

10 March 2026

The Rivers Trust response: Consultation on the National Planning Policy Framework

The Rivers Trust welcomes the opportunity to respond to the consultation on the revised National Planning Policy Framework. This is a key opportunity to reform how we manage our limited land supply to address the various needs of the economy, communities, and environment. We also support the submissions from Wildlife and Countryside Link and Save Our Chalk Streams.

Our rivers and water environment are in crisis, facing compounding pressures from pollution, over-abstraction, encroachment, physical modification, and more. In this degraded state, the water environment is less able to provide essential services to society, including supporting the wider environment and biodiversity, supplying drinking water, supporting business activities and managing flood risk. The pressure being put on these environmental limits is already having an impact on the government's ambitions around growth and security; development proposals are being impacted by water supply challenges and flood impacts are creating huge costs to the public purse.

Planning policy has a fundamental role to play in ensuring the right balance is struck between enabling necessary development and ensuring a resilient water environment. Development and growth depend entirely on a resilient water system, so we cannot continue this downward spiral, whereby the Environment Agency is already forecasting a 6bn litre per day supply deficit by 2055. Planning policy must also plan for nature and climate change, through refusing development where appropriate and allocating land for these objectives. The Rivers Trust is clear that nature-based approaches involving the restoration of habitats and making space for water must be embedded in all policy areas including planning.

The Rivers Trust is deeply concerned that the revised NPPF is heavily weighted towards engineered development and growth. Nature and climate change is often missing from revised policies, given only weak recognition, or siloed to specific chapters despite being a core underpinning to sustainable development. The Rivers Trust has made clear in our response that nature recovery and climate resilience must be embedded throughout the document, with strong, prescriptive requirements on decision-makers to build environmental limits and considerations into plans and decisions. The revised NPPF must reflect the urgency and legal force of our nature and climate commitments.

The Rivers Trust perceives real risks that the revised NPPF will do little to address chronic environmental harms stemming from development, through the continued lack of meaningful join-up across sectors and regulatory regimes. For example, the continued over-reliance, at face value, on Water Resources Management Plans, which face chronic issues around under-delivery, will lead to further over-abstraction of our water environment. The revised NPPF must drive decision-makers to take more

proactive steps to engage across sectors and implement more integrated, strategic planning approaches that deliver for the economy, people, and nature.

There is a lot of change taking place at the moment, including rushed reforms to the planning system – through the revision of the NPPF, changes to BNG, introduction of the Planning and Infrastructure Act bringing with it Environmental Delivery Plans – and wider reforms to the water system and agriculture. This scale and pace of change brings with it serious risks, especially to the natural environment, which is often the first to feel damaging impacts.

The Rivers Trust is particularly concerned by how all these changing regimes will integrate effectively and drive holistic, sustainable outcomes. There are already signs that this is not happening. For example, it is very unclear how the upcoming Land Use Framework will inform the NPPF, even though this is supposed to be a key tool to inform spatial targeting. Additionally, a new framework of regional systems planning is being developed in response to the Independent Water Commission, which will have significant, but as yet unknown, implications for the planning system. The government must ensure these programmes of reforms are being set up to work together and deliver effectively for people, nature and the economy.

The Rivers Trust is absolutely clear that we cannot have successful, happy and healthy communities without a thriving natural environment. The revised NPPF must not make the mistake of pursuing development and growth at the expense of the environment, community wellbeing, and climate resilience.

This response is submitted on behalf of The Rivers Trust by:

Kezia Saunders

Advocacy and Parliamentary Lead

The Rivers Trust

Kezia.saunders@theriverstrust.org

Chapter 1: Introduction

3) Do you agree with the proposed set of annexes to be incorporated into the draft Framework? Strongly agree, partly agree, neither agree nor disagree, **partly disagree, strongly disagree.**

a) Please provide your reasons, particularly if you disagree.

Partly disagree

The Rivers Trust supports Wildlife and Countryside Link's response to this question, particularly regarding the need for stronger requirements on carbon emissions in Annex C and changes to Annex E on Green Belt as per the [Green Belt for Nature](#) briefing.

We would also like to see changes made to the Glossary in Annex B to strengthen environmental considerations throughout the NPPF.

Firstly, while we welcome the clear inclusion of blue spaces within the definition of "Green infrastructure" in Annex B and the specific reference to rivers as part of this, we consider that it is necessary to expand the term to "Green and blue infrastructure". This would explicitly signpost the importance of blue features in providing multi-functional benefits. The need to manage water more responsibly and proactively in our landscapes, both urban and rural, will only increase as climate change impacts increase, so it is vital that planning policy maximises opportunities for blue infrastructure.

Secondly, The Rivers Trust is concerned that the definition of "Irreplaceable habitat" is still too narrow and not up to date, creating serious risks that highly vulnerable sites will not be adequately protected in the planning regime. This is not a new issue, as we have been one of many environmental organisations that have raised this specific concern in previous consultations on the NPPF. The Rivers Trust supports Wildlife and Countryside Link's proposed change to the definition, which more effectively recognises the ecological distinctiveness, long establishment times, and uniqueness of these habitats, and would strongly urge the government to include chalk streams in the definition. With 85% of the world's chalk streams located in England, we carry an international responsibility to safeguard these globally rare habitats. However, the Environment Agency's most recent data shows that 83% of chalk stream waterbodies fail to achieve good ecological status. The NPPF must integrate robust protections for these uniquely British rivers and including them explicitly in the definition of irreplaceable habitat would be an important step in this direction.

Furthermore, the government should publish for consultation the long-awaited and promised full list of irreplaceable habitats. This is critical to ensure that the list is up to date and fit for purpose to support the government's aims of delivering its

Environmental Improvement Plan and meeting Environment Act targets around biodiversity.

5) Do you agree with the proposed approach to simplifying the terminology in the Framework where weight is intended to be applied? Strongly agree, partly agree, neither agree nor disagree, **partly disagree, strongly disagree**

a) Please provide your reasons, particularly if you disagree

Partly disagree

The Rivers Trust recognises the intention to simplify and improve the consistency of language through the NPPF. However, we are concerned that the replacement of a range of terms with a single term, “substantial”, may reduce the ability of the NPPF to clearly signal the relative importance of different policy objectives. We perceive a key risk around less weight being afforded to environmental protection, nature recovery, and climate objectives when balanced against development-focused policies and housing targets.

This risk is further substantiated by the fact that, in the revised NPPF, “substantial weight” is almost entirely reserved for policies focusing on development and infrastructure provision. While some of these policies may have an indirect benefit for the environment or climate resilience, it is still highly concerning that only once is “substantial weight” given to a policy directly protecting and promoting natural spaces, in the case of policy N4 for the conservation and enhancement of Protected Landscapes. Environmental priorities are grounded in statutory duties and targets, including under the Environment Act and Climate Change Act, and in international obligations. These considerations require strong and explicit policy signals within the Framework.

The Rivers Trust urges the government to review the use of “substantial weight” through the NPPF and ensure that it is not tipping the balance away from environmental and climate objectives.

Chapter 2: Plan-making policies

PM1: Spatial Development Strategies

6) Do you agree with the role, purpose and content of spatial development strategies set out in policy PM1? Strongly agree, partly agree, neither agree nor disagree, **partly disagree, strongly disagree.**

a) Please provide your reasons, particularly if you disagree.

Partly disagree

The Rivers Trust supports the principle of a plan-led system that takes a strategic approach to coordinating development and land use; a strategic approach is critical to

effectively addressing cross-boundary issues such as climate mitigation and adaptation, and nature recovery. It is also essential to addressing indirect and cumulative impacts of development and growth, such as abstraction for water supply, which require strategic measures to effectively manage and mitigate impacts. We welcome the requirement to identify broad locations for nature conversation and habitat enhancement, restoration and creation.

However, we are concerned that policy PM1 frames Spatial Development Strategies in a way that is overly weighted towards growth and housing and infrastructure delivery, with environmental and climate objectives treated largely as an add-on rather than a core element of spatial planning. PM1(1) frames the purpose of SDSs around “future growth and change”, “investment and growth” and “new housing”, without any mention of driving nature’s recovery or ensuring climate resilience. This is a major, and highly concerning oversight, considering that there are clear wins to be made, but also fundamental losses to avoid, through better management of our natural environment and climate risks. We are concerned that this overly growth-focused approach will only exacerbate existing pressures on the natural environment, for example over-abstraction of waterways.

Therefore, SDSs must be explicitly required to contribute to compliance with environmental limits and objectives, for example under the Environment Act, Climate Change Act, and Water Framework Directive. This is essential to ensure that SDSs are planning for sustainable levels of development, including for the strategic infrastructure required to support development needs such as water supply and wastewater treatment. SDSs should be grounded in robust environmental evidence, and use nature recovery, climate resilience, flood risk, carbon storage and ecosystem services as fundamental constraints shaping where and how development occurs.

It is also highly unclear in PM1 how SDSs will interact with the anticipated Land Use Framework. The Land Use Framework should provide the strategic context for balancing development, food production, climate mitigation and nature recovery, and therefore should sit clearly within the hierarchy of plans and strategies that inform spatial development. Requiring explicit alignment of SDSs with the Land Use Framework would help ensure that local and strategic plans are consistent with national land use priorities, rather than considering infrastructure and growth in isolation. This would ensure that soundness supports sustainable outcomes, not simply deliverability of development.

Policy PM1 must include an explicit requirement for SDSs to plan for climate adaptation, as this will become an increasingly important land use consideration. The Rivers Trust is clear, for example, that government needs to take a far more proactive approach to making space for water in our landscapes, for example through river re-naturalisation, wetland creation, and floodplain reconnection, to effectively manage

flood and drought risk. While PM1(2)(f) sets out the requirement on SDSs to plan for strategic infrastructure needs, including for flood risk management, it is clearly drafted with engineered infrastructure in mind. PM1(2) must be revised to include a requirement for SDSs to plan for the natural infrastructure required, for nature's recovery and climate resilience.

Additionally, paragraph PM1(f) should specify that SDSs are required to identify and safeguard access rights as part of strategic infrastructure planning. This should explicitly include public rights of way, open access land, and National Trails, including the King Charles III England Coast Path and associated coastal margin. Public access paths are integral to green infrastructure, health and wellbeing, sustainable tourism and climate resilience. They should therefore be treated as essential strategic infrastructure within SDSs.

PM2: Local Plans

9) Do you agree with the role, purpose and content of local plans set out in policy PM2? Strongly agree, partly agree, neither agree nor disagree, **partly disagree, strongly disagree.**

a) Please provide your reasons, particularly if you disagree.

Partly disagree

The Rivers Trust supports the principle behind PM2 to ensure clearer, more streamlined, and timely local plans. We support the move to limit local plans to no more than ten measurable outcomes, which should ensure plans are more readily accessible, useable, and support greater accountability.

However, we are concerned that PM2 is overly weighted towards growth and development, with insufficient provision made for the environment and climate. While PM2 requires plans to set out specific proposals for improving the environment, this is not backed up by further detail in the rest of the policy, unlike additional directions regarding housing delivery and infrastructure. On the other hand, no mention is made of mitigating and adapting to climate change, which is a major omission.

At a time of growing biodiversity and climate crises, local plans must play a key role in providing for and driving delivery of nature protection and recovery, and climate mitigation and adaptation. To ensure local plans play their part, PM2 should more explicitly require local plans to set ambitious, measurable outcomes for climate, biodiversity and environmental quality, aligned with national, legal net zero and nature recovery objectives.

Additionally, The Rivers Trust would like to see nature recovery and/or climate adaptation signposted in PM2(1)(a)(iii) as an example of longer-term expectations that extend beyond the plan period. It is critical that the revised NPPF signposts

environmental and climate considerations wherever relevant to properly embed these objectives alongside growth and development.

PM6: General principles for Plan-making

11) Do you agree with the principles set out in policy PM6(1c), including its provisions for preventing duplication of national decision-making policies?

Strongly agree, partly agree, neither agree nor disagree, **partly disagree, strongly disagree.**

a) Please provide your reasons, particularly if you disagree.

Partly disagree

The Rivers Trust recognises the intention behind policy PM6(1)(c) to avoid unnecessary duplication of national policy, particularly where this can improve clarity, accessibility and efficiency in plan-making. Clear and consistent national decision-making policies can provide an important baseline and reduce the administrative burden on local planning authorities.

However, we are concerned that PM6(1)(c) risks being used primarily as a mechanism to constrain local ambition, rather than to rationalise policy or provide a consistent, robust baseline. National policy must allow local plans to adopt greater-than-baseline policies on ecological protection, nature recovery networks, and habitat enhancement; national policy should support, not constrain, local adoption of policies that help deliver legally binding environmental and climate targets.

National policy should set a strong minimum standard, while local plans must retain the ability to go further, demonstrate leadership, and drive innovation in environmental action and climate resilience.

PM8: Evidence for plan-making

13) Do you agree with the approach to the preparation of plan evidence set out in policy PM8? Strongly agree, partly agree, neither agree nor disagree, **partly disagree, strongly disagree.**

a) Please provide your reasons, particularly if you disagree.

The Rivers Trust agrees with the principle that plan evidence should be relevant, proportionate, up-to-date and based on reliable sources. We warmly welcome the encouragement to use existing evidence, joint working and standardised tools.

However, we are concerned that policy PM8 will drive plan-making towards over-reliance on modelling and desk-based assessment rather than being grounded in locally specific ecological data. This would carry significant risk around the accuracy and effectiveness of planning, so PM8 must include stronger reference to the need for environmental data and ecological evidence. Furthermore, local plans should be

explicitly required to draw on existing evidence in LNRSs and Local Environment Record Centres.

PM9: Identifying land for development

14) Do you agree with the approach to identifying land for development in PM9? Strongly agree, partly agree, neither agree nor disagree, **partly disagree, strongly disagree.**

a) Please provide your reasons, particularly if you disagree.

Partly disagree

While The Rivers Trust supports the principle of a strategic and transparent approach to identifying land for development, and assessing for availability, suitability, and achievability of said development, we are concerned that PM9 is overly focused on development, with insufficient attention paid to recognising where land is not suitable for development. PM9 does not take a suitably holistic approach and separates development need from environmental limits and resilience risks.

Local plans should be required to explicitly identify and safeguard land for nature recovery, ecosystem services, flood management, carbon storage and climate adaptation, informed by Local Nature Recovery Strategies, wider environmental evidence, and the Land Use Framework. Some areas of land must be prioritised and ring-fenced for use other than development, due to their particular characteristics and location, for example land needed for coastal roll-back or flood management. The upcoming Land Use Framework is intended to help guide this process of prioritisation of land use, so must be fully embedded in the NPPF's policies.

Without a stronger requirement to assess environmental limits and land that should be protected or restored, there is a risk that PM9 reinforces a development-first approach, rather than supporting genuinely sustainable and resilient spatial planning.

PM13: Setting standards

18) Do you agree with policy PM13 on setting local standards, including the proposal to commence s.43 of the Deregulation Act 2015? Strongly agree, partly agree, neither agree nor disagree, **partly disagree, strongly disagree.**

a) Please provide your reasons, particularly if you disagree.

Partly disagree

The Rivers Trust disagrees with the approach taken in policy PM13, which will reduce local power and decision-making and constrain local ambition. In the context of compounding climate and biodiversity crises, it is essential that local authorities are able to set higher standards where justified by local evidence. The proposed constraining approach will undermine the government's ability to meet international

and national environmental and climate targets, and their stated commitment to enhancing devolution.

We do welcome the proposed flexibility around local standards for water efficiency, whereby local authorities can apply the tighter Building Regulations optional requirement where justified, or exceptionally apply a more stringent local standard in areas of serious water stress. However, we urge the government to go further than this by taking a more proactive, preventative approach, by allowing local authorities to set tighter standards before an area reaches serious water stress. We would like to see flexibility for local plans to set stringent local standards in areas where rivers are already classed as over-abstracted or where there is potential for water stress. This will ensure we are pre-empting issues rather than waiting for them to set in and disrupt development and cause potentially irreversible harm to our natural environment.

The Environment Agency has issued a stark message that “achieving greater water efficiency must be a national priority, requiring coordinated efforts from government, water companies and consumers.” With England facing a water supply deficit of 6bn litres per day by 2055, the government must ensure that all sectors, at national, regional and local levels, take an ambitious and proactive approach to managing water resources. Creating a much stronger and prevention-focused policy in PM13 for setting local water efficiency standards is a key part of this puzzle that the government must act on urgently.

PM14: Examining Spatial Development Strategies

19) Do you agree that the tests of soundness set out in policies PM14 and PM15 will allow for a proportionate assessment of spatial development strategies, local plans and minerals and waste plans at examination? Strongly agree, partly agree, neither agree nor disagree, partly disagree, **strongly disagree.**

a) If not, please explain how this could be improved to ensure a proportionate assessment, making it clear which type of plan you are commenting on?

Strongly disagree

While The Rivers Trust agrees broadly with the tests of soundness in policies PM14 and PM15, we are concerned that these policies are overly weighted towards delivering growth and development, with insufficient reference to environmental limits, climate objectives and nature recovery.

Firstly, the test for whether an SDS or local plan is “positive” is solely focused on delivering growth to meet development needs, rather than also requiring plans to make positive contributions to nature recovery and climate resilience. This is an extremely narrow approach that does not effectively address the accelerating biodiversity and climate crises, nor does it reflect the existence of environmental and climate targets.

Plans that are genuinely positive should not only deliver growth and development, but also contribute to climate mitigation and adaptation and environmental recovery.

Secondly, the test to determine whether an SDS is “appropriate” only names infrastructure and growth plans that need to be taken into account. The Rivers Trust considers it essential that LNRSs and the Land Use Framework must be referenced here, to ensure a more balanced approach, and to ensure that SDSs align with wider land use plans; coherence across land use plans is fundamental to appropriateness.

Finally, The Rivers Trust is deeply concerned that policy PM14(3) continues the over-reliance on plans from infrastructure providers, for example to ensure water supply, and critical water/wastewater infrastructure. The revised NPPF must drive more proactive engagement between the planning system and infrastructure providers, and ensure that engagement does not stop when a plan or decision is made.

In the water sector, plans are often under-delivered and are based on lower population growth and development forecasts, which means that plans are insufficient to meet actual need. For example, Water Resources Management Plans produced by water companies have been beset by delivery delays. The development of Havant Thicket reservoir was initially proposed to be complete by 2027 and is now expected to be operational in early 2030s. Chronic under-delivery is not adequately regulated; for example, despite receiving joint regulatory letters for under-performance on its Water Resources Management Plan over five consecutive years, Southern Water does not face further sanction beyond six-monthly meetings with regulators.

By creating a heavy reliance on these plans, the revised NPPF would bake in a critical risk, that development and growth is misaligned to the supply of key resources and infrastructure, which will result in blockages to development and leaves the environment exposed to harms, such as from pollution, over-abstraction/extraction. Rather than relying on one-off, assumption-based engagement, the revised NPPF must drive more active, ongoing engagement, monitoring, and adaptive planning with infrastructure providers, such as water companies.

This approach would align with the Environment Agency’s advice, which clearly states that a “much stronger link with local development planning is needed including an enhanced demand management framework that allows further interventions in specific places. This should be considered where either growth is higher than forecast, delivery falls behind schedule, or environmental sensitivities prove to be more acute than previously thought. This could include water credit schemes, retrofitting programmes, prioritised smart meter installations and higher water efficiency standards in new buildings.”

Policy PM14(3) must be strengthened, to require more in-depth engagement and assessment, and to highlight that engagement will need to continue.

Chapter 3: Decision-making policies

DM1: Preparing development proposals

21) Do you agree with the principles set out in policy DM1? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

Partly agree

The Rivers Trust supports the principle of early engagement and early resolution of key matters; pre-application engagement is critical to smoothing out potential barriers and identifying the most effective solutions.

However, while we recognise that the process should not be weighed down by unnecessary steps, we are concerned that the push for proportionality and “minimum necessary information requirements” risks incentivising light-touch, desk-based, box ticking approaches, that carry a high risk of inaccuracy and incompleteness.

We are also concerned that DM1 places insufficient emphasis on the environment. It does not explicitly require development proposals to demonstrate how they contribute to, or at least align with, statutory environmental goals, including climate mitigation and adaptation, biodiversity recovery and environmental improvement. Early engagement should not only focus on resolving procedural planning matters, but also on identifying environmental constraints, opportunities for nature recovery, and alignment with Local Nature Recovery Strategies and other environmental evidence.

DM3: Determining Development Proposals

24) Do you agree with the principles set out in DM3? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

Partly agree

While The Rivers Trust supports the principle of a positive and proactive approach to engaging with applications, we are concerned that DM3 is drafted in a way that is weighted towards approval. DM3 needs to include a clearer emphasis on the need for decision-makers to recognise critical limitations and statutory requirements, for example relating to environmental protection, carbon budgeting and adaptation duties.

DM7: Relationship with Other Regulatory Regimes

30) Do you agree that policy DM7 clarifies the relationship between planning decisions and other regulatory regimes? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

Strongly disagree

The Rivers Trust has serious concerns that policy DM7 takes an overly permissive approach to other regulatory regimes, thereby heightening risks of environmental harm. DM7 requires decision-makers to assume, unless there is clear evidence to the contrary, that separate regulatory regimes will operate effectively. However, it is well-evidenced that regulatory regimes intended to protect the environment are not operating as required; for example, government is [off track](#) to meet environmental objectives such as those under the Environment Act targets and Water Framework Directive. Additionally, it is clear that regulatory regimes around infrastructure delivery are not strong enough, for example consistent under-delivery of water resources schemes by water companies, raising the risk of harm to the environment. Therefore, DM7 should direct planners to apply a heightened level of scrutiny as part of normal procedure to ensure development is genuinely sustainable.

Chapter 4: Achieving sustainable development

S1: Positive Plan-Making

S2: Producing a Spatial Strategy

34) Do you agree with the proposed approach to setting a spatial strategy in development plans? Strongly agree, partly agree, neither agree nor disagree, **partly disagree, strongly disagree.**

a) Please provide your reasons, particularly if you disagree.

Partly disagree

The Rivers Trust welcomes the recognition of the environment and climate change in policies S1 and S2.

We welcome the requirement in policy S1 for development plans to provide for new development and improvement of the environment, in a way that promotes a sustainable pattern of growth and seeks to mitigate climate change and adapt to its effects. However, we are concerned that the policy does not make explicit reference to meeting legal environmental and climate targets. While plans must meet “objectively assessed needs” for housing and supporting infrastructure, the provision of environmental improvement and climate resilience is left unquantified and vague. This risks reducing environmental and climate considerations to a discretionary add-on.

This risk is heightened by limitations of Footnote 23. As set out in our response to question 3, the definition of irreplaceable habitats is too narrow and out of date, leaving many of our most vulnerable natural spaces insufficiently protected. Chalk streams, for example, are not included in the list of irreplaceable habitats despite their highly vulnerable, complex, and sensitive nature, which supports a high level of biodiversity. Furthermore, we are concerned that Local Wildlife Sites are left out of Footnote 23. We

strongly urge the government to revise Footnote 23 and the linked definition of irreplaceable habitats, so that it provides comprehensive protection to our previous nature sites.

Similarly, we urge the government to strengthen the wording of S2(1)(c), which requires plans to identify land that is protected or proposed to be enhanced for specific purposes (such as habitat improvement) and which places on limits on whether development proposals may be acceptable. This wording should be strengthened to explicitly allow for the refusal of development (not just limitation) in some cases, such as in areas of high ecological value or required for climate adaptation. This would help reinforce the principle that planning policy must not only manage growth and development, but also safeguard the environment and support climate resilience.

Building on this point, The Rivers Trust considers it essential that this section should explicitly reference LNRSs and the Land Use Framework as essential tools to guide the identification and prioritisation of land for nature and climate outcomes.

35) Do you agree with the proposed definition of settlements in the glossary? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

S3: Presumption in Favour of Sustainable Development

36) Do you agree with the revised approach to the presumption in favour of sustainable development? Strongly agree, partly agree, neither agree nor disagree, partly disagree, **strongly disagree.**

a) Please provide your reasons, particularly if you disagree.

Strongly disagree

The Rivers Trust is highly concerned that the revised presumption is too heavily weighted in favour of development and risks undermining the principle of genuinely sustainable development.

We are alarmed by the fact that the natural environment and climate change is not reflected in the short objectives set out at the start of the chapter. While we recognise that the boxed text is not intended to be applied as policy, it is still a highly problematic mis-framing of the sustainable development chapter. We strongly recommend changing these objectives to include nature and climate change.

Furthermore, we are deeply concerned that the revised wording of the presumption in favour of sustainable development will reduce protections for the natural environment. According to S4 and S5, development should be approved unless the **benefits** of doing so would be **substantially outweighed** by any **adverse** effects, and this is **likely** to be

the case where the proposal would have an **unacceptable impact** on the application of NPPF policies, including those relating to wildlife habitats in policy N6, or where the proposal would fail to comply with a policy that requires refusal in specific circumstances (presumably including policy N6). The test is weak and highly subjective, with too much left to the discretion of the decision-maker. One key issue is around the use of the word “likely” in policies S4 and S5, which leaves a lot to the decision-maker's discretion, even in the case that the proposal will have an unacceptable impact or necessitates refusal.

Overall, we have serious reservations about the revised approach to the presumption in favour of sustainable development and the way in which it will potentially reduce protections for the environment.

S4: Principle of Development Within Settlements

37) Do you agree to the proposed approach to development within settlements? Strongly agree, partly agree, neither agree nor disagree, **partly disagree, strongly disagree.**

a) Please provide your reasons, particularly if you disagree.

Partly disagree

While The Rivers Trust recognises the value of trying to provide greater certainty for appropriate development within settlements, we are concerned that the proposed policy S4 appears to be weaker than the current NPPF in relation to nature protection.

S4 establishes a presumption that development within settlements should be approved unless the benefits of said development would be **substantially outweighed** by any adverse effects, and it is **likely** to be substantially outweighed where the proposal would have an **unacceptable impact** regarding policies relating to wildlife habitats (N6) or where the proposal would fail to comply with a policy that requires refusal in specific circumstances (presumably including policy N6). In contrast, the current NPPF requires development to be approved unless policies relating to wildlife habitats provide a strong reason for refusing. The revised test is weak and highly subjective. It is unclear what constitutes an “unacceptable impact”, by what criteria, and how any judgement of harm is to be balanced against unquantified or broadly defined “benefits”. Furthermore, the use of the word “likely” leaves a lot to the decision-maker's discretion, even in the case that the proposal will have an unacceptable impact or necessitates refusal. The combination of this tilted balance in favour of approval and various loose thresholds of “unacceptability, benefits and harm” risks creating an overly permissive framework in which significant harm to nature may be tolerated so long as decision-makers consider the benefits to outweigh it. It is unacceptable for the revised NPPF to weaken the environmental pillar of sustainable development, at a time of compounding climate and biodiversity crises.

We are also concerned that S4 risks creating nature deserts due to its overly permissive approach to development within settlements. There is a real risk that this will undermine urban nature protection and recovery, leaving communities without the health and wellbeing benefits of living and working near nature.

That being said, it is positive to see recognition of the importance of using land for water storage and flood risk management in S4. This will become an ever more important land use category in the face of climate change, when we will need to restore the health and function of our landscapes so that they are more able to hold water to prevent floods and reduce the impacts of drought.

S5: Principle of Development Outside Settlements

38) Do you agree to the proposed approach to development outside settlements? Strongly agree, partly agree, neither agree nor disagree, **partly disagree, strongly disagree.**

a) Please provide your reasons, particularly if you disagree.

Partly disagree

The Rivers Trust is also concerned around policy S5's approach to development outside settlements. We echo the response of Wildlife and Countryside Link, which states that S5 does not provide sufficient safeguards for the countryside and natural environment, and that its permissive framing, particularly in relation to minerals, energy and unmet housing need, risks significant and irreversible environmental harm. The policy should be strengthened to exclude fossil fuel extraction and to ensure that environmental limits, not housing shortfalls alone, determine what development is acceptable outside settlements.

In the same way as policy S4, policy S5 establishes a strong presumption in favour of approval for a wide range of development outside settlements, which should be approved unless the benefits of doing so would be substantially outweighed by adverse effects when assessed against national decision-making policies. This framing places the emphasis squarely on approval wherever "benefits" can be identified.

Although the policy notes that benefits are likely to be substantially outweighed where a proposal fails to comply with national policies that require refusal in specific circumstances, this still leaves considerable discretion in the balancing exercise. The concept of benefits being "substantially outweighed by adverse effects" is loosely defined, and there is no clear framework for how environmental harm, including cumulative and long-term ecological impacts, is to be assessed or weighted.

It is unacceptable that, in the context of a biodiversity crisis and with deadlines for environmental targets and commitments looming, the revised NPPF should weaken protections for the natural environment.

Chapter 5: Meeting the challenge of climate change

CC1: Planning for Climate Change

42) Do you agree with the approach to planning for climate change in policy CC1? Strongly agree, partly agree, neither agree nor disagree, **partly disagree, strongly disagree.**

a) Please provide your reasons, particularly if you disagree.

Partly disagree

The Rivers Trust broadly welcomes the approach taken in policy CC1, which sets out a more comprehensive list of climate trends, including wildfire for the first time as well as flood and drought risk and biodiversity impacts, and highlights the role of green and blue infrastructure and nature-based solutions in building resilience.

We welcome the requirement in CC1(1)(b) for plans to address any specific risks from climate change and necessary adaptations, and especially the explicit requirement to consider the anticipated lifetime of the development. It is critical that the planning system embeds this long-term perspective, to ensure plans and schemes implemented now are fit for the future. This policy is also a good example of where the use of prescriptive language, for plans to actively address risks and necessary adaptations, ensures the planning system is robust enough to drive essential outcomes.

In contrast, other areas of CC1 are weakened by passive and imprecise language, such as “take into account”, “help contribute” and “identifying opportunities”. Stronger, more prescriptive wording is required to ensure the planning system effectively drives climate change mitigation and adaptation. For example, policy CC1(1)(a)(i) requires plans to propose development patterns that “can help contribute” to emissions reductions; this wording is far too weak, considering the urgent need to mitigate climate change and make progress towards net zero targets. This policy should be changed to require plans to propose development patterns which will contribute to emissions reductions.

Similarly, while we welcome the requirement in CC1(1)(d) for plans to identify opportunities for green infrastructure provision and nature-based solutions, this policy should be strengthened. The language around “identifying opportunities” should be strengthened to be more prescriptive. Plans must drive the use of nature-based solutions where needed to build resilience; this is not a nice-to-have. Additionally, the NPPF should use “green and blue infrastructure” throughout to clearly signpost the importance of improved water management. The Rivers Trust would also like to see more ambitious approaches taken that go beyond isolated, small-scale nature-based solutions; planning policy must drive landscape-scale restoration that can have significant, widespread benefits for resilience.

It is good to see a link made to LNRs in policy CC1(1)(d), but this should be a more prominent, cross-cutting consideration in policy CC1 and should also require alignment with the Land Use Framework. The Land Use Framework should provide the strategic context for balancing different land uses, including for climate mitigation, and therefore must be clearly integrated in planning policies in Chapter 5 of the NPPF.

Finally, while The Rivers Trust welcomes the proposed flexibility around setting tighter local standards for water efficiency, we consider that this policy should take a more proactive/preventative approach, and we are deeply concerned that other restrictions on local standard setting in policy PM13 will have a seriously detrimental impact on planning for climate mitigation and adaptation. This would undermine the wider approach taken in Chapter 5 and provided for in CC1, and would fly in the face of the fact that transitioning to net zero and adapting to a changing climate should be a core objective of the planning system. As set out in our response to question 18, Policy PM13 should take a more proactive, preventative approach, by allowing local authorities to set tighter standards before an area reaches serious water stress. We would like to see flexibility for local plans to set stringent local standards in areas where rivers are already classed as over-abstracted or where there is potential for water stress. This will ensure we are pre-empting issues rather than waiting for them to set in and disrupt development and cause potentially irreversible harm to our natural environment.

CC2: Mitigation of Climate Change

43) Do you agree with the approach to mitigating climate change through planning decisions in policy CC2? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Partly disagree

The Rivers Trust welcomes the clear recognition of the role of nature in mitigating climate change, with reference to the protection, creation or restoration of habitats that act as carbon stores. However, this section of the policy must be strengthened, firstly to more clearly apply the mitigation hierarchy, with clear prioritisation of avoidance of harm to existing habitats that act as carbon stores. Furthermore, the policy should emphasise the importance of long-term stewardship, requiring that habitats that are protected, created or restored are sustainably managed to ensure that the policy delivers genuine and lasting climate mitigation benefits, which also supporting nature recovery objectives. Such a long-term approach is proposed for sustainable drainage systems in policy F8 and for trees in policy N3, so should also be implemented to nature-based mitigation approaches in CC2.

CC3: Adaptation to Climate Change

44) Do you agree with the approach to climate change adaptation through planning decisions in policy CC3? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) What additional measures could be taken to ensure climate change adaptation is given appropriate consideration?

Partly agree

The Rivers Trust welcomes the approach taken to climate change adaptation in CC3, which accounts for the whole lifetime of the scheme and recognises the use of sustainable drainage and nature-based solutions. As per our previous responses, The Rivers Trust would strongly recommend amending wording to refer to “green and blue infrastructure” throughout the NPPF; this more clearly signposts the diversity of nature-based approaches.

It is clear that water, both in excess and deficit, will be a key way in which climate change is felt by communities and businesses. Therefore, water management must be at the forefront of planning policy for climate adaptation. Policy CC3 should be strengthened by making explicit reference to incorporating river buffers within development proposals; creating space around rivers and waterways is a key way in which we can manage climate change impacts while also supporting biodiversity and promoting health and wellbeing through nature access. Through alignment with LNRs and engagement with catchment plans, development proposals should be directed to leave space around waterways that can provide a multitude of benefits.

45) Does the policy on wildfire adaptation clearly explain when such risks should be considered and how these risks should be mitigated? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons

Partly disagree

The Rivers Trust welcomes the recognition of the growing risk of wildfire in the revised NPPF, following the recent inclusion of water scarcity in the previous iteration of the NPPF. The planning system is achieving a more comprehensive representation of climate-related risks to people and nature, which is an essential first step towards managing these risks effectively.

The policy provides a helpful starting point for managing wildfire risk and gives some practical examples of mitigation measures. However, the policy could go further to provide clearer direction and wider mitigation approaches. For example, key terms used such as “heightened risk” and “where possible” are open to interpretation, and there is

limited direction on how wildfire risk should be assessed, who should undertake this assessment, and how it should be balanced against other planning considerations.

Additionally, the mitigation measures suggested are engineered solutions, but could include nature-based approaches involving re-wetting peatland or floodplains, and restoring natural river pathways and riparian habitats. Using nature-based approaches, especially at larger, landscape-scale, will be essential to building wider national resilience to the impacts of a changing climate.

46) How should wildfire adaptation measures be integrated with wider principles for good design, and what additional guidance would be helpful?

Wildfire adaptation measures should be fully integrated with wider principles for good design via place-making, nature-based, and landscape-scale approaches, rather than as an isolated issue. Good design should incorporate green and blue elements to improve resilience to a number of climate-related impacts including over-heating, water scarcity, and wildfire.

The Rivers Trust would also like to emphasise that wildfire risk must be addressed at a landscape scale, not just at individual site level, to secure long-term, wide-reaching benefits. To enable this approach, the NPPF should provide stronger support for large scale nature based solutions, such as rewetting degraded landscapes, particularly peatlands and other dry habitats, and restoring and re-naturalising rivers and their corridors/floodplains.

National guidance would be helpful in setting out clearer and more consistent approaches to assessing wildfire risk, including the use of climate projections and land cover data. It should also clarify relevant standards for fire-resilient landscape design and the use of appropriate materials, and provide direction on how wildfire adaptation can be effectively integrated with biodiversity policies, Sustainable Drainage Systems (SuDS), and wider green infrastructure strategies.

47) Do you have any other comments on actions that could be taken through national planning policy to address climate change?

National planning policy has a key role to play in addressing climate change. Land use will have to change as a result, and planning policy has a key role in deciding whether this change is largely reactive, or more proactive and preventative.

Broadly, national planning policy should embed a clear presumption in favour of nature-based solutions, which deliver wide benefits to the economy, communities and environment.

The Rivers Trust strongly urges the government to make space for water across our landscapes, by restoring rivers, reconnecting floodplains, and creating wetlands, as this is a key way in which we can adapt to the increasing risk of both drought and flooding.

Making space for water must be a land use principle embedded across the planning system, including in the NPPF and the upcoming Land Use Framework.

As part of the Riverscapes Partnership leading the [Making Space for Water](#) campaign, The Rivers Trust has advocated for the role that nature-rich corridors along rivers can play in building resilience, improving biodiversity, increasing access to nature and supporting farm productivity. We strongly urge the government to embed the campaign vision for a national network of interconnected nature-rich river corridors into its plans to achieve environmental and climate targets. National planning policy must then help turn this vision into a reality by recognising the importance of protecting and enhancing river corridors in plan-making and decision-making.

Chapter 6: Delivering a sufficient supply of homes

Chapter 7: Building a strong, effective economy

E1: Providing the conditions for long term economic growth

84) Do you agree that more emphasis should be placed on relevant national strategies and the need for flexibility in planning for economic growth, as drafted in policy E1? Strongly agree, partly agree, neither agree nor disagree, **partly disagree, strongly disagree.**

a) Please provide your reasons, particularly if you disagree

Partly disagree

The Rivers Trust supports the principle of aligning local plans with more strategic direction provided by national strategies, however we are concerned that policy E1 places disproportionate weight on growth and investment without equivalent weight given to environmental limits, climate obligations, and nature recovery. Additionally, local plans must still be able to adapt to local needs and priorities.

Policy E1 refers to the Industrial Strategy, and the identification of Industrial Strategy Zones and AI Growth Zones. The Rivers Trust strongly recommends that E1 also requires alignment with the upcoming Land Use Framework, which should provide a strategic spatial steer for different land uses. The Land Use Framework must be embedded in planning policy to ensure that damaging or land-intensive development is directed away from areas of highest value or potential for nature recovery, climate mitigation and ecosystem services, as this is critical to achieving sustainable, resilient development and growth. Without such alignment, there is a risk of planning policy sending conflicting signals between economic growth policies and environmental land use priorities.

The Rivers Trust is concerned that policy E1 is overly weighted towards industry, without any recognition of environmental limits. Plans are required to allocate sites to meet the

needs of a modern economy, including for knowledge, data-driven, creative or high technology industries, however there is no sense in either policy E1 or E2 of the natural capital required to underpin this growth in industry. Plans are required to “seek to address” potential barriers such as “a poor environment”; it is highly unclear what is meant by “poor environment” and the duty is weak anyway as it does not require action.

Policy E1 must be revised to make absolutely clear that growth and commercial development must be subject to environmental safeguards, nature recovery objectives and environmental assessment requirements.

E2: Meeting the need for business land and premises

85) Do you agree with the approach to meeting the need for business land and premises in policy E2? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

Partly disagree

The Rivers Trust recognises the importance of securing an adequate supply of land and premises to support business growth and economic resilience. However, we are concerned that Policy E2 places disproportionate weight on short-term economic growth with insufficient emphasis on long-term sustainability through recognition of environmental limits, climate obligations, and nature recovery.

Policy E2 requires decision-makers to give substantial weight to the economic benefits of commercial development proposals, which will result in systematic outweighing of environmental and climate considerations. This is wholly inappropriate, considering the existing of statutory environmental and climate commitments, and the principle of sustainable development which requires balancing of the three pillars including the environment. This formulation creates a significant risk that environmental compliance and gains are sidelined, rather than embedded as an essential requirement for sustainable development. “Substantial weight” should only apply to business developments that can demonstrate they are aligned with statutory environmental targets. This should not extend to the expansion of environmentally harmful operations, including those requiring environmental permits.

Furthermore, policy E2(2)(b) should be amended to explicitly require consideration of environmental limitations and constraints alongside infrastructure availability. Just as grid connections or water capacity may make certain locations particularly suitable, ecological sensitivity, carbon storage value, flood risk, or importance for nature recovery should be recognised as valid and decisive spatial considerations.

The Rivers Trust also echoes Wildlife and Countryside Link’s response, which recommends that policy E2 should give greater recognition to nature-friendly and

nature-based businesses as part of meeting business land needs. There is significant potential for economic development models that actively contribute to ecosystem restoration, climate resilience and rural livelihoods.

Chapter 10: Securing Clean Energy and Water

W1: Planning for Energy and Water

96) Do you agree with the approach to planning for energy and water infrastructure in policy W1? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree, what alternative approach would you suggest?

Partly disagree

While The Rivers Trust welcomes the intention behind policy W1 to ensure the planning system is aligned with and talking to energy and water infrastructure providers, we are concerned that the policy does not take account of environmental objectives and environmental limits.

Firstly, we are highly concerned that the short objectives set out at the start of the chapter do not include targets for the water environment, nor does it include the Environment Act target to reduce use of public water supply per head of population by 20% by 2038. While we recognise that the text in these boxes is not to be used as policy, it is still important that the text provides the full context for the chapter ahead, including signposting environmental objectives where relevant.

Secondly, we are deeply concerned that policy W1 takes into account the impacts of “planned growth, changing consumption patterns and climate change, as well as relevant infrastructure plans”, but does not mention anywhere the need to protect and restore our environment, as required by legally binding environmental targets. Critically, this chapter must take into account the need to protect and restore our water environment, as required under the Water Framework Directive. This is a hugely significant omission in this chapter that must be rectified.

Welcome direction in policy W1 for planning to be informed by early engagement between plan-makers, utility providers, regulators and network operators, to ensure shared understanding of current supply and infrastructure, and requirements for additional infrastructure provision. Early engagement is critical, to address potential risks and to identify opportunities and solutions. As stated above, W1 must take into account environmental limits and environmental targets, to ensure that development and growth is genuinely sustainable and fit for the future.

To be effective, early engagement must not be limited to surface-level assumptions based on existing infrastructure plans, such as Water Resources Management Plans. There are demonstrable issues around infrastructure plans, such as WRMPs, including the background assumptions (e.g., population growth forecasts) and level of actual delivery (e.g., chronic under-delivery of WRMP schemes). Therefore, the revised NPPF must ensure that development plans are based on ongoing engagement, monitoring, and adaptation, to ensure that they are going to meet actual demand and deliver genuine benefits.

The NPPF must establish key touchpoints for engagement across sectors and planning processes, but it is essential that the government ensures wider reforms, for example as a response to the Independent Water Commission, drive improved join-up and adaptive planning across sectors. The Environment Agency has made clear that a much stronger link between development and water resources planning is required to support growth, environmental, and climate objectives, including “an enhanced demand management framework that allows further interventions in specific places. This should be considered where either growth is higher than forecast, delivery falls behind schedule, or environmental sensitivities prove to be more acute than previously thought. This could include water credit schemes, retrofitting programmes, prioritised smart meter installations and higher water efficiency standards in new buildings.” The Rivers Trust has long called for more joined-up planning across sectors to enable more effective delivery of development, nature recovery, and climate resilience; we made a clear case to the Independent Water Commission for the need for a new regional governance framework. We are actively engaging with the government as it develops its approach to regional systems planning. This is a critical opportunity to ensure the planning system is better integrated with the water sector, and to drive more proactive and adaptive planning, and more rigorous monitoring of delivery.

W4: Water Infrastructure

99) Do you agree with the proposed approach to supporting development for water infrastructure in policy W4? Strongly agree, partly agree, neither agree nor disagree, **partly disagree, strongly disagree.**

a) Please provide your reasons, particularly if you disagree.

Partly disagree

The Rivers Trust welcomes the focus on increasing water infrastructure capacity in policy W4(1), which gives “substantial weight” to providing capacity and improving water quality and reducing water-borne pollution. This is an area in which substantial weighting is particularly well-justified, as the benefits are genuinely cross-cutting for development, communities, the environment, and climate resilience.

We are particularly glad to see that improving water quality is given substantial weighting in policy W4(1), reflecting government targets in the Environment Act, Environmental Improvement Plan, and Water Framework Directive, and the weight of public concern around this issue. However, we strongly urge the government to go further, recognising the wider benefits to water quantity, biodiversity, and habitat function, which can be secure through appropriate water infrastructure provision. The revised NPPF should take this holistic approach to the water environment, reflecting wider government recognition, in their Water White Paper, of the need to embed an integrated, systems-thinking approach to the water environment.

However, The Rivers Trust is concerned by policy W4(2), which sets out that applicants should not be required to demonstrate the need for water infrastructure developments. We are unclear why this policy provision has been included and whether this will undermine the need for more proactive and transparent engagement between the planning sector, developers, and infrastructure providers. Many stakeholders have long called for water companies to be made statutory consultees for planning applications in order to drive more direct engagement with planners and developers. It is absolutely essential that planning policy drives meaningful engagement and identifies issues that will otherwise arise later in the planning process, or even further down the road when habitats and wildlife feel the pressure. The government must ensure that policy W4 does not create even further disconnect between planning and infrastructure provision.

Chapter 12: Making effective use of land

L1: Planning for an Effective Use of Land

114) Do you agree policy L1 provides clear guidance on how Local Plans should be prepared to promote the efficient use of land? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

Partly agree

The Rivers Trust supports the principle behind policy L1 to make effective and efficient use of land. This essential to ensure that all critical land uses, including for nature recovery and climate resilience, can be supported by our limited supply.

That being said, it is important that policies around increasing density manage the risks around loss of urban biodiversity and access to nature, with all the health and wellbeing benefits these provide.

We welcome the use of design guides and design codes to establish common design principles that help ensure development is high-quality and makes effective use of land. The Rivers Trust would like policy L1(1)(a)(ii) to highlight nature/biodiversity measures or climate resilience measures, such as SuDS, as design coding for these approaches would help drive meaningful outcomes, consistency, and increase uptake.

The Rivers Trust warmly welcomes policy L1(1)(b)(ii) on taking opportunities to secure multiple benefits including securing net environmental gains. This approach that embraces development and nature together must be embedded in planning policy to ensure we are able to meet the demands of business, people, and nature. The Rivers Trust would recommend highlighting river corridors as a strong example of how to efficiently use land to deliver benefits for development, communities and nature.

115) If not, what further guidance is needed?

The Rivers Trust supports the response submitted by Wildlife and Countryside Link, which recommends that further guidance is needed to ensure that maximising the use of previously developed land under Policy L1 does not inadvertently undermine biodiversity and urban nature recovery objectives. Brownfield land is not always of low ecological value; many sites support priority habitats and species and can contribute significantly to Local Nature Recovery Strategies and wider environmental goals. The Framework should therefore make clear that plan-makers must undertake proportionate ecological assessment of brownfield allocations, identify sites of high biodiversity value, and ensure redevelopment avoids harm, retains important ecological features where feasible, and secures measurable biodiversity net gain aligned with strategic nature recovery priorities. This would help ensure that effective land use is defined not only by density, but also with reference to other statutory objectives

L2: Making Effective Use of Land

116) Do you agree policy L2 provides clear guidance on how development proposals should be assessed to ensure efficient use of land? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

Partly agree

The Rivers Trust supports the intention of policy L2 to ensure more efficient use of land, particularly through remediation of degraded land and re-use of underutilised land/buildings. However, we are concerned that the “substantial weight” given to development proposals in this policy will inappropriately outweigh environmental considerations.

Therefore, The Rivers Trust recommends that the policy more clearly aligns with statutory nature recovery targets and environmental commitments. Furthermore, brownfield land is not necessarily of low ecological value; many previously developed sites support priority habitats and species, particularly in urban areas. Therefore, in seeking to optimise land use through densification, decision-makers should be required to give proper consideration to existing ecological value of sites and their contribution to Local Nature Recovery Strategies, urban cooling, sustainable drainage and access to nature.

Chapter 14: Achieving well-designed places

DP1: A Strategy for Design

146) Do you agree that policy DP1 provides sufficient clarity on how development plans should deliver high quality design and placemaking outcomes? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

Partly agree

The Rivers Trust welcomes the approach in policy DP1 to encourage design guides and codes that deliver design and placemaking outcomes. To make the policy stronger and more effective, The Rivers Trust recommends that it sets out certain areas that would benefit from coding, for example nature recovery, climate resilience, health and wellbeing. This would draw planners' attention to these key areas delivering public benefits.

However, The Rivers Trust is clear that, while design coding has an important role to improve quality and consistency of delivery, it is not a proper substitute for regulation. In some key areas, more consistent and universal delivery should be achieved through amendments to Building Regulations. One such area is water management and usage; for example, water efficiency and re-use measures are urgently required to manage the significant water supply risks identified by the Environment Agency. As the Environment Agency has stated that "achieving greater water efficiency must be a national priority", there is a clear and pressing case for addressing this issue through mandatory measures rather than voluntary design guides.

DP2: Design Guides, Design Codes and Masterplans

147) Do you agree with the approach to design tools set out in policy DP2? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

Partly agree

The Rivers Trust welcomes the approach set out in policy DP2, which recognises that design guides/codes should be informed by local context, including environmental context, and should be supported by monitoring and review processes. It is very positive to see the inclusion of effective community engagement in this policy.

However, DP2 would benefit from stronger and more explicit direction to ensure that biodiversity protection, nature recovery and climate resilience are embedded as core, measurable components of all local design guides, codes and masterplans. We suggest adding reference to ensure that all guides and codes take into account relevant national guidance as well as Local Nature Recovery Strategies, local Nature Recovery Network

maps, Catchment Plans, and local tree and woodland strategies. Aligning design tools with these strategies would ensure that site-specific and area-based codes actively contribute to nature recovery, rather than merely avoiding harm.

DP3: Key Principles for Well-Designed Places

148) Do you agree policy DP3 clearly set out principles for development proposals to respond to their context and create well-designed places? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

Partly agree

The Rivers Trust partly agrees with policy DP3, which sets out key principles for well-designed places covering the themes of context, liveability, climate, nature, movement, built form, public space and identify. We are particularly glad to see that nature is given its own section in the principles. We agree that substantial weight should be given to proposals that comply with these principles, as this ensures improved outcomes for development, people, and nature.

However, there are a few important changes we recommend making to strengthen DP3. Firstly, the section on climate should include the use of green and blue infrastructure and larger-scale nature-based solutions that increase resilience to climate change impacts. This addition will improve coherence across the NPPF and ensures that nature-based approaches are embedded in the framework for good design.

Secondly, the section on nature must include increasing biodiversity as a key outcome to be achieved through good design. Additionally, this section should include the protection of existing natural features, such as hedgerows and river corridors, as well as maintaining tree cover. Preserving and building on existing features is efficient, effective, and aligns with the mitigation hierarchy principle to avoid harm first.

Chapter 15: Promoting sustainable transport

TR1: Vision-Led Approach to Planning for Transport

150) Do you agree that policy TR1 will provide an effective basis for taking a vision-led approach and supporting sustainable transport through planmaking? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

Partly disagree

The Rivers Trust supports the introduction of a clear vision-led approach to transport. Transport plans must be embedded from earliest stage of plan-making in order to achieve the best results for communities, businesses, infrastructure providers, and environment. However, as currently drafted policy TR1 does not recognise the

environmental and climate change considerations plans must account for to ensure transport is genuinely sustainable.

TR1 should be strengthened by including a specific requirement for plans to consider the environmental impacts of transport, including how to locate transport to minimise potential environmental impacts and how to use green and blue infrastructure to mitigate impacts.

Additionally, TR1 does not mention the need to adapt to climate change, which will have wide-ranging impacts on the transport system. TR1 must be revised to include provisions for plans to consider and adapt to the impacts of climate change on the transport system.

TR3: Locating Development in Sustainable Locations

152) Do you agree with the changes proposed in policy TR3(1a), including the reference to proposals which could generate a significant amount of movement, and the proposed use of the Connectivity Tool? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

Partly disagree

The Rivers Trust welcomes the focus in policy TR3(1)(a) on directing development to where it can support sustainable patterns of movement. This is the most effective approach to secure positive outcomes for communities, businesses, and the environment.

It is very positive that TR3(1) includes a specific section on environmental impacts. Transport infrastructure and activities have many chronic impacts on the environment, so it is essential that development proposals take a proactive approach to addressing these impacts. However, we are concerned that the language in TR3(1)(c) is currently weak, only requiring proposals to identify, assess, take into account and take opportunities to address the environmental impacts. This passive language is not commensurate with the scale of the nature and climate emergencies or the UK's associated legal targets. Stronger, more directive language is needed to require the avoidance and mitigation of harm and the fragmentation of habitats and ecological networks as a matter of course, alongside the delivery of measurable net environmental gains.

Finally, in the same way as TR1, TR3 does not mention climate change, which will have wide-ranging impacts on the transport system. TR3 must be revised to require development proposals to consider and adapt to the impacts of climate change on the transport system.

TR6: Assessing Transport Impacts

TR8: Public rights of way

157) Do you agree with the additional policy on maintaining and improving rights of way proposed in policy TR8? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

The Rivers Trust welcomes the policy in TR8 which intends to maintain and improve public rights of way. This is essential to ensure the planning system supports delivery of the government's commitment to nature access in the EIP2025. Improving, extending, and connecting rights of way is key to providing access to nature, promoting health and wellbeing, and supporting active and sustainable travel.

That being said, we consider that the wording needs to be strengthened to require the protection and enhancement of existing rights of way, not just maintenance. Increased access must be accompanied by improvements to the quality, extent, and ecological value of the environment around these pathways to reap the full potential social and health and wellbeing benefits.

Additionally, TR8 must be strengthened to ensure that any diversions of existing rights of way are of equal or better quality, safety, accessibility, and user experience (including the presence of high quality nature spaces).

Chapter 16: Promoting healthy communities

HC1: Planning for healthy communities

158) Do you agree with the approach to planning for healthy communities in policy HC1, including the expectation that the development plan set local standards for different types of recreational land, drawing upon relevant national standards? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

Partly agree

The Rivers Trust welcomes the focus on creating healthy and inclusive places in HC1, including reference to open and green spaces. We welcome the recognition of the need for plans to understand existing deficits and additional expected requirements for community spaces; plans must be responsive to real local need. HC1 highlights the responsibility of plans to allocate land for community facilities and public service infrastructure.

The Rivers Trust would like to see more explicit recognition of the role natural spaces play in boosting health and wellbeing. We need more nature-rich spaces, with a mix of

blue and green features, to support community health and happiness; in fact, blue spaces have been found to provide greater mental health benefits than purely green spaces. HC1 would be strengthened by including specific provisions on nature and biodiversity recovery, and alignment with LNRs.

Chapter 17: Pollution, Public Protection and Security

P1: Planning for Clean, Liveable and Healthy Places

165) Do you agree with policy P1 as a basis for identifying and addressing relevant risks when preparing plans? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

Partly disagree

The Rivers Trust welcomes policy P1 requirements on planning to improve environmental conditions and reduce pollution risks; we particularly welcome the recognition of the cumulative impacts of development, and the emphasis on reducing pollution through strategic nature-based solutions.

However, policy P1 could be strengthened to more effectively protect and restore the environment. Firstly, policy P1(b) requires plans to allocate land for development where development will not cause unacceptable levels of pollution that effects occupiers, users, and vulnerable communities, but does not mention the natural environment. The Rivers Trust recommends including the environment in this section, so that plan makers are clear that development must be allocated in a way that avoids unacceptable pollution of natural spaces. The Rivers Trust is clear that the right development must happen in the right places to reduce avoidable impacts on the environment.

Additionally, policy P1(c) should be strengthened so that plans are required to actively identify opportunities, rather than just consider them, to reduce pollution and contribute to compliance with environmental targets and objectives. This would help drive a strategic approach to addressing pollution risks to the environment.

The Rivers Trust is also concerned that policy P1 takes a narrow view to development impacts on the environment, focusing only on pollution. We would strongly recommend P1 is extended to also take account of the effects of physical encroachment and modification on waterways. The Rivers Trust urges the revised NPPF to draw particular attention to leaving space around waterways; plans should identify opportunities to leave space around waterways, such as corridors along rivers, as this is a straightforward way to reduce multiple risks of development, including pollution, erosion, compaction. This should be done at a strategic plan level, to enable joining up of these natural spaces into natural, biodiverse corridors.

We remain highly concerned that indirect impacts, such as abstraction to support increased water supply, are not sufficiently addressed in the revised NPPF. This is another key impact from development that is having a devastating impact on our waterways, but is not being adequately addressed and will only become more of an acute challenge as a result of population growth, further development, and climate change.

P3: Living Conditions and Pollution

167) Do you agree with the criteria set out in proposed policy P3 as a basis for securing acceptable living conditions and managing pollution? Strongly agree, partly agree, neither agree nor disagree, **partly disagree, strongly disagree.**

a) Please provide your reasons, particularly if you disagree.

Partly disagree

The Rivers Trust welcomes the recognition of the cumulative polluting impacts of development and the need for development proposals to consider the potential sensitivity of the site or wider area to these impacts. We are also glad to see chalk streams specifically highlighted as an example of a sensitive water body. However, we have serious concerns that this policy is too narrow in scope to drive effective protective and restoration of our waterways.

The policy only requires development proposals to address water quality impacts, making no provision to address other pressures such as physical encroachment and increased abstraction for water supply. The full range of impacts, including all direct and indirect and off-site impacts, during the construction process and the lifetime of the development, must be properly taken into account and addressed by development proposals.

Furthermore, we are highly concerned that the policy defaults to mitigation, whereas avoidance of impact must always be the first step. We strongly recommend this wording to be changed, so that development should assess and avoid impacts wherever possible, before mitigating if necessary.

We support the response from Save Our Chalk Streams. In their response, they highlight that the Minister for Housing has made clear that the National Planning Policy should give “explicit recognition and in so doing make clear, unambiguously, our expectations for how plan makers and decision makers should treat chalk streams.” Yet, the draft consultation document, using chalk streams as an example, does not deliver the clarity promised. Policy P3 must be significantly strengthened to achieve the Minister’s commitment.

Chapter 18: Managing Flood Risk and Coastal Change

F8: Sustainable Drainage Systems and Watercourses

174) Do you agree with the proposed requirement in policy F8 for sustainable drainage systems to be designed in accordance with the National Standards? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

Partly agree

The Rivers Trust welcomes the recurring emphasis on the use of SuDS and green and blue infrastructure throughout the revised NPPF. We strongly support the provisions requiring SuDS in all development, not just major, to follow National Standards and secure maintenance arrangements. We are also particularly glad to see recognition of multifunctionality in policy F8, which directs proposals to seek multifunctional benefits wherever possible, including for water quality, biodiversity and amenity. It is absolutely critical that SuDS are high-quality, effective, and function for the long-term; this will require robust standards, detailed guidance, and strong enforcement.

The Rivers Trust still considers that SuDs should be mandatory for all appropriate development, as is the case in Wales and has been widely recommended by experts across sectors. This would provide greater certainty, improve climate resilience in the face of rapidly accelerating surface water flooding risks, and secure more consistent biodiversity and water management benefits. However, in the meantime, The Rivers Trust recommends that F8(1) is strengthened to: “Development proposals which could affect drainage on or around the development site **must** incorporate sustainable drainage systems”. Similarly, stronger language is needed in policy F7(1) to adequately manage flood risk from development; we recommend policy F7(1) is changed to: “Development proposals **must** not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk **elsewhere for the lifetime of the development**”. These changes are necessary to support public safety given rising flood risks.

Finally, while we welcome the recognition of SuDS measures to manage surface water, The Rivers Trust wants to see a more ambitious approach taken, recognising the urgent need to tackle flooding on a larger, systems scale.

While we welcome the mention of natural flood management in F2(1)(c), this policy focuses narrowly on opportunities as part of development. We recommend including reference to natural flood management in F2(1)(b) as well, which requires plans to safeguard land that is, or is likely to be, required for current or future flood management. This wording is unclear and is likely to result in a bias towards engineered flood

defences without explicit signposting of natural flood management approaches. We strongly recommend that the revised NPPF aligns with the upcoming Land Use Framework, which will be a key tool for spatially targeting land use, including identifying locations where securing land for natural flood management is a priority.

175) Do you agree with the proposed new policy to avoid the enclosure of watercourses, and encourage the de-culverting and re-naturalisation of river channels? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

Partly agree

The Rivers Trust welcomes this policy to direct development not to enclose watercourses and to remove existing culverts and re-naturalise river channels where possible. This is a positive approach introduced in the revised NPPF, recognising the importance of protecting and restoring our waterways, rather than repeating historic mistakes of enclosing, encroaching on, and physically modifying these vital natural systems. Well-functioning waterways provide diverse benefits for both communities and nature, supporting biodiversity, boosting health and wellbeing, regulating temperature and building climate resilience; the planning system has a key role to play in enabling these outcomes.

However, The Rivers Trust considers that the phrase “unless there are compelling reasons to do so” requires much clearer definition to create a presumption against enclosure. As currently drafted, this test is vague, non-technical, and highly subjective, and seems to undermine well-established mitigation hierarchy that prioritises avoidance of harm. For example, reasons for enclosure should not include minimising developer costs at the expense of environmental outcomes. Combined with the well-evidenced gap in ecological expertise in the planning sector, this weak test will not adequately prevent continued enclosure of watercourses.

The Rivers Trust is clear that enclosing watercourses should only be permitted in exceptional circumstances where no reasonable alternative exists, in line with the mitigation hierarchy principle of avoiding impacts in the first instance. Where enclosure cannot be avoided, development should be required to minimise impacts and deliver compensatory river restoration elsewhere within the same catchment to offset the loss of habitat and ecological function, including through Biodiversity Get Gain where relevant.

We would strongly urge the government to strengthen and clarify this test so that a clear presumption against enclosure sits along a positive presumption in favour of de-

culverting and re-naturalisation. Robust guidance must be provided to support planning officers implement this policy effectively.

Chapter 19: Conserving and enhancing the natural environment

N1: Identifying environmental opportunities and safeguards

179) Do you agree that the proposed approach to planning for the natural environment in policy N1, including the proposed approach to biodiversity net gain, strikes the right balance between consistency, viability, deliverability, and supporting nature recovery? Strongly agree, partly agree, neither agree nor disagree, partly disagree, **strongly disagree**

a) Please provide your reasons, particularly if you disagree.

Strongly disagree

The Rivers Trust strongly disagrees with the proposed approach in policy N1, which is weaker on planning for the natural environment than the current NPPF.

We welcome references to LNRs and RBMPs, habitat restoration at catchment-scale, and Green Infrastructure Standards. However, there is a lot to be concerned about in policy N1, which lacks clear, prescriptive requirements to protect and enhance the environment and caps ambition on biodiversity gain at a time when nature recovery requires our full commitment and leadership.

The language in policy N1 is a lot weaker than in the current NPPF and dilutes policy intent. Passive language that requires plans to “set out”, “identify features” and “identify opportunities” is insufficient to drive the proactive planning for nature we need. This is contrast to the current NPPF, which requires plans to identify, map and safeguard wildlife-rich habitats, ecological networks, wildlife corridors and areas identified for habitat management, enhancement or restoration. Similarly, the revised requirement to steer the location of development ... in ways which utilise land of least environmental value” is also a lot weaker than the current NPPF which requires plans to actively “allocate land with the least environmental or amenity value”.

We are also concerned about the shift from the current NPPF requirement on plans to “promote” the conservation, restoration and enhancement of priority habitats and species, to the revised NPPF requirement to merely “identify opportunities for” such action. Revised language that is weaker and focused on opportunity-mapping and steering, rather than action, risks undermining local authorities’ ability to secure meaningful safeguards and could lead to increased pressure on priority habitats and species, particularly where sites lack formal designation. Protecting and enhancing the natural environment must be at the core of plan making, to ensure nature has the space it needs to survive and thrive. The government must ensure that policy N1 is strengthened.

On another note, while it is positive to see policy N1 reference a mix of key strategies/plans for nature, including LNRSs and RBMPs, this could be strengthened by including reference to catchment plans, which can provide more specific, up-to-date information about water environment. The Rivers Trust stresses the fact that an over-reliance on LNRSs risks undermining protection and enhancement of the water environment; rivers can flow through multiple LNRS with differing policies, which could lead to fragmented protection and management approaches. Additionally, LNRSs do not take a sufficiently comprehensive and uniform approach to the water environment, obscuring key risks and opportunities regarding waterways in the planning system. For example, chalk streams are often not APIBs under the LNRS and therefore will not be factored into the planning process properly. On this basis, The Rivers Trust strongly recommends requiring plans to take account of catchment plans where available and relevant, to properly account for waterways in the plan area. Furthermore, policy N1 should require plans to take account of the upcoming Land Use Framework, as this should be embedded as a key tool to drive the strategic, multifunctional use of land, including for nature recovery.

Despite clear ministerial commitments that the revised NPPF would provide stronger protection for chalk streams, N1's reference to these precious ecosystems is not underpinned by meaningful protection in policy. It is positive to see chalk streams mentioned in N1(a) as an example of other features which require particular consideration in managing development due to their environmental value. However, the requirement on plans is merely to "identify" these features and then to "steer the location of development" towards land of least environmental value, although this "should not necessarily preclude the allocation of land for development". This policy provides no certainty and no prescriptive action, so is far too weak to truly protect these fragile ecosystems, and falls short of the robust protection needed to prevent ongoing pressures of pollution and over-abstraction. We strongly support the response submitted by Save Our Chalk Streams, which goes into more detail on this issue and highlights that the lack of specific protection for chalk streams through overarching plan making guidance is a significant omission.

Finally, The Rivers Trust strongly disagrees with the proposal in policy N1(2) to cap BNG ambition by restricting the use of local standards that exceed statutory 10% gain. It is fundamentally inappropriate to cap local priorities in this way, at a time when we face a biodiversity crisis and the general public is becoming ever [more vocal](#) about their love and concern for the natural world, and the fact that it must be protected alongside development. Furthermore, this would go against the advice of [environmental experts](#) and the government's own environmental watchdog, the Office for Environmental Protection (OEP), which has consistently highlighted the importance of looking beyond 10% to achieve meaningful environmental outcomes. In its [response](#) to the original Biodiversity Net Gain consultation in 2022, the Office for Environmental Protection

questioned whether the policy as designed was likely to achieve outcomes closer to no net loss rather than genuine net gain, and recommended that Government consider introducing a higher minimum requirement to ensure the policy meaningfully contributes to halting and reversing biodiversity decline. Capping expectations at 10% nationally risks constraining local authorities from responding to the ecological needs of their areas, including opportunities identified through Local Nature Recovery Strategies and local evidence bases. In areas where biodiversity loss has been particularly severe, or where significant restoration opportunities exist, higher net gain requirements may be both justified and deliverable.

The Rivers Trust strongly disagrees with the approach to BNG proposed in policy N1(2) and urges the government to make planning requirements to protect and enhance nature much stronger across policy N1.

180) In what circumstances would it be reasonable to seek more than 10% biodiversity net gain on sites being allocated in the development plan, especially where this could support meeting biodiversity net gain obligations on other neighbouring sites in a particular area?

The Rivers Trust strongly disagrees with the proposal to cap local ambition on BNG, as this flies in the face of the urgent need to address the biodiversity crisis and undermines the government's commitment to increased devolution.

We consider that it is reasonable to seek more than 10% gain in a wide range of circumstances and that this should be enabled wherever supported by robust local evidence.

Higher BNG requirements should be applied as widely as possible where local ecological need, spatial strategy and viability evidence justify it. Experience from pioneering planning authorities demonstrates that this is both feasible and effective. See Link's February 2024 analysis, including *Biodiversity Net Gain: One Year On* and *Biodiversity Net Gain Can Be More Than a Glorified Offsetting Scheme*, which highlights a number of councils that have adopted or are progressing BNG rates above 10%, including 20% and in some cases 30%. These policies are evidence-based and are helping to drive meaningful local nature recovery. Furthermore, the Local Government Association, drawing on research by Kent Nature Partnership, concluded that the greatest cost is typically in reaching the mandatory 10% baseline; incremental increases beyond this are comparatively modest and unlikely to render schemes unviable.

It would therefore be reasonable to require more than 10% BNG in particular:

- On large strategic allocations where there is scope to deliver landscape-scale habitat creation and ecological networks;

- In areas identified in Local Nature Recovery Strategies as priorities for habitat restoration or connectivity, similarly areas identified in RBMPs or catchment plans as priorities for restoring the water environment;
- Within or adjacent to protected freshwater sites, including SSSIs, SACs, or other designated sites where rivers and aquatic species (such as salmonids, freshwater pearl mussel, or white-clawed crayfish) are key conservation features.
- Within or adjacent to protected landscapes, where National Park Authorities and others are encouraged to maximise contributions to nature recovery;
- In water bodies currently failing to achieve 'good ecological status' under the Water Framework Directive, where biodiversity net gain could support restoration of river morphology, riparian habitats, and ecological connectivity.
- Areas of acute nature / green space deprivation;
- In areas facing acute biodiversity loss or cumulative development pressures.
- Areas of Green Belt allocated for nature recovery or 'wild belt' protection;
- In locations where enhanced onsite provision could help meet BNG needs of neighbouring sites in a coordinated way, reducing reliance on distant offsetting and supporting coherent ecological networks.

Given the scale of biodiversity decline and legally binding environmental targets, the planning system should actively enable locally justified BNG requirements above 10% as a mechanism to deliver genuine, strategic nature recovery rather than treating 10% as a de facto ceiling.

N2: Improving the natural environment

181) Do you agree policy N2 sets sufficiently clear expectations for how development proposals should consider and enhance the existing natural characteristics of sites proposed for development? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.

a) Please provide your reasons, particularly if you disagree.

Partly disagree

The Rivers Trust welcomes a number of positive elements of policy N2, including the recognition of connecting ecological networks beyond site boundaries, the use of green and blue infrastructure with long-term management, and inclusion of features to support key species. The Rivers Trust strongly recommends including explicit reference to river buffers and river corridors in N1(1)(d), as existing natural features requiring protection and enhancement, alongside trees and hedgerows. Blue infrastructure is as critical as green infrastructure for biodiversity, water quality and climate resilience.

The recognition of LNRs is positive but The Rivers Trust would also recommend directing development proposals to draw on measures in catchment plans where available, as these plans can provide more specific, up-to-date information about water environment. While the mitigation hierarchy is partially embedded in N2(2), The Rivers Trust wants to see this strengthened and made more explicit.

Similarly to our comments on policy N1, The Rivers Trust is highly concerned by the use of weak and passive language in policy N2, which dilutes policy intent and reduced protections for the environment. N2 requires development proposals to “consider”, “identify opportunities”, and “take suitable opportunities” in relation to the environment, which is unlikely to drive meaningful environmental outcomes. Stronger, more prescriptive wording, for example replacing “identify opportunities” and “consider” with “should”, is required to ensure development genuinely conserves and enhances biodiversity, strengthens ecological networks and delivers nature recovery.

Building on this, references in N2 to the mitigation hierarchy should be strengthened, so that avoidance of harm is clearly prioritised over mitigation and compensation. A stronger presumption is needed against harm to irreplaceable, priority and high-value habitats. As currently drafted, there remains too much scope for reliance on post-hoc mitigation or offsetting.

Furthermore, the language in section N2(1)(f) is imprecise and weak, and risks sidelining species such as fish or invertebrates that are less common/well-known. In paragraph 1(f), the reference to “priority or threatened species such as swifts, bats and hedgehogs” should be strengthened. The policy should refer explicitly to UK Priority Species and species protected under the Wildlife and Countryside Act, rather than implying a limited list. The current wording is imprecise and risks misinterpretation.

N4: Protected Landscapes

182) Do you agree the policy in Policy N4 provides a sufficiently clear basis for considering development proposals affecting protected landscapes and reflecting the statutory duties which apply to them? Strongly agree, partly agree, neither agree nor disagree, partly disagree, **strongly disagree.**

Strongly disagree

The Rivers Trust disagrees that policy N4 provides a sufficiently clear basis for considering development proposals affected protected landscapes. While we welcome the continued requirement to place substantial weight on conserving and enhancing natural beauty, wildlife and cultural heritage, we are concerned about changes to the strength and clarity of national policy protection.

The Rivers Trust’s [joint work](#) with the Campaign for National Parks revealed the extent of chemical pollution affecting rivers in national parks. The Rivers at Risk report found that,

whilst rivers in National Parks are more than three times more likely to be healthy than those outside, 57% of them still fail to meet good ecological status. Even our most treasured landscapes are suffering from the effects of sewage, agricultural, and chemical pollution. In fact, sewer overflows inside National Parks are spilling, on average, for twice as long as those outside. This demonstrates that any weakening of planning protection for these key areas is inappropriate and will only exacerbate existing pressures.

The removal of the long-standing reference to National Parks and the Broads having the “highest status of protection” in relation to landscape and scenic beauty, risks creating uncertainty and potentially weakening the policy signal to decision-makers. This phrase must be included in the new NPPF, as there has been no change in legislation or wider policy to justify the removal of this phrase.

Furthermore, the new NPPF should clearly reflect and reinforce the strengthened duty introduced through the Levelling-up and Regeneration Act, including the requirement on relevant authorities to seek to further the purposes of Protected Landscapes. Policy N4 should make explicit reference to this duty and associated guidance, to ensure that plan-making and decision-taking fully align with the updated statutory framework.

We are also concerned that, as currently drafted, the policy weakens the test around major development in protected landscapes. The current NPPF says that “permission should be refused for major development other than in exceptional circumstances...”, whereas revised policy N4(2) says such proposals “should only be supported in exceptional circumstances”. This change in wording turns a presumption for refusal into caveated support, which is inappropriate considering the level of protection afforded these areas. This change is particularly concerning because revised policy S5 places special significance on policies that use the word “refuse”, which has been removed from revised policy N4(2).

Additionally, policy N4 treats the tests for “exceptional circumstances” and “public interest” as one. In fact, previous legal advice has been clear that to meet the high bar for allowing major development within Protected Landscapes, proposals must demonstrate that they are both exceptional and in the public interest. These wording changes weaken the protection afforded to Protected Landscapes and may allow development that would currently be considered unacceptable. We therefore strongly object to this change and request that the paragraph 190 wording is retained.

N6: Areas of particular importance for biodiversity

183) Do you agree policy N6 provides clarity on the treatment of internationally, nationally and locally recognised site within the planning system? Strongly agree, partly agree, neither agree nor disagree, **partly disagree, strongly disagree.**

a) Please provide your reasons, particularly if you disagree.

Partly disagree

The Rivers Trust partly disagrees that policy N6 provides clarity and certainty on the treatment of recognised sites.

The Rivers Trust is concerned that the definition of “Irreplaceable habitat” is still too narrow and the list is not up to date, creating serious risks that highly vulnerable sites will not be adequately protected in the planning regime. The government should publish for consultation the long-awaited full list of irreplaceable habitats and then implement changes urgently. This is critical to ensure that the list is up to date and fit for purpose to support the government’s aims of delivering its Environmental Improvement Plan and meeting Environment Act targets around biodiversity. In particular, chalk streams must be included. Chalk streams are rich in biodiversity, they are difficult to restore, impossible to create or replace and incredibly rare and unique. These are all the necessary requirements to be defined as an irreplaceable habitat and yet they are still missing from the irreplaceable habitats list. Chalk streams must be granted irreplaceable habitat status in the NPPF, as robust planning protection will be essential to achieving the Government’s ambitions in the ‘A New Vision for Water’ white paper of ‘protecting and recovering chalk streams’.

The Rivers Trust is also highly concerned that the language in N6 regarding SSSIs is weaker than in the current NPPF. The shift from protecting the site as a whole to focusing only on “features of special scientific interest” narrows the scope of protection and fails to reflect ecological reality: it is the mosaic of habitats and species across a site that underpins its integrity. In addition, the removal of the explicit reference to development “within or outside” an SSSI introduces ambiguity about off-site impacts. The previous wording made clear that proposals affecting SSSIs, regardless of location, were subject to strong protection, and this clarity should be reinstated.

The Rivers Trust is particularly concerned about the introduction of Environmental Delivery Plans (EDPs) and how they will manage development affecting internationally and nationally important nature sites. The ability for impacts on protected features to be addressed through an EDP, combined with payment of a levy, risks creating a perception of a “cash to trash” approach to previously well-protected habitats and species. National policy must make absolutely clear that avoidance of harm is the primary objective, and that strategic compensation measures cannot justify avoidable damage to protected sites.

Finally, The Rivers Trust urges the government to explicitly recognise the intrinsic value of rivers and stream in this policy, and throughout the revised NPPF, with a dedicated provision similar in strength to that for irreplaceable habitats. In line with “Making Space

for Water” principles, development that would cause loss, culverting, deterioration or fragmentation of river corridors should be strongly resisted.

184) Are there any further issues for planning policy that we need to consider as we take forward the implementation of Environmental Delivery Plans?

The government must ensure that clear, appropriate, and robust safeguards are built into EDPs via secondary legislation and guidance. This should include clear guidelines on where EDPs cannot be used, such as proposals affecting irreplaceable habitats, and circumstances where offsetting through a nature restoration payment would not be feasible (for example, where the species or habitat concerned is so location-specific that its environmental context cannot realistically be replicated elsewhere).

Additionally, we also recommend reinstating the current policy in paragraph 193(d) of the NPPF, which gives support to development proposals brought forward primarily for nature conservation purposes, as this could help facilitate the implementation and delivery of EDP measures. Providing clear in-principle policy support for development whose primary objective is habitat creation, restoration or enhancement would give greater certainty to land managers and delivery bodies, and help ensure that EDP measures can be progressed efficiently and without unnecessary policy barriers.

As the EDP framework is still at an early stage, we look forward to engaging with Natural England as the detailed proposals develop.

About The Rivers Trust:

The Rivers Trust is the umbrella organisation for our 65 member Rivers Trusts across Britain, Northern Ireland and Ireland. We are river and catchment conservation experts with a wealth of data and expertise at our fingertips. We work with our member trusts to make our shared vision a reality: wild, healthy, natural rivers, valued by all.

For further information, please contact:

Kezia Saunders
Advocacy & Parliamentary Lead
The Rivers Trust
kezia.saunders@theriverstrust.org