

Policy Paper

An overview of the planning system in England

National Planning Policy
Framework (NPPF)

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The NPPF sets out the overarching planning policies for England and how these should be applied. The NPPF is a material planning consideration in all decisions, appeals and policy making. Decisions must be made in accordance with the development plan (which the NPPF is part of).

At the centre of the NPPF (paragraph 11) is a 'presumption in favour of sustainable development'. This is the context in which the following environment based policies must be considered. From an environmental perspective the following elements of the policy are of most interest (though do note the timeframe for implementation set out in Annex 1), though it must be noted the document must be read as a whole.

There is a welcome inclusion of the National Forest and Community Forests (paragraph 142): *'The National Forest and Community Forests offer valuable opportunities for improving the environment around towns and cities, by upgrading the landscape and providing for recreation and wildlife. The National Forest Strategy and an approved Community Forest Plan may be a material consideration in preparing development plans and in deciding planning applications. Any development proposals within the National Forest and Community Forests in the Green Belt should be subject to the normal policies for controlling development in Green Belts'*.

On climate change paragraph 148 states: *'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure'*.

Paragraph 170 sets out: *'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*

- d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

Paragraph 171 sets out: *'Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework⁵³; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries'*.

Most notable for those interested in ancient woods and trees is paragraph 175:

175. *When determining planning applications, local planning authorities should apply the following principles:*

- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and*

- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*

It is important to note footnote 58:

For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

The footnote sets out the test for 'wholly exceptional reasons'.

Larger than local plans

Regional spatial strategies were introduced in 2004. They were revoked by the then Conservative/Liberal Democrat government on 6 July 2010. Only London continues to have a regional plan. Some local authorities are working to produce joint local or city wide plans instead of (or alongside) traditional local plans. Some of these will be statutory and some will not, leading to a patchwork of coverage across the country. The statutory plans will form part of the development plan.

Local plans

Local plans set out a vision and framework for the future development of the area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment, adapting to climate change and securing good design. They are also a critical tool in guiding decisions about individual development proposals, as local plans (together with any neighbourhood plans that have been made) are the starting-point for considering whether applications can be approved. It is important for all areas to put an up-to-date plan in place to positively guide development decisions. If local plans are not up to date they carry less weight in the decision-making process. Likewise in some cases the emerging local plan (a new local plan that the LPA is still working on) can be given weight in the decision-making process. It is important to check the date of the local plan when you are drawing evidence together to comment on an application.

Neighbourhood plans

The 2012 Localism Act introduced neighbourhood plans. These are drawn up by local communities and have statutory weight in the decision making process. Most areas are not covered by neighbourhood plans but it is worth checking. If not have you thought about writing one for your local area?

Planning Practice Guidance (PPG)

In 2014 existing planning guidance was revised and condensed to create the PPG. This is designed to be a simple one stop approach to planning guidance in England and can be accessed online alongside the NPPF. The guidance is intended to assist planners in decision making; it is useful to be aware of the Natural Environment section. This can be updated at any time (without consultation) so it is important to keep referring to the website to ensure you are looking at the most up-to-date guidance. Of particular note for woods and trees is the [Standing advice on ancient woodland and veteran trees: protecting them from development](#), again this is subject to change so it is important to check you are looking at the current version.



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