



environmental  
protection uk

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## **Consultation on a new Planning Policy Statement: Planning for a Natural and Healthy Environment**

We are writing in response to your consultation on a new Planning Policy Statement: Planning for a Natural and Healthy Environment. Environmental Protection UK has considered the consultation document and welcomes the opportunity to comment.

### **1. About Environmental Protection UK**

Environmental Protection UK brings together organisations and pollution control professionals from across the public, private and voluntary sectors to promote a balanced and innovative approach to understanding and solving environmental problems, through policy development and education. We are a registered charity with 110 years experience of environmental campaigning, public information provision, producing educational resources and policy formulation.

The response has been drafted in consultation with Environmental Protection UK's three policy committees. These committees bring together policy makers, regulators and practitioners from local authorities, consultants, developers, academics, industry and interested NGOs, as well as members from Environmental Protection UK's regional divisions. As such, they are able to draw on a wide range of expertise and views from representatives of the land quality, noise and air quality communities.

### **2. Our view on the new Planning Policy Statement: Planning for a Natural and Healthy Environment**

We have considered the consultation in relation to our three core policy areas, land quality, noise and air quality and make the following overarching comments:

#### **2.1 National Planning Policy**

The last Government wasted much time and resources recasting planning policy guidance into new 'streamlined' forms containing little or no new policy. In the name of reducing red tape, much of that output runs the risk of opening gaps in the system that will very likely shift the burden of regulation from planners to the environmental protection officers tasked with stepping in to remediate problems where issues of nuisance or other degradation in local environmental quality arise – whether they be noise, light, air or land quality problems or degradation of soil.

Environmental Protection UK recommends that the new Government ceases tinkering with existing planning policy guidance and focuses on revising and updating where real changes are needed – for example reviving the shelved revision of PPG 24 for planning and noise, including proper consideration of lighting in planning policy guidance and taking proper account of soil.

As the voice of professionals in environmental protection, Environmental Protection UK will continue to work with other non-governmental organisations, central and local government and academics to help develop more efficient and innovatory policy where there is a clear need.

## 2.2 PPS: Planning for a Natural and Healthy Environment

In principle Environmental Protection UK welcomes the intention to streamline and clarify planning guidance. However, we do not think that this draft document achieves this.

As an amalgamation of four separate Planning Policy Statements covering aspects of the natural environment, development, and recreation, coverage of potential impacts that must be accounted for is not comprehensive. Also, it fails to make links to overarching national policy – in particular national planning policy statements – that is currently being developed. The absence of any reference highlights the pitfalls of the unsystematic reform of the planning system that has been undertaken to date, which risks areas of potential impacts of development being omitted entirely. For example, in Annex A the functions of green infrastructure are listed as including the reduction of noise and air pollution and providing relaxation and quiet contemplation. No other reference is made to air pollution and scant reference to noise in this draft. While the introductory policy background references “Safeguarding our Soils”, references to soil quality in the body of the document are inconsistent. We believe an annex listing linked policies and strategies is essential– to include, for example, Noise Action Plans and Air Quality Action Plans as well as the soil strategy. Reference to green belt and green wedge policies is also needed to ensure coordination with other planning policies.

With regard to our specific areas of interest, we raise the following concerns:

- **Soil** – Greater consideration is needed of the role of soils in securing natural and healthy environments. The protection currently offered by the policy is inadequate, patchy, dated and lacks even a basic definition of this vital media.
- **Light** – Excessive and misdirected light can impact on plants, wildlife, people and landscape (as well as waste energy) and this should be more comprehensively considered.
- **Air Quality** – Open space can provide buffer space between sources of air pollution (e.g. busy roads) and people, helping to reduce the concentration of air pollutants that people are exposed to. Furthermore some species of plants and trees absorb air pollution, again helping to improve air quality for nearby residents and users of open space. Acknowledgement of this should be made throughout the PPS.
- **Noise/Quiet** – Excessive noise impacts on wildlife and people. This should be comprehensively considered throughout the new PPS. The health benefits of sports facilities are clear; however, in allowing extended use the impacts of an extended period of noise as well as of any impact on amenity of light should be considered.

It is essential that the provision of complementary practice guidance is prioritised and maximum input from practitioners is sought, in order to ensure that the delivery of these policies is not compromised.

In summary, as currently drafted this PPS appears to be an amalgamation of the text from existing planning policy and as such it lacks coherence and has gaps. For example the third paragraph on page 7 cites quality of life and well being as being delivered by open spaces and access to sports and recreational facilities in rural communities. Is this not also the case for urban areas? Presumably this paragraph intends to highlight the connection between healthy natural environments and healthy communities (in urban, rural, countryside and coast communities)? This and other inconsistencies where policy is applied exclusively to urban, rural or coastal situations must be addressed.

If you have any questions on our response, please contact:

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Response to Consultation questions follows:

## Response to Consultation Questions

### 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?

The streamlining of these policies has the potential to strengthen the recognition of the role of the natural environment in contributing to healthy places, but this draft does not. The emphasis on green infrastructure in the document is welcomed, however, through 'consolidation, many important factors determining the quality and impact of open space have been overlooked.

Policy NE9: this should provide a clear list of principles. For ease of application, we recommend a list/annex for guidance of 'all the functions that an open space can perform' as references to these are scattered throughout the document. Following on from NE9.2 and NE9.3 we recommend a further paragraph:

“When considering applications for development that would result in adverse impact on green infrastructure or existing open space, local planning authorities should consider impacts likely on local environmental quality (including air quality, soil quality, noise, light) that might affect the amenity, health or well being of neighbours, and any potential impacts on biodiversity”.

The considerations under NE9.4 seem rather random – this paragraph could be more comprehensive. We suggest (ii) might better read:

- ensure open spaces do not suffer from:
- a. increased overlooking
  - b. increased intrusion of unwanted/misdirected artificial light
  - c. increased traffic flow or other encroachment
  - d. increase in unhealthy air pollution
  - e. encroachment of unhealthy levels of noise – in particular for existing rural areas that are quiet and those formally designated as urban Quiet Areas as required by noise action plans
  - f. ensure that recreational activities in open spaces, urban and rural, do not have an unacceptable noise impact
  - g. ensure that lighting of open spaces for recreational or other purposes does not have an adverse impact on people or wildlife.

### 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?

No

In bringing together these policies in the interests of 'streamlining' many issues have been overlooked and/or inconsistently addressed

#### Noise/Quiet/Tranquillity

In considering the evidence base for plan making, at NE:1, there is no mention of the European Environmental Noise Directive (END), a further paragraph should be added to NE1.2:

v) Environmental Noise Maps, to identify existing areas of urban quiet and any quiet areas designated under noise action planning, and rural areas of open country not affected by high levels of transport or industrial noise.

While the END mandates identification and protection of quiet areas in urban agglomerations, rural areas also present challenges and opportunities. The last Government undertook to issue a document on how it would implement quiet areas in July. EPUK suggests that the new Government decentralises the process. We believe a short guidance note outlining qualitative criteria for identification and protection of quiet areas for local authorities, both rural and urban, would allow them to use their local knowledge and experience to integrate these considerations into the planning and open space management systems.

Enhancement of green infrastructure can have benefits in reducing the impact of noise and therefore support compliance with END requirements for quiet areas in urban open spaces and preserving existing areas of rural tranquillity – this must be considered in this PPS, which should make reference to PPG 24 and any successor document.

Bringing together policy for protecting the natural environment and providing facilities for sport and recreation should provide an opportunity to promote a balanced approach. In this draft insufficient attention is given to the potential noise impacts of poorly planned sport and recreation facilities, in urban or rural situations. Noisy activities can have an adverse impact on the health and quality of life of neighbours who might be disturbed by them, so a balance must be struck. Also, in a multi use open space, noise impact from sport/recreation on areas that are used for relaxation needs to be considered, along with impacts on any wildlife.

### **Light Pollution**

The lighting of sports facilities increases opportunities for use for recreation and exercise. Badly installed lighting can intrude on the natural environment, disrupt wildlife and disturb neighbours. Increased use of lighting also uses energy. Therefore, where floodlighting is considered, full account must be taken of all potential impacts. Planning guidance on lighting is needed to guide efficient, effective use of lighting that avoids adverse impacts on neighbours and biodiversity. We would suggest adding the following to NE1.2:

vi) Light pollution maps, to identify areas currently unaffected by artificial light (these have been published by CPRE and the Campaign for Dark Skies).

### **Air Quality**

While mentioned in the Annex, there is no mention in the body of this draft PPS that the provision of green infrastructure and open space can have air quality benefits. Therefore we hope the final PPS will reference Air Quality Management provisions. Also, where recreation/sport is encouraged, any measures that can enhance air quality in those areas (such as tree planting, which in some cases can help mitigate impacts) should be encouraged, as aerobic activity in urban areas where air quality is poor is not always beneficial.

### **Soil**

Soil is insufficiently considered. Whilst the reference to “Safeguarding our Soils: A Strategy for England” on page 9 is welcomed, soil is not defined in the document and many of its crucial functions are overlooked.

Soil provides vital ecosystem services that are fundamental to natural, healthy environments, such as reducing urban flooding and supporting biodiversity. It is essential that impacts on land quality and land use are considered holistically and on the basis of soil functions, and

not solely on soil as an amenity. Policy must address the key threats to soil and guidance must assist planners by highlighting local measures to protect vulnerable soils. Protection must serve to retain and where possible enhance soil functions in the built environment. The revision of planning policy on natural and healthy environments provides an opportunity to support delivery of the commitment in ‘Safeguarding our Soils’ that by ‘2030, all England’s soils will be managed sustainably and degradation threats tackled successfully’.

Some acknowledgement of these services is given in terms of the recognition that Brownfield sites may have a significant biodiversity value; however this is not linked to soil. Policy needs to promote a holistic approach in order to ensure planners are fully informed of the aspects they need to balance and detrimental and irreversible impacts are not overlooked.

Some protection against the use of the best and most versatile agricultural land is offered, although this fails to address the wider issues. Defining soil as ‘high quality’ in terms of its ability to support agriculture fails to protect soil on the basis of its functions. High quality soils in urban areas for example, are unlikely to exist; however there are soils performing vital functions to maintain local environmental quality in urban areas such as flood water drainage in urban settings, which need protecting. The final paragraph of NE8.9 requires serious attention to ensure it serves to protect soil functions.

Low grade agricultural land could also have significance, either locally or nationally due to functions such as its ability to support biodiversity, for grazing livestock and poultry, or as an important store of carbon. These should be accounted for, although it is not clear what ‘other sustainability considerations’ may be brought into the equation. We would like to see a removal of this sentence in favour of a requirement for applications to consider the functions and services currently delivered by land and assess on a case by case basis rather than a form of blanket permission to consider agricultural land in grades 3b, 4 and 5 as insignificant.

Another example of how soil is overlooked can be found on Page 15. This summarises the overarching aim of the planning policy including that ‘construction, development and regeneration has minimal impacts on biodiversity and should enhance it wherever possible to contribute to the overall aim of no net loss to biodiversity’. A specific aim of the aforementioned soil strategy for England is that construction, development and regeneration has minimal impacts on soil functions – this should be included here along with a link to the Code of Practice for the Sustainable use of Soils on Construction Sites, published 2009.

It should also be noted that “Safeguarding our Soils” commits to ‘review the effectiveness of the existing planning policy to protect important soils and whether there is a need to update the policy’. As the effectiveness of current policies is in question, the appropriateness of lifting the existing policy verbatim is questionable.

**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

**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

**5. Do you agree that the proposed policy NE4 will deliver the Government's objectives without imposing any significant new burdens?**

This should provide no extra burden, linking as it does to other areas of policy – for example climate change adaptation and mitigation and biodiversity. To ensure that the strategic local approach taken is inclusive of all strategic planning requirements, we would add a further paragraph:

‘Provide for green infrastructure, particularly in locations where it will assist in meeting requirements to improve local environmental quality. This will include the provision of urban quiet areas and the protection of existing areas of quiet countryside, as required by the Environmental Noise Directive; and where it will assist in reducing the impacts of local air pollution.’

And, it would be more helpful if iii) is qualified, to read:

iii) identify opportunities to enhance the functions urban green spaces can perform, to include: reducing flood water runoff; urban cooling; provision of shade; provision of quiet/tranquil space; provision of recreational/play space; increasing biodiversity; providing educational and interpretive opportunities; preservation of soil quality; provision of space for community food growing;

**6. The amended wording of planning policy relating to the floodlighting of sports and recreational 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 well being and the additional provision of facilities. Do you agree with this proposal?**

We do not agree that this proposal balances amenity with recreational and sporting activity. As it stands the policy favours the perceived benefits to those participating in the sport or recreational activity against potential local nuisance and biodiversity impacts. We would state that while floodlit recreation may have a health benefit to participants, the impact of lighting and noise on nearby residence and wildlife may outweigh this. We propose that NE11.1 should include:

v) the impact of extended hours of use and associated lighting and noise on the amenity of neighbouring properties.

With this in mind, (iv) is inadequate, and would be better worded

‘conditions should be put in place to ensure that floodlighting is energy efficient, and has no adverse impact on local amenity, biodiversity, the openness of the Green Belt, the character of the countryside, including the night sky.’

**7. Do you agree that the proposed policy NE11 will deliver the Government's objectives without imposing any significant new burdens?**

No

As local environmental impacts are not included in the draft in its current form, without amendment Policy NE11 is likely to increase the burden on local authorities who may have to investigate complaints about light intrusion and noise.

**8. Do you agree with the conclusions of the consultation stage impact assessment?**

No

While we welcome consolidated policy, we feel the current draft is neither clearer nor inclusive. With inadequate reference to the requirement for protection of quiet in the Environmental Noise Directive and Noise Action Plans, no consideration of the need to conserve soil, and no regard to the contribution green infrastructure can make to air quality improvements – all of which can serve to drive improvement – not all potential benefits are accounted for.

As it stands, it is likely that implementation of NE11 may add to local authority costs where light and noise complaints arise from extended use of facilities.

**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.**

No comment

**10. Do you have any additional comments to make on this proposed PPS?**

See overarching comments in our general points in the introduction, and we would add the following:

### **Soil**

We are confused by the relevance of the reference in the introductory text on page 9 that states that planning policies on soils relevant to the draft PPS are contained in PPS7. PPS7 covers Sustainable Development in Rural Areas. The planning framework overlooks the value of soil and importance of its varied functions in both urban and rural settings. PPS7 offers inadequate protection to soils. Whilst this consolidated framework can bring together existing policies, it also provides the opportunity to improve them and in this instance the opportunity exists to recognise the place of soils in the natural environment and provide a specific policy on soil.

Soil is also a key part of green infrastructure in that it is responsible for delivering a number of the important ecosystem services that are cited. Explicit recognition is necessary in order to embed sufficient consideration of the roles it plays.

NE2.1i) soil is omitted from this list. Neglecting the cross boundary issue in relation to soil would be a significant oversight of planners. Soil sealing for example could impact the overall flooding of an area. This must be considered on regional, sub-regional and cross-boundary scale. Alternatively a NE2.1iv) is required to specifically address soil issues that should be considered in the Regional Strategy.

We support NE4.

We also support NE8.7. Guidance will need to address how planners should balance this policy with targets for new housing on previously developed land. For example, biodiversity on urban Brownfield sites often lends its success to the fact that these sites are not managed and are relatively undisturbed – development, by its very nature could have a significant effect on the presence of biodiversity on the site. Environmental Protection UK believes this policy should go further and provide that it may be appropriate to refuse applications all together in some cases.

NE8.9 requires a direct reference to soil quality. Soil on its own is not just about what we can grow in it but what it stores and processes – its functions. Revised planning policy must not

replicate the mistakes of former planning policy but should improve and enhance it according to the current state of understanding of the importance of soil.

NE9 relates to the maintenance of an adequate supply of open space, green infrastructure, sports, recreational and play facilities. We fully support the need for consideration of all the functions that open space can perform. Good practice guidance must clearly define what these functions are, including ecological, social and economic functions.

Annex A defines importance in terms such as biodiversity, geodiversity and landscapes, but fails to define soil. This is considered a serious omission that is likely to perpetuate a limited and incorrect understanding of the role of soils in our natural environments. The policy needs to make clear what exactly should be protected and enhanced and therefore soil must be defined on the basis of its many functions and the key threats to these in order to ensure planning protects the health and viability of this vital, non renewable resource.

### **Local engagement**

Overall, this is a natural area for the effective implementation of widespread local engagement and ownership, where many local non-governmental organisations are already involved in the planning and management of open spaces. In place of further top-down guidance, central government could usefully review the practical barriers to the work of local wildlife trusts, community groups, recreational and educational bodies and others.

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