

19 August 2011

Our ref: 29257

Your ref:



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**BY EMAIL ONLY**

Dear Sir/Madam

**Oldham Local Development Framework Joint Core Strategy and Development  
Management Policies Development Plan Document  
Draft National Planning Policy Framework**

Thank you for your consultation on the above dated 28 July 2011, which was received by Natural England by email.

We welcome the opportunity to comment upon the possible implications of the consultation draft National Planning Policy Framework (NPPF) for these development plan documents.

Natural England is aware of the publication of the draft NPPF and will be responding to the consultation document. We also note the guidance on the weight to be given to the draft document issued by the Planning Inspectorate. Specifically, *“Whilst it is a consultation document and, therefore, subject to potential amendment, nevertheless it gives a clear indication of the Government’s ‘direction of travel’ in planning policy. Therefore, the draft National Planning Policy Framework is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker’s planning judgment in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.”*

The principles of existing planning policy statements/guidance relating to the protection and enhancement of the natural environment have largely been retained in the draft NPPF. In the context of this development plan document, Natural England draws attention to the following in the draft NPPF:

**The new presumption in favour of sustainable development does not apply to European sites**

“Development likely to have a significant effect on sites protected under the Birds and Habitats Directives would not be sustainable under the terms of the presumption in favour of sustainable development” (draft NPPF para 16).

**Biodiversity**

The planning system is to minimise impacts on biodiversity and provide “net gains in biodiversity where possible” (draft NPPF para. 164).

Local Planning Authorities (LPAs) should set criteria based policies for protected wildlife sites or landscapes areas. Distinctions should be made between the hierarchy of international, national and

locally designated sites (draft NPPF para. 166).

Planning policies should (draft NPPF para. 168):

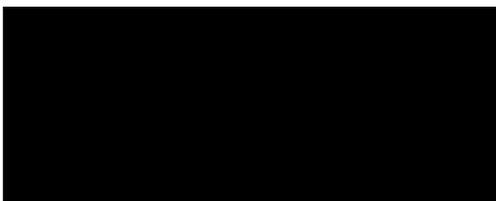
- plan for biodiversity at landscape scale;
- identify and map ecological networks;
- promote preservation, restoration and recreation of priority habitats, ecological networks and recovery of priority species populations;
- aim to prevent harm to geological conservation interests;
- Local Planning Authorities should apply the following principles when determining planning applications (draft NPPF para. 169): “if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused” ;
- permit development where the primary objective is to conserve or enhance biodiversity;
- encourage opportunities to incorporate biodiversity in and around developments;
- refuse development resulting in loss or deterioration of irreplaceable habitats, including ancient woodland and aged or veteran trees, unless the need for and benefits of the development in that location clearly outweigh the loss; and
- give the same protection as European sites to potential SPAs, possible SACs, Listed/proposed RAMSAR sites and sites identified or required as compensatory measures for adverse effects on European sites.

### **Green Infrastructure**

LPAs “should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure” (draft NPPF para. 167).

Should you wish to discuss this response please do not hesitate to contact me at the above address.

Yours faithfully



Ruth Critchley  
Adviser  
Land Use Operations Team

