

PART 1 - PUBLIC

Decision Maker: Development Control Committee

Date: 25th May 2010

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **CONSULTATION ON DRAFT PPS - PLANNING FOR A NATURAL AND HEALTHY ENVIRONMENT**

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Chief Officer: Bob McQuillan

Ward: All

1. Reason for report

The Government have published a draft Planning Policy Statement (PPS) 'Planning for a Natural and Healthy Environment' for consultation. This new PPS will replace PPS 9: Biodiversity and Geological Conservation; Planning Policy Guidance (PPG) 17: Planning for Open Space, Sport and Recreation; the parts of PPS 7: Sustainable Development in Rural Areas relating to landscape protection, soil and agricultural land quality and forestry; and PPG 20: Coastal Planning (which obviously will not apply to Bromley). It takes account of the commitment in the 2007 white paper Planning for a Sustainable Future to streamline existing PPGs and PPSs and separate out policy from guidance. The consultation period ends 1 June 2010. The draft PPS can be found on the CLG website using the following link [a Natural and Healthy Environment PPS](#) and a copy has been placed in the Members' room.

2. **RECOMMENDATION(S)**

Members are asked to consider the draft PPS and approve the suggested response (Appendix 1, attached.)

Corporate Policy

1. Policy Status: New policy.
 2. BBB Priority: Quality Environment.
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Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £3.3m
 5. Source of funding: N/A
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Staff

1. Number of staff (current and additional): 98
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is not applicable.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All residents of the Borough, applicants for planning permission and the wider general public.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

3.1 Planning policies aimed at the protection of the natural environment are currently set out in a number of Planning Policy Statements (PPSs). This draft document 'Planning for a Natural and Healthy Environment' reflects the objective to bring together related policies on the natural environment and on open and green spaces in urban and rural areas to ensure that the planning system delivers healthy sustainable communities which adapt to and are resilient to climate change and give the appropriate level of protection to the natural environment.

3.2 This PPS is intended to reflect the overarching aim of achieving sustainable development, i.e. as well as providing for the development needs of all in the community, contributing to economic growth and supporting social justice, planning should ensure that development is delivered in a way which protects and enhances the natural environment and provides places which contribute to the quality of life, health and well being of those living and working there. To achieve this aim, Government policy is that planning should:

- Conserve and enhance the natural environment including the quality, character and value of the landscape, biodiversity, geodiversity and soil within rural and urban areas. One of the stated ways of achieving this is by ensuring that construction, development and regeneration has minimal impacts on biodiversity and ensuring it is enhanced wherever possible to contribute to the overall aim of no net loss to biodiversity;
- Minimise vulnerability of places, people and wildlife to the impacts of climate change. One of the ways of achieving this is by maintaining, creating and improving networks of green infrastructure within both urban and rural areas;
- Deliver safe and attractive places to live by ensuring that people have access to high quality open spaces, green infrastructure and sports, recreational and play spaces which are accessible by all means of transport;
- Provide access and appropriate recreational opportunities to enable urban and rural dwellers to enjoy the countryside.

3.3 Key policy features of the draft PPS include:

a) Biodiversity

Planning policy on biodiversity remains the same though the legal protection given to certain habitats and species has changed as a result of recent case law. Guidance on this is currently being revised and a draft circular is being consulted on in parallel with this draft PPS. The existing companion guide for PPS9 is currently under review and will be published in due course.

b) Green Infrastructure

Delivery of planning policy on green infrastructure (i.e. a network of multi-functional green space supporting natural and ecological processes e.g. open spaces, parks, wildlife corridors, rivers, allotments etc.) is included for the first time in addition to existing planning policies on the different components of the natural environment.

Local Development Frameworks would be required to include a strategic approach for the creation, protection and management of networks of green infrastructure. This encouragement of authorities to take a more strategic approach to green infrastructure is

intended to promote a better understanding of the existing network and its functions and consequently lead to better decisions being made about its protection and management.

There would be a requirement for local authorities to undertake and keep up to date assessments of the existing and future needs of the community for green infrastructure and audits of the existing provision of such land taking into account its quantity, quality, accessibility, typology and location.

The new policy does not require local authorities to produce and publish 'green infrastructure strategies' (although they can do so if they choose) – the expectation is that much of the information already collected for the PPG17 audit can be used to develop the evidence base for green infrastructure delivery.

In the event of a proposed development resulting in an adverse impact on green infrastructure, planning authorities are instructed to consider mitigation measures (through conditions or planning obligations) or where development would cause significant harm to the functioning of green infrastructure networks and the harm cannot be mitigated, refusal of planning permission is warranted.

c) Open Space, Sport and Recreation

PPG17 currently provides the planning framework for the provision and protection of open and green spaces, sports and recreational facilities. It promotes a strategic, evidence-based approach to the provision of quality open spaces by requiring local authorities to audit existing facilities and make rigorous assessments of the existing and future needs of their communities for open space, sports and recreational facilities. These audits and assessments lead to the setting of robust local standards of provision which are included in development plans. Such an Audit has been carried out for the Council and will form part of the evidence base for the Local Development Framework. It also recognises that benefits ensuing from planning for open space include improved access to good quality sport and recreational facilities which in turn promote social inclusion, health and wellbeing.

This revised and consolidated PPS has incorporated almost everything contained in PPG17, using the same definitions and typographies, emphasising the need to protect open space, sport and recreational facilities and the identification and elimination of any deficiencies in these areas of provision. The consolidation benefits from recognising the interrelationship of biodiversity and the natural environment in its widest sense with provision for outdoor sport, and leisure, whether it is active or passive.

Neither the existing PPG nor this revision and consolidation make many specific references to 'Green Belt' land and the fact that it warrants special consideration. However, PPG17 made it clear in paragraph 30, that there were limits to development associated with outdoor sport and recreation in the Green Belt:

“Development should be the minimum necessary and non-essential facilities (e.g. additional function rooms or indoor leisure) should be treated as inappropriate development. Very special circumstances which outweigh the harm to the Green Belt will need to be demonstrated if such inappropriate development is to be permitted.”

Such a clarification is missing from the new PPS. Unlike PPG 17, the revision clearly sets out a policy framework for inclusion in LDFs together with guidance on the implementation through Development Management; the latter was not included in PPG17 but is considered helpful.

4. POLICY IMPLICATIONS

The PPS is a material consideration in planning decisions and will guide local policy formation through the Local Development Framework.

Non-Applicable Sections:	Financial Implications Legal implications Personnel Implications
Background Documents: (Access via Contact Officers)	PPS 9: Biodiversity and Geological Conservation; PPG 17: Planning for Open Space, Sport and Recreation; PPS 7: Sustainable Development in Rural Areas.

Questions and Responses for draft PPS9

Questions on which we would particularly like your views:		
1. Do you support the consolidation and streamlining of policies on the natural environment, green infrastructure, open space, sport, recreation and play into a single planning policy statement?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment:		
2. Does the proposed PPS address sufficiently all the issues that planners and others face in relation to protecting the natural environment, delivering green infrastructure and other forms of open and green spaces, and land and facilities for sport, recreation and play?	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>
<p>Comment:</p> <p>There is a need for a paragraph similar to Paragraph 30 of PPG17 to clarify the extent of development associated with outdoor sport and recreation in the Green Belt:</p> <p>“Planning permission should be granted in Green Belts for proposals to establish or to modernise essential facilities for outdoor sport and recreation where the openness of the Green Belt is maintained. Development should be the minimum necessary and nonessential facilities (e.g. additional function rooms or indoor leisure) should be treated as inappropriate development. Very special circumstances which outweigh the harm to the Green Belt will need to be demonstrated if such inappropriate development is to be permitted.”</p>		
3. Do you agree with the requirement for local planning authorities to continue to produce, and keep up-to-date, open space strategies which are based on assessments of local need and audits of existing provision (NE1.3)?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment:		
4. We propose that local planning authorities should take a strategic approach to the delivery of green infrastructure (NE4), but not to produce and publish a formal strategy (although they can do so if they choose). Do you agree with this proposal?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment:		

5. Do you agree that the proposed policy NE4 will deliver the Government's objectives without imposing any significant new burdens?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment:		
6. The amended wording of planning policy relating to the floodlighting of sports and recreation facilities (NE11) makes it clear to local planning authorities that they should balance the impacts on amenity and biodiversity against the wider benefits to the community in terms of health and wellbeing and the additional provision of facilities. Do you agree with this proposal?	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>
Comment: The wording may give Developers too much leverage when submitting applications, i.e. there is concern over how the term 'balance' will be interpreted.		
7. Do you agree that the proposed policy NE11 will deliver the Government's objectives without imposing any significant new burdens?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment:		
8. Do you agree with the conclusions of the consultation stage impact assessment?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Comment:		
9. Do you think that the policies in this proposed PPS will have different impacts, either positive or negative, on people because of their gender, race or disability? If so, how in your view should we respond? We particularly welcome the views of organisations and individuals with specific expertise in equality and diversity matters.	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>

Comment:		
10. Do you have any additional comments to make on this proposed PPS?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
<p>Comment:</p> <p>Include a recognition of World Heritage Sites as protected land and landscape in paragraph NE3.1 as indicated in bold italics below:</p> <p>“Local development frameworks should, subject to policy NE3.2, set out policies for the conservation, restoration, enhancement and enjoyment of the natural environment in their area which are consistent with national, regional and local biodiversity, geodiversity and landscape priorities, objectives and targets (including those agreed by local biodiversity partnerships, and the statutory management plans of National Parks, the Broads, and AONBs <i>and World Heritage Sites</i>).“</p>		