

these for biodiversity and open spaces are PPG3 Housing (DETR, 2000a), PPG9 Nature Conservation (DOE, 1994) and PPG17 Sport, Open Space and Recreation (ODPM, 2002).

PPG3 Housing is particularly useful in any discussion of green networks, high-quality urban green spaces, or the uses of brownfield sites. It not only enshrines the Government's targets for building **on** brownfield land, it contains a government definition **of** brownfield land. Most usefully it also provides guidance as to what is excluded from this definition. This is the definition, contained in Annexe C:

There are various definitions of previously developed land in use. For the purposes of this guidance, such land is defined as below:

Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development. Previously developed land may occur in both built-up and rural settings. The definition includes defence buildings, and land used for mineral extraction and waste disposal where provision for restoration has not been made through development control procedures.

And this is what is excluded from the definition:

The definition excludes land and buildings that have been used for agricultural or forestry purposes, and land in built-up areas which has not been developed previously (e.g. parks, recreation grounds, and allotments –

even though these areas may contain certain urban features such as paths, pavilions and other buildings). Also excluded is land that was previously developed but where the remains of any structure or activity have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings), and where there is a clear reason that could outweigh the reuse of the site – such as its contribution to nature conservation – or it has subsequently been put to an amenity use and cannot be regarded as requiring redevelopment.

This exclusion seems to have gone largely unremarked, although it has been used to prevent development (Dodd versus the Secretary of State for the Environment, Transport and the Regions, 2002).

PPG17 Sport, Open Space and Recreation calls for 'robust assessments of the existing and future needs of communities for open space, sports and recreational facilities', and 'audits' of those facilities as they now are. More crucial for the current discussion is this:

Existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements. For open space 'surplus to requirements' should include consideration of all the functions that open space can perform. . . . an applicant for planning permission may seek to demonstrate through an independent assessment that land or buildings are surplus to requirements. Developers will need to consult the local community and demonstrate that their proposals are widely supported by them.

Taken literally, this guidance would probably stifle all development on urban green spaces. For example, *'consideration of all the functions that open space can perform'*, rather than the functions a particular site *'does perform'*, could cover many things, only some of which are touched upon in this chapter. Similarly, commissioning independent studies and gaining the wide support of local communities are potentially time-consuming activities many developers will prefer to avoid. Nevertheless, for these and many other reasons, PPG17 should be in the brief case of every sustainable development practitioner engaging in urban regeneration.

- (4) Nature conservation strategies: In the 1980s these became relatively popular with planning authorities. A typical strategy describes an area's nature conservation resources, outlines their merits and importance, and sets out aims and priorities to protect and enhance them, and ensure their proper management.
- (5) Local Biodiversity Action Plans (LBAPs): See the case study below. Although they are not mandatory, government guidance indicates that local authorities should take them into account, and incorporate them into their Community Strategies (see below).
- (6) Community strategies: The Local Government Act 2000 places a duty on every local authority to produce a 'Community Strategy' for the improvement of the economic, social and environmental well-being of its residents. The link to biodiversity comes through

the Rural White Paper (DETR, 2000e) in which the Government says:

We will expect all local authorities to incorporate planning for local action on biodiversity in the integrated community strategies which they are required to prepare under the Local Government Act 2000.

This gains in importance when considered alongside the move to rationalize the multiplicity of plans local authorities are required to prepare. A circular from the Office of the Deputy Prime Minister (ODPM, 2003b) advises that:

By the end of 2005/06 ... there will be just six major plans ... in addition to the Best Value Performance Plan and the Community Strategy. ... A series of plans can be integrated with Community Strategies ... (including Local Biodiversity Action Plans).

- (7) Planning Conditions and Obligations: Conditions may be imposed by planning authorities, or they may enter into agreements about obligations with developers (usually under Section 106 of the Town and Country Planning Act 1990). These may cover protection of the natural environment, reduction of the impact of a development on local wildlife or habitats, and compensation for the loss of valuable habitat.

SUSTAINABLE DEVELOPMENT

For a subject which has a government strategy (DETR, 1999d) all to itself,