

WIRRAL COUNCIL

CABINET – 15 APRIL 2010

REPORT OF THE DEPUTY CHIEF EXECUTIVE/DIRECTOR OF  
CORPORATE SERVICES

**CONSULTATION PAPER ON A NEW PLANNING POLICY STATEMENT -  
PLANNING FOR A NATURAL AND HEALTHY ENVIRONMENT**

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**Executive Summary**

The Government has issued a consultation paper on a new *Planning Policy Statement: Planning for a Natural and Healthy Environment*. Responses are requested by 1 June 2010. This report recommends that the comments attached at Appendix 1 to this report form the basis of the Council's formal response to the Department of Communities and Local Government.

**1. Background**

- 1.1 The Government has issued a consultation paper for a proposed new Planning Policy Statement (PPS) on planning for the natural environment, green infrastructure, open space, sport, recreation and play. In its final form this PPS will replace *Planning Policy Statement 9: Biodiversity and Geological Conservation*; *Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation*; *Planning Policy Statement 7: Sustainable Development in Rural Areas* – in so far as it relates to landscape protection, soil and agricultural land quality and forestry; and *Planning Policy Guidance 20: Coastal Planning* – in so far as it relates to coastal access, heritage coast and the undeveloped coast.
- 1.2 The Government's white paper *Planning for a Sustainable Future (2007)* made a commitment to produce a more strategic and clearly focused national policy framework. The aim is to achieve a significant streamlining of the existing suite of documents by separating out policy from guidance. A key objective of this new single PPS is therefore to bring together related policies on the natural environment and on open and green spaces in rural and urban areas to ensure that the planning system delivers healthy sustainable communities, which adapt to and are resilient to climate change, and provides an appropriate level of protection to the natural environment.
- 1.3 A copy of the *Consultation Paper* can be viewed at:  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1498981.pdf>

## **2. Summary of Content and Key Issues**

- 2.1 The proposed new PPS seeks to streamline and consolidate existing Government policy from a number of documents, rather than to provide new policy. The only main exception to this is a new policy on the approach to be taken towards green infrastructure. The key issues raised in the draft PPS are summarised below.

### **Green Infrastructure**

- 2.2 The new PPS will, for the first time, deliver a national planning policy on green infrastructure. The draft PPS identifies green infrastructure as strategic networks of multi-functional green spaces which can provide a wide range of environmental benefits in both rural and urban areas. The benefits listed include recreation; flood water storage; sustainable drainage; urban cooling; local access to shady outdoor space; wildlife habitats; and 'green corridors' to aid natural migration of species (page 10; Policy NE4, page 18; and Annex A, page 25 refer).
- 2.3 The proposed policy accepts that there are subtle differences between planning for open space and planning for green infrastructure. Key considerations for green infrastructure, for example, also include the functions or ecosystem services it provides. Green infrastructure should therefore be considered at a broader scale than is necessarily the case for the provision of open space alone.
- 2.4 The draft PPS requires the relevant regional authority to address regional, sub-regional and cross-boundary issues in relation to biodiversity, geodiversity, landscape protection and green infrastructure in the Regional Strategy. Local planning authorities are required to build on this work and set out a strategic approach for the creation, protection and management of networks of green infrastructure in their Local Development Framework. Local authorities are not, however, being required to produce and publish a separate, additional green infrastructure strategy. The expectation is that much of the information already collected for existing open space strategies can be used to develop the evidence base for green infrastructure delivery.

### **Biodiversity and Geological Conservation**

- 2.5 Current planning policies for biodiversity and geodiversity are set out in *Planning Policy Statement 9 - Biodiversity and Geological Conservation* which can be viewed at:  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147408.pdf>
- 2.6 The draft PPS will continue policies to maintain and enhance, restore or add to biodiversity and geodiversity through the planning system. This includes policies to promote opportunities for the incorporation of beneficial biodiversity and geological features within the design of

development and to maintain networks of natural habitats by avoiding their fragmentation and isolation. The draft PSS suggests this may be done as part of a wider strategy for the protection and extension of open space and access routes such as canals and rivers. Local policies should not be included for sites which are already subject to national or international protection (page 8; Policy NE3, page 17; and Policy NE8, page 19 refer).

- 2.7 Guidance to local planning authorities on their statutory obligations, currently set out in the *ODPM Circular 06/2005*, is also being revised and a draft Circular is being consulted on in parallel with the draft PSS. As the revised Circular deals primarily with the explanation of legal duties it is not proposed to submit any specific comments. The draft revised Circular can, however, be viewed at:  
<http://www.defra.gov.uk/corporate/consult/biodiversity-geological/100309-bio-geo-consultdoc.pdf>

### **Open Space, Sport, Recreation and Play**

- 2.8 Current planning policies for open space, sports and recreation are set out in *Planning Policy Guidance 17 - Planning for Open Space, Sport and Recreation* which can be viewed at:  
<http://www.communities.gov.uk/documents/planningandbuilding/doc/ppg17.doc>
- 2.9 The Government continues to support the need to make adequate provision of land and facilities for sport, recreation and children's play and intends to maintain the existing policies in PPG17 (page 11 refers). Existing land and facilities will continue to be protected unless it can be demonstrated that they are surplus to requirements. Where deficits are identified, local planning authorities should identify opportunities to improve provision either by providing new facilities or by making better use of existing ones (Policy NE5, page 18; and Policy NE9, page 21 refer). The policies for playing fields (Policy NE10, page 23 refers) and major sports facilities (Policy NE14, page 24 refers) also remain unchanged.
- 2.10 The draft PSS will continue to require local planning authorities to undertake up-to-date audits of existing provision to record its quantity, quality, accessibility, typology and location and assessments of the existing and future need for open space, green infrastructure, sports, recreational and play facilities (Policy NE1, page 16 refers).

### **Floodlighting of Sport and Recreational Facilities**

- 2.11 One area where the Government is considering modifying the existing policy relates to the control of floodlighting at sports and recreation facilities. It is proposed that the existing policy be amended to clarify that the local planning authority should balance the impact on local residents against the possible wider benefits to the community, in

terms of increased levels of provision and health and wellbeing. The local authority should also take account of any significant impacts on biodiversity and on the openness of the Green Belt (page 11 and Policy NE9, page 21 refers).

### **Coastal Planning**

- 2.12 Current planning policies for the coast are set out in *Planning Policy Guidance 20: Coastal Planning* which can be viewed at:  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147498.pdf>
- 2.13 The draft PPS addresses coastal issues in a single policy setting out the approach to the undeveloped coast and coastal access. The new policy requires the maintenance of the natural character of the undeveloped coast and the protection and enhancement of its distinct landscapes, cultural, biodiversity and geodiversity interest. The proposed policy no longer explicitly states a restriction on development that does not require a coastal location within the coastal zone (Policy NE7, page 19 refers). Some of these matters are now dealt with in a new supplement to *Planning Policy Statement 25: Development and Coastal Change* which can be viewed at:  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1498576.pdf>

### **Sustainable Development in Rural Areas (Landscape)**

- 2.14 Policies relating to landscape protection, soil and agricultural land quality and forestry are currently set out in *Planning Policy Statement 7: Sustainable Development in Rural Areas* which can be viewed at:  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147402.pdf>
- 2.15 The Government's commitment to the European Landscape Convention requires all types of landscape to be valued, irrespective of whether they are outstanding, ordinary or degraded, and advises that their different characteristics be identified and assessed and landscape quality objectives identified (page 8 refers). The draft PPS states that local planning authorities should include criteria-based policies against which development affecting locally valued landscapes can be assessed, in their Local Development Frameworks (Policy NE3.3, page 17 refers).
- 2.16 The existing policy for the protection of the best and most versatile agricultural land has been retained in the draft PPS (Policy NE 8.9, page 21 refers), as has the requirement for regional strategies to have regard to the objectives of the Regional Forestry Framework to secure trees and woods for future generations (Policy NE2, page 17). There is also a short policy on the approach to public rights of way (Policy NE6, page 19 refers).

## **Practice Guidance**

- 2.17 Practice guidance has not been included as part of the consultation on the draft PPS. The Government are currently reviewing the existing companion guides for PPS9 and PPG17, and intend to develop new practice guidance to reflect the outcome of this consultation process.

## **Consultation Stage Impact Assessment**

- 2.18 The draft PPS includes an impact assessment, setting out the costs and benefits of the consultation document (page 12 refers). It concludes that:

- Streamlining planning policy may impose initial familiarisation costs but these should be outweighed by resource and time savings for users of the policy, the benefits of a reduction in duplication and complexity, and the clarity that the revised policy brings for practitioners.
- New policies will encourage a strategic approach which supports the creation, management and protection of better networks of green infrastructure and build on the environmental benefits of existing green spaces. While there will be 'new' policies on green infrastructure, these are effectively provided for through the bringing together of existing policies on the protection and enhancement of natural habitats (PPS9) and open and green spaces (PPG17).
- The proposed planning policy on the floodlighting of sports and recreational facilities would have potential benefits for the health and wellbeing of those making use of the increased provision of sport and recreation in an area resulting from the potential to extend the usage of facilities. However, it is possible that in some locations there could be an impact on the amenity of those living in the vicinity if the impacts of additional floodlighting are not properly considered as part of the planning process.

## **3. Director's Comments**

- 3.1 The consultation stage impact assessment would appear to be a fair assessment of the principle issues arising.
- 3.2 While supporting the streamlining of national planning policy, the provision of additional practice guidance will be essential to maintain an appropriate level of detail and protection for the types of asset being considered. The loss of a single, stand-alone national policy document for the coast and the dispersal of policies for the coast across a number of separate documents may, however, reduce the clarity of national policy in this area.

- 3.3 While the requirement to continue to produce and keep the full range of evidence up-to-date is also supported, the Government should not underestimate the ongoing cost of auditing sites and assessing local need and demand in a metropolitan authority with a large and diverse population, a significant area of varied open countryside and an extensive coastline.
- 3.4 It is intended that a clear strategy for the delivery of green infrastructure will be set out within the Core Strategy for Wirral, underpinned by the wide range of evidence base studies already carried out, including the Wirral Biodiversity Audit 2009, Wirral Strategic Flood Risk Assessment 2009, Wirral Landscape Character Assessment 2009, Cheshire Historic Landscape Characterisation Assessment 2007 and the Wirral Open Space Assessment 2010.
- 3.5 Green infrastructure strategies are also currently being jointly prepared at a sub-regional level through the Council's membership of the Mersey Dee Alliance and under the auspices of the Liverpool City Region Environment and Waste Board. The preparation of a green infrastructure strategy is also a specific requirement of the designation of the Mersey Heartlands Growth Point.
- 3.6 The impact of the need to consider the wider benefits of modern floodlighting in the determination of planning applications is more difficult to assess. The provision of clear practice guidance will be essential, as the policy does not state where the balance between local residents and the users of the facilities will lie. In the absence of this guidance, the balance will be left to be determined at appeal.
- 3.7 The suggested responses to the Government's ten Consultation Questions are attached at Appendix 1 to this report.

#### **4. Financial implications**

- 4.1 Whilst there are no direct financial implications arising from this report, the policies in the draft PPS will continue to require the Council to maintain an up-to-date evidence base, which will have ongoing financial implications.
- 4.2 The Wirral Playing Pitch Assessment 2004 cost £16,065 and was part funded by an 80% grant from Sport England. Sport England recommends that Playing Pitch Assessments should be updated at least every 2 to 3 years.
- 4.4 The Wirral Biodiversity Audit 2009 cost £44,927 but did not include any original site survey work.
- 4.5 The Wirral Landscape Character Assessment 2009 cost £33,013, which included both desk top and original site survey work.

4.6 The Council did not incur any cost beyond the provision of baseline digital data for the preparation of the Cheshire Historic Landscape Characterisation Assessment 2007 which was funded by English Heritage and coordinated by Cheshire County Council.

4.7 The Wirral Strategic Flood Risk Assessment 2009 cost £26,965.

4.8 The Wirral Open Space Assessment 2010 formed part of a larger £100,000 contract for the preparation of the Cultural Services Forward Plan (Minute 308 refers Cabinet 04/02/10).

4.9 The Council would normally expect to update these or similar studies at least once every five to ten years, with on-going financial implications.

## **5. Staffing implications**

5.1 There are no implications arising directly from this report.

## **6. Equal Opportunities/Equality Impact Assessment**

6.1 There are no implications arising directly from this report.

## **7. Community Safety implications**

7.1 There are no implications arising directly from this report.

## **8. Local Agenda 21 implications**

8.1 The draft PPS is intended to promote sustainable development.

## **9. Planning implications**

9.1 The final version of the PPS, when published, would be a material consideration in the preparation of the Local Development Framework and in the determination of individual planning applications.

## **10. Anti-poverty implications**

10.1 There are no implications arising directly from this report.

## **11. Human Rights implications**

11.1 There are no implications arising directly from this report.

## **12. Social Inclusion implications**

12.1 There are no implications arising directly from this report.

## **13. Local Member Support implications**

13.1 There are no implications arising directly from this report.

## **14. Background Papers**

- 14.1 *Planning for a Sustainable Future: White Paper (2007)* - can be viewed at:<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningsustainablefuture.pdf>
- 14.2 *Consultation paper on a new Planning Policy Statement: Planning for a Natural and Healthy Environment* - can be viewed at:  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1498981.pdf>
- 14.3 *Draft Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System* – can be viewed at:  
<http://www.defra.gov.uk/corporate/consult/biodiversity-geological/100309-bio-geo-consultdoc.pdf>
- 14.4 *Planning Policy Statement 7: Sustainable Development in Rural Areas (2004)* - can be viewed at:  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147402.pdf>
- 14.5 *Planning Policy Statement 9: Biodiversity and Geological (2005)* - can be viewed at:  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147408.pdf>
- 14.6 *Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation (2002)* - can be viewed at:  
<http://www.communities.gov.uk/documents/planningandbuilding/doc/ppg17.doc>
- 14.7 *Planning Policy Guidance 20: Coastal Planning (1992)* - can be viewed at:  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147498.pdf>
- 14.8 *Planning Policy Statement 25 Supplement: Development and Coastal Change (March 2010)* – can be viewed at:  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1498576.pdf>

## **RECOMMENDATION**

**That the comments attached as Appendix 1 to this report form the basis of the Council's response to the Department of Communities and Local Government.**

**J. WILKIE**

Deputy Chief Executive/Director of Corporate Services



## Appendix 1

The Government is specifically seeking views on the proposed PPS through answers to the following ten questions. The recommended response to each of the questions is also set out below:

*Q.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, but the provision of good practice advice will be essential to support the effective and detailed implementation of the streamlined policies set out. The loss of a single, stand-alone national policy document for the coast and the dispersal of policies for the coast across a number of separate documents may, however, reduce the clarity of national policy in this area.

*Q.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.

*Q.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, but the continuing financial implications of these requirements should not be underestimated, particularly if these studies are expected to be repeated or updated more often than every five to ten years.

*Q.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. The absence of a requirement to produce an additional, separate study is welcomed. Wirral Council intends to address the strategic approach to green infrastructure as part of its Core Strategy Development Plan Document.

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

Yes, but the extended scope of green infrastructure and the wider range of expectations associated with it will inevitably lead to an increased cost from the need to obtain additional specialist advice and survey work.

*Q.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, but clear advice on how to assess and balance these impacts will be required, not least in Green Belts where more restrictive policies already apply. The absence of detailed good practice guidance will lead to the balance between residents and users being determined at appeal.

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

Yes, but it will be more difficult to balance conflict between users and residents. As this is a matter of judgement, the new approach is likely to result in an increase in the number of planning appeals. Floodlights should only be allowed in places where limited harm can be demonstrated.

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

Yes.

*Q.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.

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

Wirral Council is concerned that the division of national policy for the coast across a number of separate documents will have an adverse impact on the coherence and effectiveness of policies for the coast.