



giving
nature
a home

How planning is
affecting our wildlife

Losing what we love

February 2022

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Introduction

Picture in your mind an average new housing estate. Newly-built houses, soon to be homes to young families. Pavements that will become the playgrounds of somebody's childhood. But what about our other residents? Many of our new developments lack provision for wildlife. Our planning system is squeezing nature out.

Our government has committed to ambitious goals for nature recovery in the UK in the 25 Year Environment Plan, and has pledged to protect 30% of the UK's land for nature by 2030. If these aims are to be achieved in England, we are going to need a better planning system. Currently just 8% of England's land area is designated for the protection of nature. Of this area less than half is in good condition; wildlife is being squeezed into increasingly smaller pockets of the country. Across the wider landscape developments are poorly designed, or in the wrong place, meaning the places we live are fast becoming bereft of birdsong and bees buzzing.

Over recent decades, changes to the planning system have moved us in the wrong direction. Protection for nature has been watered down. Local people are finding it ever-harder to stand up for the places they love. Loopholes pepper the system, allowing developers to weave around conditions meant to protect nature. Housing allocations handed down from central government are squeezing yet more development into brownfield sites and urban areas, without any assessment of their ecological value. Some of these urban spots are really special – it's amazing what unusual wildlife can turn up in a brownfield site! There is no effective strategic planning or co-operation at scales larger than individual Local Authorities. Local Planning Authorities have been progressively run down, making it ever harder to do their jobs.

Government is on the cusp of a significant reform of England's planning laws. This is a huge opportunity to protect and restore nature, increase democratic participation in planning, and reduce unnecessary bureaucracy – but only if we get it right.

In recently taking the reins as Secretary of State, Michael Gove has taken an immediate and encouraging step in pausing the planning reform process and taking stock. This report sets out positive and constructive suggestions as to how our planning system could be improved to better support nature's recovery. We hope for opportunities to work positively with the Secretary of State on them.

The scale of the challenge

- Between 2009 and 2020, local authorities in England published an average of 422,000 planning decisions per year, of which about 85% granted planning approval.
- The map shows planning applications in England that were active in July 2021. Each of these planning applications is located within 500m of a Site of Special Scientific Interest (SSSI).
- Nationally Significant Infrastructure Projects. Since the NSIP legislation was introduced in 2008, 98 NSIPs have gone through the system and another 92 are at various stages of the process.
- Of the 98 NSIP applications for which a final decision has been made since the legislation was introduced, only 4 were refused (and one partially refused).

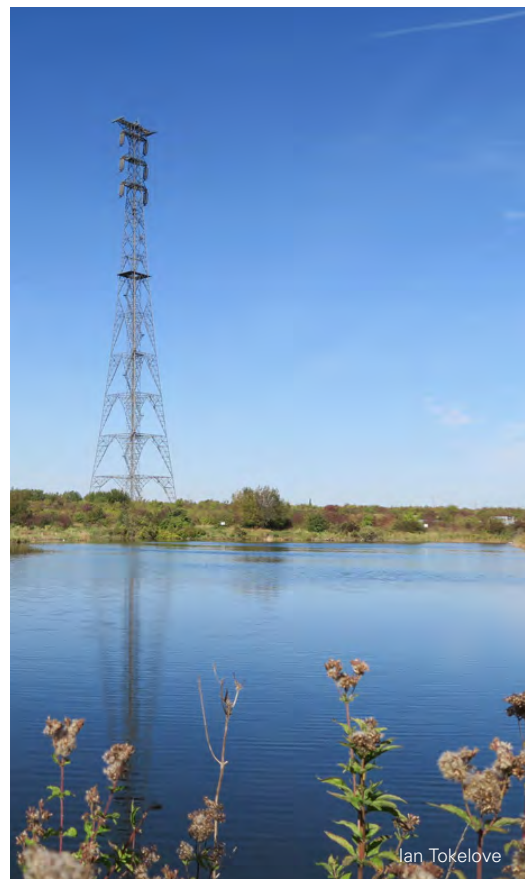


Paving over paradise

Tim Street

Case study: **Swanscombe Marshes**

- A mosaic of marshes, scrub, grasslands and reedbeds, once the site of industry, now home to a dazzling array of bugs and birds. The richness of wildlife on the peninsula (including 2000 invertebrate species and 82 breeding bird species) puts it on a par with the best nature sites in the country.
- In December 2020, the London Resort Company Holdings Ltd filed an application to build a Disneyland-style theme park which would directly destroy about 40% of the marshes and indirectly damage an even wider area. Shortly after this (March 2021) the site was notified as a SSSI but the company is still pursuing their plans.
- Government has decided the project is an NSIP because the potential economic benefits (according to estimates by London Resort, anyway) are so high. This makes it harder for local people to fight the plans, but they are trying their utmost and have organised under the banner Save Swanscombe Marshes. The RSPB, Kent Wildlife Trust and CPRE Kent are supporting Buglife's campaign to save the site.
- If this project goes ahead it will destroy 100 hectares of unique and irreplaceable SSSI despite passionate opposition from local people and wildlife charities.



Ian Tokelove

Is nowhere off limits?

Tipner West
Courtesy of Strong Island

Case study: **Tipner West Super Peninsula**

- Tipner West sits in a wild corner of Portsmouth Harbour that holds every level of statutory wildlife site protection. Mudflats quack, bubble and honk with the voices of thousands of birds; dark-bellied brent geese, dunlin, black tailed godwits and more. Simultaneously they capture carbon, filter water, and help protect Portsmouth itself from coastal erosion.
- Portsmouth City Council wants to boost the local economy by building a Marine Hub. Thanks in part to its housing allocation from central government, the Council also anticipates it will need to find space to build 17,701 homes to 2038 – tricky in the UK's second most densely populated settlement (after London) and its only island city. Their solution: drain and concrete over a large part of the mudflats to create a 'super peninsula' on which to build.
- Because the mudflats are protected by law, to be allowed to build on them the Council must prove that there are no feasible alternative solutions and that there are "imperative reasons of overriding public interest" for the project to go ahead. If they are successful in making this argument it will set a very dangerous precedent. Effectively, nowhere will be safe.

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Going off the rails

Alamy

Case study: **HS2**

- The publicity for the HS2 project is full of hyperbole – it's going to have the fastest trains, represent the most important economic regeneration project in decades, and be one of the most environmentally responsible infrastructure projects ever delivered in the UK.
- The reality is somewhat less inspiring. The RSPB and the Wildlife Trusts flagged the risk of damage to important wildlife sites on the route, but rather than factoring nature protection into their planning, HS2 Ltd have been treating it as an inconvenient add-on. Wildlife charities and members of the public have raised the alarm on woodlands being cleared during the bird breeding season, disturbance to bat colonies and other examples of poor practice. Thus far, HS2 Ltd have not (probably) broken any laws – but they have consistently ignored expert advice and failed to follow best practice. This is not good enough for a project claiming to be a model for future development.
- Rather than inflexible targets on speed and budget, what was needed from central Government was a strategic framework putting HS2 into its proper context. This should have maximised the potential to tackle carbon emissions from land transport as well as giving the project space to develop while obeying the hierarchy of avoid, then mitigate, and only as a last resort compensate for harm. As it is, the project is backing itself into a corner.



Not too late to get it right

Robert Page

Case study: the Oxford-Cambridge Arc

- Like HS2, the OxCam Arc is being promoted as an environmental exemplar to be held up as an inspiration for future development. The project is the brainchild of central Government, which envisages a swathe of sustainable, hi-tech, economically productive development between Oxford and Cambridge.
- The good news: if underpinned by rigorous environmental assessments, and developed in partnership with the Local Authorities along the route, this strategic spatial approach to planning could lead to developments that nurture both nature and people.
- The bad news: the project is driven by a top-down target for economic growth and development. The sustainability assessments being carried out are not able even to assess impacts on protected sites – much less the overall ecological consequences of the plans. Consultation with residents and local authorities is starting late in the process and doesn't ask vital questions like whether the Arc is a good idea or whether this is the right place for it.
- A coalition of nature and countryside charities (including the RSPB) is now calling on the Government to "Rethink the Arc". It's not too late to get it right.



Reason for optimism

Adrian Thomas

Case study: **Kingsbrook**

- Kingsbrook is a 2,450-home development on the outskirts of Aylesbury, Buckinghamshire. The local planning authority, the developer and the RSPB have worked together to deliver a truly nature-friendly development.
- Wildlife measures include hundreds of native trees, hundreds of metres of hedgerows, wildflower verges, a green Sustainable Drainage System and bat friendly street lighting, right through to innovative 'swift bricks' that create nesting sites for swifts, and hedgehog-sized holes in garden fences. Construction started in 2016 and by 2017 life was flowing into the new wetland habitats. Kingfishers zooming, egrets spearing fish and dragonflies mastering the skies. In 2020 house martins – never before recorded on the site - built a nest on one of the new houses – if you build it, nature will come.
- Kingsbrook showcases what can be done and could help drive up the standard of housebuilding across the sector. Many of the measures can be implemented at little or no extra cost to the developer, and make for a highly marketable development where people will aspire to live. Each development has its own unique set of challenges and opportunities and will require a tailored approach. Kingsbrook serves as an inspiration to show that, if developments are built in the right place and in the right way, everyone benefits.

The power of love!

Shutterstock

Case study: **Minsmere and Sizewell C**

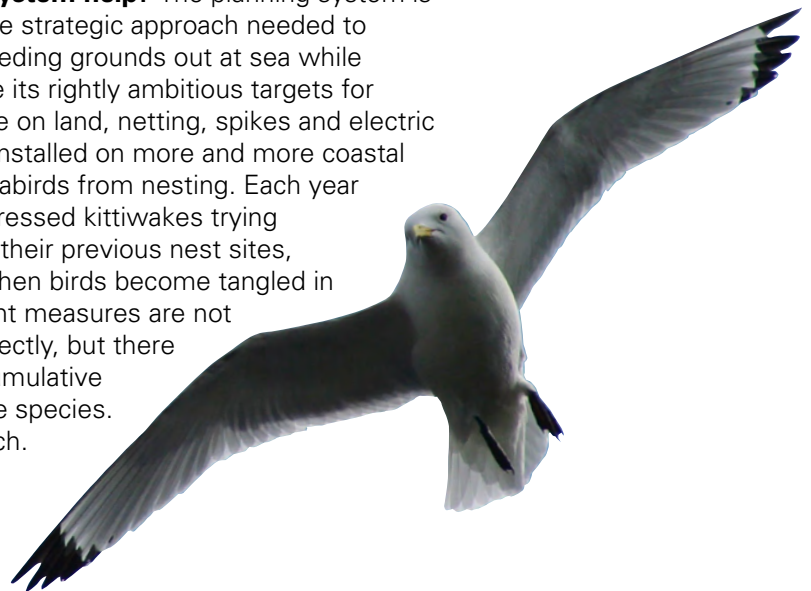
- The RSPB's Minsmere reserve is on a stretch of the Suffolk coast renowned for its beauty and abundant wildlife, designated as a SSSI, SPA, SAC and a Ramsar site. It is also an area identified by government as a potentially appropriate location to construct a new nuclear power station - EDF's proposed Sizewell C development.
- The impacts on biodiversity, the environment and Minsmere's unique sense of place will unarguably be significant. 20,419 people signed the 'Love Minsmere' e-petition in response to the public consultation in 2019. More than 1000 people showed up to the Love Minsmere festival in the September of that year. And between November 2020 and February 2021, an astonishing 104,836 people joined in with the #LoveMinsmere e-action run jointly by the RSPB and the Suffolk Wildlife Trust.
- EDF's proposals have been the catalyst for the formation of a large community of people and organisations who are passionate in their defence of Minsmere as a special and finitely valuable place.

Kittiwakes

Ben Andrew (rspb-images.com)

A species case study

- **What is it?** A pretty little gull that can be seen at seabird colonies and some coastal towns around the UK in the breeding season.
- **How's it doing?** Globally thought to have declined by around 40% since the 1970s. Populations in the UK have plummeted, probably due to climate change and fishing that sets aside too little for the birds.
- **How can the planning system help?** The planning system is currently failing to take the strategic approach needed to protect kittiwakes' key feeding grounds out at sea while allowing the UK to pursue its rightly ambitious targets for offshore wind. Meanwhile on land, netting, spikes and electric shock devices are being installed on more and more coastal buildings to try to stop seabirds from nesting. Each year sees the sad sight of distressed kittiwakes trying unsuccessfully to access their previous nest sites, and even some deaths when birds become tangled in netting. The nest deterrent measures are not illegal when installed correctly, but there is no monitoring of the cumulative impacts on this vulnerable species. We need a better approach.



Calls to action

What the government must do

- **Strengthen the protection for nature offered by the Habitats Regulations.** Protected areas are the final refuges for many of our most vulnerable species – making them the core powerhouses of nature’s recovery. We cannot afford to lose any more.
- **Introduce a new planning designation to safeguard land for nature’s recovery.** A new ‘recovery’ designation would safeguard areas from development until nature has recovered enough for the area to be protected for the long term under existing nature conservation designations.
- **Reintroduce an effective ‘larger than local’ tier of planning.** Local Nature Recovery Strategies could be part of this, and government needs to put a clear framework in place to ensure that the strategies are fit for purpose and coherent across local boundaries. Local Plans must be required to be consistent with the objectives and measures set out in Local Nature Recovery Strategies.
- **Guarantee that any review of Strategic Environmental Assessment and Environmental Impact Assessment rules results in stronger, not weaker, protection for nature.** Streamlining the planning process for developers could be better achieved by ensuring Planning Authorities and other public bodies are sufficiently resourced to carry out their duties efficiently and effectively.
- **Get the most out of the Biodiversity Net Gain requirement.** Publish very clear implementation guidelines that close the loopholes, reverse the expansion of Permitted Development Rights (which are currently exempt from the requirement), and ensure Biodiversity Net Gain is appropriately applied to Nationally Significant Infrastructure Projects and Marine development.

- **Ensure that developer contribution funding continues to be forthcoming for nature** including to enable essential local and strategic mitigations and the provision of nature - rich accessible greenspace for all.
- **Give Local Authorities powers to tackle land banking by requiring consented developments to be built within a specified time frame.** This is necessary to avoid continuously driving up housing targets.
- **Tighten-up legislation to protect species from harmful cumulative impacts of interventions that are currently legal, such as the use of nets and spikes as nesting deterrents.** This should include amending the Wildlife and Countryside Act in England to cover ‘reckless’ as well as ‘intentional’ damage.

What you can do:

- **Look around your neighbourhood.** How has the area changed over time and are the changes ones you would want to see? Which places are special for wildlife and people? Who owns them? Do they have any protection from future development?
- **Engage with the local planning process.** Sign up for alerts of planning applications in your patch. Put in an objection if a special place is threatened. Find out when your Local Authority is next consulting on its Local Plan, make sure you have your say, and encourage your friends and neighbours to do so too.
- **Join with others in making our voice heard at national level.** Take action with campaigns from the RSPB and others to protect special places like Minsmere and Swanscombe Marshes. Sign up as an RSPB Nature Campaign Champion (find the details online).

rspb.org.uk

Cover photo: Alamy

The RSPB is the UK's largest nature conservation charity, inspiring everyone to give nature a home.
The RSPB is a registered charity in England and Wales 207076, in Scotland SC037654.