect 30% of land for nature by 2030.



The 10 steps to success for nature

Here, we go into more detail about each of the 10 steps that will allow a new planning system to be fit for purpose for the nature and climate emergency.



1

Introduce a new additional planning designation to safeguard land for nature's recovery

Nature conservation is no longer enough; we must ensure nature's recovery and restoration.

Existing protected habitats have been vital for helping to conserve the biodiversity that remains. These protected habitats could act as a reservoir from which we can begin to turn around our losses and build back. However, nature conservation is no longer enough in this biodiversity emergency; we must ensure nature's recovery and restoration.



It is therefore vital not just to retain and strengthen existing nature conservation designations, but to introduce a new additional planning designation for the purposes of safeguarding land for nature's recovery. This would protect land identified within Local Nature Recovery Strategies from development and enable nature to begin a journey of recovery and restoration. For those areas outside existing protected sites, the objective should be that, once recovered, land becomes a protected site and therefore would benefit from the associated legal safeguards. This will both protect it for the long-term, and also contribute towards the Government's target to protect 30% of land for nature by 2030.



Reintroduce an effective 'larger than local' tier of planning and give proper weight in the planning system to it, along with welcomed new measures such as Local Nature Recovery Strategies

Nature does not recognise administrative boundaries. Planning at a strategic or 'larger than local' level is critical and must take place if we are going to tackle the dual nature and climate crises. It enables us to think and act at the scale at which natural processes operate, including vital ecosystems. The White Paper 'Planning for the Future' proposed the abolition of the Duty to Cooperate as the only existing (albeit ineffective) mechanism for strategic collaboration and joint-working between local planning authorities and would have left us adrift in the face of these two linked existential threats.

However, it is readily possible for effective larger-than-local planning activities to operate across England, within the context of the Government's proposed reforms, and without the need for new organisations or complex bureaucratic structures

and mechanisms. We urge the Government to seize the opportunity to plan strategically for nature and the climate and this could be delivered through an integrated approach at three levels:

- i) **National Level:** through national policy and guidance and a national spatial planning framework. We believe that Governments should facilitate spatial planning at national and sub-national levels to ensure that growth and development is directed to the most appropriate locations at the outset and avoids our most sensitive sites for wildlife. Sitting alongside the existing National Planning Policy Framework (NPPF), a new National Spatial Framework for England could provide the highest level of strategic direction to guide lower-tier planning activities and ensure a coherent approach to planning across the country.



Planning at a strategic or 'larger than local' level is critical and must take place if we are going to tackle the dual nature and climate crises.

- ii) **Sub-national Level:** through strategic local authorities, in combination where appropriate, preparing strategic planning frameworks across geographies that reflect natural systems. Existing strategic-level local authorities should work in combination to produce statutory spatial planning frameworks guided by a strategic-level environmental assessment. These would both support greater alignment with environmental planning systems, such as those relating to water management, and guide the preparation of Local Plans within the area.
- iii) **Local Level:** through local planning authorities singly or in combination preparing Local Plans for their localities on the same footprint as the area's Local Nature Recovery Strategy (LNRS), and in strategic conformity with both it and national and sub-national policy and frameworks. The RSPB calls for the introduction of a new additional planning designation for the purpose of safeguarding

land for nature's recovery within Local Plans. These could form the spatial expression of LNRSs at the local level and provide enhanced protections for nature and identified areas within which the restoration of biodiversity is prioritised.

- iv) **Neighbourhood Level:** through local communities shaping their localities by preparing Neighbourhood Plans in strategic conformity with their area's Local Plan.

Local Nature Recovery Strategies could be part of this, but the Government needs to put a clear framework in place to ensure that the strategies are fit for purpose and coherent across wider geographic scales. There should be a strong duty for Local Plans to have to demonstrate alignment and conformity with LNRSs in the drawing-up of allocations, unless there are exceptional and overriding justifications as to why this is inappropriate in relation to specific sites and with that being subject to open scrutiny at Examination-in-Public.



3

Ensure the provision of enhanced environmental data and intelligence gathering through a new Environmental Observatory

Currently held environmental and ecological data is vitally important, but has limits in terms of its scope, breadth, quality, granularity and accessibility. It is certainly inadequate to act as a substitute for detailed on-site ecological assessments. A single, consolidated and high-quality source of environmental data is required to support environmental and land-use planning amongst other applications.

Government should establish a new central data facility, or Environmental Observatory.



Government should establish a new central data facility, or Environmental Observatory. The Environmental Observatory should draw upon and contain high-quality and up-to-date environmental and ecological data, at a level of granularity commensurate with, amongst other purposes, supporting the preparation of a strategic level environmental assessment at local authority and regional level. This will require an uplift in the quality, breadth and granularity of such data held by central government and its agencies. This information would be derived in part from the content, priorities and evidence bases underpinning LNRSs, as well as a range of other sources such as developers, environment NGOs and local community groups, and made openly available and at fine scale.

The Environmental Observatory should also collect and hold more rigorous and comprehensive post-project implementation data, through a duty upon developers to provide it. This data would enable a better understanding of the effectiveness of biodiversity mitigation and compensatory arrangements to inform future decision-making and secure better outcomes.



Collecting environmental data post-project, as well as before a project, can inform future decision-making.



Strengthen assessment and protections through improved environmental assessments.

The Government has stated an intention to revise the system of environmental assessments across England to make it quicker and easier for developers to navigate, whilst strengthening protections for nature. The RSPB believes that a strong system of environmental assessment, including with a continued requirement for a detailed on-site ecological survey, should remain at the core of the planning system, supported by the Habitats Regulations and reinforcing the mitigation hierarchy. Environmental assessment must not be required to trade-off ecological and biodiversity considerations with others.

The RSPB proposes the establishment of a new digital mapping tool, through which contemporary information is provided openly through a central data facility. This information would be derived in part from the content, priorities and evidence bases underpinning Local Nature Recovery Strategies (LNRS), as well as a range of other sources such as developers, environment NGOs and local community groups, and made openly available and at fine scale. The central data facility would be developed by a new Environmental Assessment Hub (or 'Environmental Observatory'), and grounded upon Natural England's existing MAGIC system. Being finer scale, it would expand





upon and add value to the Natural Capital and Ecosystems Services mapping work currently being undertaken by Defra. Whilst this new tool is under development, refinements should be made to the existing system of environmental assessments to bring them more effectively into a single framework.

In addition, if several areas are strengthened, this could help streamline the planning process for developers. For example, along with bringing environmental assessments more effectively into a single framework with more proportionate and efficient application, through mandatory scoping and a greater use of digitisation and standardised formats, proposed mitigation, monitoring, management and, when necessary, compensation measures can be provided. This will ensure applications and their assessments are truly front-loaded with all required environmental information.

All of these improvements could be secured by ensuring Planning Authorities and other public bodies are sufficiently resourced to carry out their duties efficiently and effectively. Simultaneously, it is also important to strengthen protected site protections, which are so vital for nature conservation and in contributing towards the Government's commitment to protect 30% of land for nature by 2030.

There needs to be a strong system of environmental assessment.

There is clear evidence that our wildlife would be in a far worse state today without the Habitats Regulations, yet it is also clear these current protections are not enough to drive nature's recovery. The solution is to retain these existing provisions, make sure they are fully complied with and build on them with new and more ambitious measures. Starting a new system from scratch would take a decade or more for any major redesigns to be understood by all users, including the testing of new requirements through the Courts. Nature does not have this time – nor can the Government meet its own targets for nature's recovery if we follow this path.

5

Ensure that developer contribution funding continues to be forthcoming for nature

To support and enable nature's recovery, an interdependent and mutually reinforcing combination of approaches is required, with a fit-for-purpose developer contributions system operating alongside Biodiversity Net Gain (BNG) and the roll-out of carbon zero and nature-positive design codes and guidance.

To be fit for purpose, the developer contributions system must include a mechanism, or '**Nature Protection Agreement**', to enable the continued securing of bespoke fair and transparent legal agreements to mitigate harms related to specific development proposals. There should be a requirement for clear and open reporting as to who and what the beneficiaries of the agreements are. There should also be a continued ability for Nature Protection Agreement contributions from multiple developments to support agreed strategic solutions to mitigate cumulative harm to nature. Such strategic solutions include Suitable Alternative Natural Greenspaces and nutrient neutrality mechanisms, and have proven to be essential in enabling new housing and related development to take place



We have lost more than 10 million pairs of house sparrows since the late 1960s.

through being able to demonstrate that legal requirements to mitigate harm to nearby designated areas for nature conservation (such as under the National Sites Network) have been met.

In addition to provision for Nature Protection Agreements, a requirement should be introduced that the allocation and targeting of the Government's proposed Infrastructure Levy receipts are more closely aligned to supporting the delivery of statutory targets in relation to climate and nature's recovery. There should be a standard requirement for a proportionate element of the Infrastructure Levy to be required to be targeted at the provision of accessible nature-rich greenspace, particularly within areas of growth or under-provision of existing greenspace.

6



Ensure nature positive new development with ready access to nature for every community

The RSPB supports the greater use of mandatory design guides, codes and masterplans in principle. We also welcome the broader approach adopted by the National Model Design Code, which goes beyond just the aesthetics of buildings and seeks to ensure the creation of healthy and vibrant places where people and nature can coexist harmoniously.

To achieve such places, design codes must include provisions for water and energy efficiencies, nature-based solutions, and the inclusion of integrated blue and green infrastructure designed in from the outset.

However, in supporting the use of design code approaches in this way in principle, their use cannot ever be an acceptable substitute for the traditional development management system, whereby planning applications are determined by democratically elected local representatives advised by professionals. It also cannot ever provide an adequate justification for removing the right of communities to comment upon development proposals within their locality.

Nature and green spaces are essential for well-being and good for mental health.





Get the most out of the Biodiversity Net Gain requirements

The Biodiversity Net Gain system has the potential to be a valuable contributor to nature's recovery. However, its effectiveness could be undermined by loopholes within the Biodiversity Metric and enable unscrupulous developers to 'game' the system. This should be addressed by the publication of clear guidance for practitioners.

The potential of Biodiversity Net Gain should also be maximised through the reversal of recently expanded Permitted Development Regulations, which exempt building activities from Net Gain obligations (as well as any developer contributions towards the provision of nature-rich accessible greenspace).

It is also important that Biodiversity Net Gain is appropriately applied to Nationally Significant Infrastructure Projects (NSIP) and marine development. In the case of NSIP development, this should involve an increase in the mandatory minimum level of gain required to at least 20%, and in both cases appropriate modifications are required to the Biodiversity Metric, which was never designed for such types and scales of development.

Biodiversity Net Gain requirements should come with clear guidance for practitioners.





Maintain and strengthen democracy and public participation in the planning system and retain the Right to be Heard

At the heart of the planning system is choice making. It is the inherent reality when seeking to integrate so many competing needs and priorities in a small and finite land mass. It also has profound implications for the many stakeholders affected by plan-making and the subsequent decisions made in relation to development proposals. Choice making within the planning system therefore has to be democratically accountable, and with a strong voice for local communities affected.

Local residents therefore must continue to be advised and informed of planning applications that may affect them by both digital and analogue means. Often they hold vital local intelligence as to the wildlife living around them. They must continue to have the right to both comment upon those applications (in support, modification or objection) and the policy proposals and land-use allocations set out within draft Local Plans, including through a retained Right to be Heard at Local Plan Examinations in Public.

Local communities affected by planning decisions should have a strong voice.





Equip Designated Landscapes to work better for nature's recovery

Our Designated Landscapes (National Parks and Areas of Outstanding Natural Beauty - AONBs) are much loved and visited, but the designations refer to their landscape qualities and do not add extra protections for the wildlife that lives there. Indeed, the ecological condition of SSSIs is actually poorer on the whole within National Parks than it is elsewhere. We therefore need a planning system that equips Designated Landscapes to work better for nature.

This could be done in a number of ways, including through strengthening the duty within the National Planning Policy Framework to 'have regard to' the statutory purposes of Designated Landscapes to 'furthering' the statutory purposes as recommended by the Glover Report ², including in relation to biodiversity. Alongside this there should be a duty to report (through Management Plans) on how stakeholders are planning to support the delivery of the statutory objectives.

Whilst National Parks are required to be managed in line with their statutory purposes, they are not equipped to adequately deliver for nature, and

certainly not for its recovery. The planning system should therefore give formal weight to nature recovery objectives that are more specific and detailed than the statutory purposes. This could be achieved either through giving LNRSs formal weight in the Local Plan preparation process, or alternatively through a strengthened duty for Designated Landscape Management Plans to contain specific proposals and delivery plans for nature's recovery and for this to be given significant weight in planning terms. Designated Landscapes should also be placed under a duty to proactively identify and designate safeguarded land for the purposes of nature's recovery (to a level reflecting their important role in protecting and conserving nature), in line with their statutory purposes and strategic objectives.

National Park Authorities and AONB partnerships also require greater investment in their staff teams to ensure adequate specialist and in-house ecological expertise to enable them to properly scrutinise, positively shape and monitor development proposals. This additional capacity and ecological expertise would also support the work of Designated



Landscapes on nature recovery outside of the planning system. Natural England should have a clearer duty of oversight, monitoring and scrutiny in relation to Designated Landscapes and be properly resourced to fulfil all its functions in relation to them.

To drive forward an enhanced role in, and contribution towards, nature's recovery, all National Park Authority planning committees should be required to contain representation from the nature conservation sector and be advised by specialist ecological expertise. There should also be a formal requirement for AONBs to be consulted on development applications that may impact them.

Designated Landscapes need to be equipped to work better for nature.





Ensure properly funded and resourced local planning authorities

Efficient and effective local planning authorities (LPAs) are crucial to the delivery of a fit-for-purpose planning system. However, over the past decade, they have been disproportionately impacted by serious budget cuts, which have left them under-resourced, suffering low morale, and particularly short of specialist skills including in relation to ecology, environmental data management, and design³. Indeed, only around a quarter of LPAs have a qualified ecologist in their establishment. This is not a good position to implement a revitalised planning service capable of tackling the nature and climate emergency.

The Planning White Paper did give some recognition to this issue and proposed a Resourcing and Skills Strategy to assess and address the deficiencies, and the Government has more recently announced measures to boost the level of some specialist skills within LPAs. This is welcome, but more needs to be done, and without properly funded and resourced LPAs underpinned by a long-term public funding settlement, then the effective implementation of any system of planning reforms will be jeopardised.



Local planning authorities need to be properly funded and resourced.

Endnotes

¹ <https://www.gov.uk/government/news/landmark-environment-bill-strengthened-to-halt-biodiversity-loss-by-2030>

² <https://www.gov.uk/government/publications/designated-landscapes-national-parks-and-aonbs-2018-review>

³ [Capacity crunch: do councils have the expertise to deliver their biodiversity goals? \(endsreport.com\)](https://www.endsreport.com)





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