

Landscape Institute Northern Ireland

Draft Planning Policy Statement 2 (PPS2) Natural Heritage (Revised) and the accompanying Supplementary Planning Guidance to Draft PPS2

Public Consultation by Department of the Environment (DOE).

Response of the **Landscape Institute Northern Ireland branch (LINI)**.

8 July 2011

The Landscape Institute is the chartered institute in the United Kingdom for landscape architects, incorporating designers, managers, and scientists, concerned with conserving and enhancing the environment. The Landscape Institute promotes the highest standards in the practice of landscape planning, design, management and research, and represents members in private practice, at all levels of government and government agencies, in academic institutions and in commercial organisations.

The Landscape Institute is an educational charity and chartered body whose purpose is to protect, conserve and enhance the natural and built environment for the benefit of the public. It champions well-designed and well-managed urban and rural landscape. The Landscape Institute's accreditation and professional procedures ensure that the designers, managers and scientists who make up the landscape architecture profession work to the highest standards. Its advocacy and education programmes promote the landscape architecture profession as one which focuses on design, environment and community in order to inspire great places where people want to live, work and visit. The Landscape Institute is committed to the principles of sustainable development by improving the quality of design of urban and rural environments and to the protection and enhancement of our physical and natural environments.

The Landscape Institute Northern Ireland branch (LINI) represents the professional membership within Northern Ireland and is particularly concerned with design, management and planning for the protection, conservation and enhancement of the natural and built environment of Northern Ireland.

LINI welcomes the opportunity to consider the Draft Planning Policy Statement 2 (PPS2) Natural Heritage (revised) and the accompanying Supplementary Planning Guidance, and submits the following response.

The revised PPS2 relates to sites, species and features of international, national and local importance, and to Areas of Outstanding Natural Beauty (AONB). LINI welcomes the parallel preparation and publication of Supplementary Planning Guidance (SPG) to accompany PPS2 for 'natural heritage'. The SPG to PPS2 is highly beneficial and generally well written and usefully concise. LINI notes that this is in contrast to the SPG to PPS21, which is far from concise and sometimes ambiguous. (LINI wishes to state that it is unreasonable of the department to end the consultation period for PPS2 and its SPG on the same date as the SPG for PPS21, and suggests that the two SPGs could in fact be comprised in the same document.)

LINI adds comment in some particular matters as follows:

1. Introductory statements:

LINI requests that at the outset of the document:

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- it is stated that the operations of NIEA are for both natural and built heritage
- the definition of landscape is given as inclusive of natural and built heritage (landscape being the result of human interaction with the natural environment, comprised within three broad component types: townscape, rural countryside and seascape)
- it is stated that this PPS2 deals with the essential life-supporting matter of the natural environment (species and their habitats, and resources – including water)
- it is stated that the heritage which results from human interaction with that natural environment is dealt with in PPS6 (revised to encompass ‘landscape - townscape, rural countryside and seascape’ (including built and industrial heritage)).

2. Definition of Natural Heritage

LINI notes the matters listed as ‘natural heritage’ issues (1.1.1): wildlife corridors, landscape character, habitats, species, earth science. LINI requests that these matters are clearly listed and defined in the policy.

LINI advises that the word ‘also’ should be removed from the final sentence in 1.1.1.

LINI seeks clarity in the use of terms. Sometimes ‘natural heritage’ is listed alone, and sometimes alongside or replaced by one or more of the following terms: landscape, environment, ecology etc (1.1.1, 1.2.2, 1.2.4, 1.4.5, 1.4.6, 1.4.7, 1.4.8, 1.4.11 etc). LINI requests that the term ‘natural heritage’ is defined at the outset, and throughout the document this definition is kept constant. Confusion between the use of terms in the document allows the potential for negotiation through planning interpretation.

3. General Guidance / overarching principles

LINI suggests the following contents and order for Chapter 1, General Guidance. Use of these terms need to be consistent throughout the document.

- i. The policy applies to all of Northern Ireland, not just to development within or adjacent to designated sites
- ii. No development will be permitted which causes adverse effect to natural heritage unless there are imperative long-term reasons of overriding public interest (ie. health, safety) which override the value of the site. Short-term benefits are not adequate.
- iii. Examples of adverse effects are (5.2.3, 2.2.8, 6.9.2, 6.10.6):
 1. Damaging integrity
 2. Reducing area of habitat or features or reducing habitat connectivity
 3. Changing quality of habitat or features or habitat network
 4. Altering vulnerability of habitat or species or features
 5. Damaging size of species populations
- iv. All development should enhance natural heritage (to only cause ‘no harm’ is not sufficient)
- v. If adverse effects are unavoidable, mitigation is required to provide betterment to natural heritage
- vi. If mitigation is unattainable, compensatory measures are required to provide betterment to natural heritage

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- vii. Precautionary principle applies in all cases
- viii. Principle of integrity applies in all cases
- ix. Recognition that impacts to natural heritage may be direct or indirect applies in all cases
- x. Consideration of cumulative impact in all cases

4. The wellbeing of natural heritage is fundamental to our existence.

LINI requests that it is clearly stated at the outset that the wellbeing of natural heritage is fundamentally crucial to our environmental, human and economic wellbeing. LINI requests that an overarching aim for PPS2 must be stated as 'nature conservation to ensure the wellbeing of our natural environment (wildlife and habitats) as a critical resource for social and economic benefit'. Understood in this manner, no 'conflicts of interest' are reasonable, as development for social and economic benefit relies on natural wellbeing and enhancement.

LINI requests the removal of all potential for ambiguous interpretation in planning operations, and requests that 'interests of acknowledged importance' should be defined as 'the natural environment', rather than 'such as the natural environment' which enables other matters to be acknowledged (1.4.6). It is essential to avoid consideration of economic matters in these terms.

5. Natural Heritage is a concern in all development.

LINI concurs with the Department that it is especially important to recognise that consideration of natural heritage is important in all planning applications, not just those within or adjacent to designated sites, and requests that this is clearly stated at the outset of a revised PPS2.

6. Policy Hierarchy

PPS2 and its SPG are structured in terms of the hierarchy of designated sites, and LINI supports the guidance given relating to sites of international, national and local designation. However, the ELC requires signatory states to recognise that 'all landscapes matter', so LINI reminds the Department that these provisions apply to any matters of natural heritage which might be impacted by development, whether or not this is within or adjacent to a designated site. Therefore, LINI requests that the section entitled 'Other Species, Habitats and Features' should be retitled 'All Species, Habitats and Features' and should be the first section of the PPS and SPG. The other sections would detail additional considerations to be made due to their designation level. This will present a clear hierarchy of importance in policy terms.

LINI is concerned that the hierarchy of policy as presented (international, national, local) is not consistent, and that unlike in sites of international and national importance, the policy leaves it open for development in sites of local nature conservation importance to be granted permission where the effect is adverse.

7. Presumption in favour of planning refusal for reasons of natural heritage

LINI commends the Department for establishing a general presumption in favour of planning refusal for reasons of safeguarding Northern Ireland's natural heritage, unless certain criteria allow it. This is contrary to the Department's general presumption in favour of planning permission for all development proposals unless certain criteria allow it. LINI wishes to emphasise that the wellbeing of our natural environment is paramount in all cases

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(and that impacts on the natural environment can be direct and indirect), thus suggests that the presumption in favour of planning refusal for reasons of safeguarding the natural environment (unless certain criteria allow it) should be the norm for all development proposals.

8. Fundamental requirements for any planning permission – to enhance natural heritage

LINI notes that the SPG presents a hierarchy of requirements to be met by all development (p4, and 1.2.2):

- i. Avoidance of adverse effect
- ii. If unavoidable, minimisation of effect through mitigation
- iii. If unattainable, compensatory measured to compensate for adverse effect
- iv. Enhancement

LINI notes that the first three points are stated as matters that 'should' be met, whereas the final point is stated as 'may' be sought. LINI requests that this is revised, such that:

- i. All development is required to enhance (not 'may', ie. betterment is requisite, to cause 'no harm' or just 'avoid adverse effect' is not enough)
- ii. If unavoidable, then 'no harm' with mitigation for betterment
- iii. If unattainable, then compensatory measures, which must be better than already existed

LINI notes that it is an obligation of the ELC to identify quality objectives to enhance the character identified. LINI advises that the word 'also' should be removed from the third sentence in 1.2.2.

9. Precautionary Principle

LINI requests that the use of the precautionary principle applies to all matters of planning as it is stated in PPS1. Therefore it is not necessary to dwell on it quite so repetitively in this SPG. LINI notes that the precautionary principle therefore also covers the matters of PPS6 and PPS21, but requests that this most also expand to include use of the NILCA.

10. Integrity

The principle regarding integrity is welcome. Relating to integrity, LINI considers this should in all cases also refer to the LCA, and the ELC requirement for implementation of processes to enhance and serve the character of the LCA (which is created by the natural processes within the it).

LINI suggests that the principle of integrity should be core to consideration of the built heritage also, within a revised PPS6 for 'landscape'.

11. Indirect and Direct impacts

That development proposals do not have to be within or adjacent to a feature of natural heritage interest (2.2.21) to potentially impact that interest is an essential premise of the policy. This should be clearly stated in the 'General Guidance' and 'All Species, Habitats or Features of Natural Heritage Importance' sections of the PPS and SPG.

12. Consideration of Cumulative Impact in all cases

LINI welcomes the consideration of cumulative impacts in all cases for international sites, inclusive of matters which do not require planning permission (2.2.10, 2.2.11) and seeks that planning consideration of all matters (not just natural heritage) at all levels of hierarchy (local, regional, national, international) adopt this essential approach.

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13. Repetition

LINI considers that the SPG is too repetitive in places (eg. regarding integrity / Waddenzee principle / precautionary principle). These descriptions and justifications are already contained with the General Guidance of Chapter 1, and could be reduced in the rest of the document.

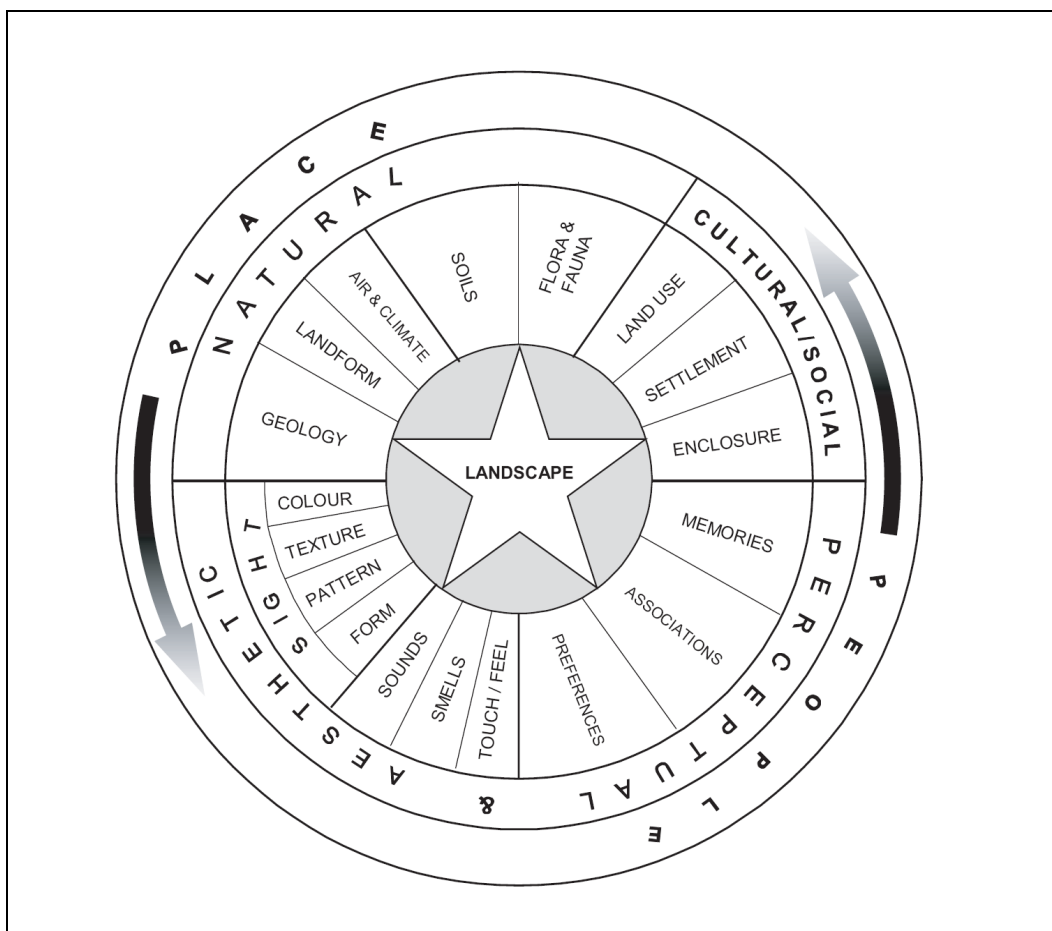
14. European Landscape Convention

LINI considers it to be essential that the European Landscape Convention (ELC) is included within the Statutory Framework section, alongside mention of the Birds and Habitats Directives and Water Framework Directive (1.3). The ELC was ratified by the UK in 2006.

LINI is not content with the minimal reference to and description of the ELC (A14). This needs to be accurately included, and referred to throughout both the policy and the SPG.

15. Definition of 'Landscape'

The ELC (Council of Europe, 2000) provides the following definition of landscape: “an area, as perceived by people, whose character *is the result of the action and interaction of natural and/or human factors*”. The term ‘landscape’ is understood as the resultant interaction between people and the natural environment, and these components of landscape are illustrated in the ‘landscape wheel’ below (Carys Swanwick 2002). It is accepted that it is the integrated characteristics of this landscape which form a particular place, community lifestyle and identity.



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LINI requests a definition of landscape be included in Annex E: “an area (built townscape, rural countryside, and seascape), as perceived by people, whose character is the result of the action and interaction of natural and/or human factors, specifically including the components illustrated in the ‘landscape wheel’ (Swanwick 2002) which integrate to create the character of landscape and form a particular place, community lifestyle and identity.”

16. ELC principles:

The ELC establishes the following principles: ‘landscape policy’ (the principles, strategies and guidelines that permit the taking of specific measures aimed at the protection, management and planning of landscapes); and ‘landscape quality objectives’ (the managed aspirations for a specific landscape). ‘Landscape protection’ (the actions to conserve and maintain the significant or characteristic features of a landscape derived from its heritage value, natural configuration, and/or from human activity); ‘landscape management’ (the action, from a perspective of sustainable development, to ensure the regular upkeep of a landscape, so as to guide and harmonise changes which are brought about by a social, economic and environmental processes); and ‘landscape planning’ or landscape design (the strong forward-looking action to enhance, restore or create landscapes) are defined in the ELC as the mechanisms by which landscape quality objectives are achieved (i.e. the design of good quality place).

17. ELC obligations:

LINI notes that the obligations of the Department relating to the Wildlife Order (‘to take steps to further the conservation of species and habitats’) are similar to those of the ELC (to identify, characterise, evaluate and recognise landscapes in law; establish objectives for them and implement policies for their protection, management and planning; integrate landscape purposes into regional and town planning policies for cultural, environmental, agricultural, social and economic matters; provide local councils with procedures to achieve these).

The ELC arose from concern regarding lack of distinction between landscapes. Stating that ‘all landscapes matter’, it is clear also that these measures apply to the whole territory. The ELC embodies a system of landscape planning whereby through meeting the objectives of landscape, all other concerns are addressed.

18. Northern Ireland Landscape Character Assessment (2000)

In Northern Ireland, the ELC is partially met through the Northern Ireland Landscape Character Assessment (NILCA, DOE 2000), which comprises landscape and visual assessment of 130 distinct units of landscape, along with the statement of several quality objectives for each one. LINI is concerned that these objectives are not sufficiently regarded by planning (development control), and also that the NILCA has not been adequately updated since its creation in 1999. To more holistically address ‘landscape planning’, best practice accepts that the LCA process should more clearly encompass matters of geophysical foundation (land, water, climate); living surface elements (vegetation, fauna, human); habitat (the place-qualities of life); visual presence; sensual matters (including legend); change (eg. Historic Landscape Characterisation). The position of ‘natural heritage’ at the core of landscape is evident.

The existence and use of the LCA must be mentioned in the chapter for ‘All Species, Habitats or Features of Natural Heritage Importance’. LINI requests that there should be a

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statement in the SPG and PPS requiring all development to be undertaken according to the NILCA, and principles of Ecosystem Services and principles of Green Infrastructure. LINI also requests that the NILCA, and principles of Green Infrastructure and Ecosystem Services are defined and described in Annex E.

19. Seascape and ICZM

The SPG mentions that planning control does not extend below the low water mark (1.4.11), however, established practice for seascape assessment (as part of normal LCA processes) according to the ELC extends to 15km and increasingly 24-35 km minimum distance from the coastal edge. The NILCA is inadequate and inaccurate in that it does not consider seascape as part of its assessment, and LINI requests that seascape assessment is urgently carried out as part of an essential updated NILCA. Departmental recognition of the correlation between seascape and landscape processes of LCA would facilitate integral consideration of the marine environment. LINI also requests that Integrated Coastal Zone Management (ICZM) is urgently progressed and implemented in Northern Ireland without further delay.

20. Any development having adverse effects to be of long-term value for imperative reasons of overriding public benefit

LINI commends the Department that adverse and significantly adverse development will only be permitted where the benefits of the development outweigh the value of the site, and the value of that development is long term, and not economically driven (but essential for health safety and environment).

LINI welcomes the requirement that, for any development to be permitted which does not enhance natural heritage, the proposal must provide benefit of a long term value and vital nature. LINI requests that the phrase relating the non-acceptability of 'short-term benefits' is reworded such that 'short-term benefits are not sufficient', rather than 'short-term benefits would not appear to be sufficient' which is open to interpretation in planning operations. Similarly, LINI requests that all terms are consistently used. ie. that short-term benefits are consistently defined as 'short-term economic interest or other interest which would only yield short-term benefits for society'. (1.4.5, 2.2.35, 2.2.43, 3.2.4, 4.2.4)

21. Role of Planning Authority in identifying alternatives to proposals causing adverse impact

LINI notes that it is impressive that for any application refused due to adverse impact, the planning authority will itself investigate alternatives (rather than rely on submissions made), and LINI wonders if this is indeed the role of the planning authority.

22. Areas of Outstanding Natural Beauty (AONB)

LINI finds the chapter on the national designations of Areas of Outstanding Natural Beauty (AONB) at odds with the rest of the document, and suggests that for consistency this guidance should be included in the section relating to national designations. Otherwise, as AONBs are designated not solely for reasons of natural heritage but also human interaction, LINI suggests that policy relating to AONB could form part of a revised PPS6 for landscape (built, rural and seascape), alongside Conservation Areas etc.

LINI is concerned that whereas the 'natural heritage' matters of policies NH1-5 result in automatic presumption against development, policy NH6 (relating to AONBs) embodies a presumption in favour of development. AONBs are national 'landscape' designations. The term 'landscape' (as confirmed by the European Landscape Convention) is inclusive of

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townscape, rural countryside, and seascape. LINI requests that the Department reconsider the planning presumption of policy NH6, as the AONB definition is dependent on the wellbeing of its natural heritage to fulfill its designation. Landscape is an interaction between human and nature, and where a distinct unit of landscape character has been identified with specific quality objectives drawn up for it, LINI considers that the ELC prescribes a presumption against development causing adverse impact to that recognised character (ie. should be a presumption against equally for AONB as for species and habitats). It must be very clear in all cases that all development must enhance the natural and landscape value of its environment, or it will not be permitted.

Relating to AONBs, LINI requests that the NILCA and its use are specifically discussed in 4.16.

LINI considers that PPS2 must recognise that AONBs designated under the Nature Conservation and Amenity Lands Order (NCALO, 1986) include the capacity for the establishment of a management trust as a joint venture between local and government stakeholders (eg. Mourne Heritage Trust, Causeway Cost and Glens Heritage Trust) (1.13).

Relating to the Design Guides that exist for some AONBs, LINI requests that it is stated that these 'will be considered' (rather than 'may') (7.2.3).

LINI suggests that policy NH6 for AONBs may actually sit more comfortably within a revised PPS6 for landscape (built, rural and seascape).

23. Request for equal planning practice relating to the built environment.

LINI requests that the Department applies the principle of requiring any development having adverse effects to be of long-term value for imperative reasons of overriding public benefit (essential for health, safety or environment) equally to matters of the built environment (eg. concern relating to 'invasive species' (1.5.1) and 'notifiable operations' (4.1.5) and permitted development (4.1.6) which might harm natural heritage features can be correlated with the need to remove prevalence for the use of harmful and unsustainable building products in the built environment (eg. PVC windows)). All development causing harm to sites and places of international, national and local importance (eg. World Heritage Sites, listed buildings and scheduled monuments, Conservation Areas and AONBs) should only be permitted where the benefits of the development outweigh the value of the site, and the value of that development is long term, and not economically driven (but essential for health and social wellbeing).

24. Departmental Landscape Architectural Expertise

LINI requests that it is made clear that NIEA is not the only source of advice relating to planning operations and natural heritage (1.4.7, 3.4.2, 4.2.2, 5.2.1, 7.2.3). Currently, NIEA does not employ any landscape architects who are chartered members of the Landscape Institute. A chartered landscape architect is professionally recognised as having skills in landscape assessment and evaluation, landscape character assessment (LCA) processes and the ELC, landscape and cumulative impact of development etc. The staff of NIEA are recognised as having expertise in specific matters of landscape and natural heritage (eg. ecology and science), rather than considering the broad landscape holistically at a 'landscape scale'. LINI notes that currently the Department's only chartered landscape architects who are members of the Landscape Institute are employed within Landscape Architects Branch, and these are the staff with the appropriate expertise to consider landscape matters. It is essential that this PPS and SPG do not exclude the very experts and

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expertise which the Department employs.

25. Landscape Architectural Expertise

LINI requires that Annex C refers to the specific landscape expertise of a chartered landscape architect. The services of a chartered landscape architect should be requisite in the formulation of 'landscape management plans' (C6), and 'landscape survey, analysis and design proposals' (C11), which should also include an ecological plan and management framework.

26. Ecological criteria

It is stated that 'only ecological criteria' will be recognised in the consideration of alternatives. LINI asks for clarity as to whether it is only ecological criteria which are considered in all cases (including the 'overriding public interest' of adversely impacting proposals). LINI requests that all planning applications are accompanied by a 'statement of ecological significance', such that all development is understood to have a role and impact on the essential wellbeing of our natural environment.

27. Request for Revision of PPS6 to encompass all landscape issues

LINI requests the revision of PPS6 to encompass landscape (built, rural and seascape) matters throughout Northern Ireland, and suggests the hierarchy of PPS2 as a beneficial means of approaching a revised PPS6.

28. Tree Protection Order

LINI is concerned that reference to Tree Protection Orders (TPO) no longer feature as part of PPS2. Relating to TPOs, LINI considers that the value of trees and hedgerows must be clearly stated as habitats for wildlife, as well as relating to beauty and amenity. LINI suggests that there might be automatic TPO in AONB, as well as Conservation Areas.

29. GLVIA

LINI notes that the Guidelines for Landscape and Visual Assessment (D14) are currently being revised, due for publication in 2011.

The Landscape Institute Northern Ireland branch would like to thank the Department of the Environment for the opportunity to contribute to the Draft Planning Policy Statement 2 (PPS2) 'Natural Heritage' (revised) and its accompanying Supplementary Planning Guidance (SPG).

For any queries and further discussion relating to this response, and for future consultations, please contact:

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