

# Levelling-up and Regeneration Bill: reforms to national planning policy

A policy response for the Department for Levelling Up, Housing and Communities consultation from the Landscape Institute

## 1 Introduction

The Landscape Institute is delighted to have this further opportunity<sup>1</sup> to contribute expert views on the Government's proposed approach to updating to the National Planning Policy Framework (NPPF) and the preparation of National Development Management Policies (NDMPs) to support levelling up.

- This document sets out our responses to the consultation questions.
- Section 3 provides detailed responses to questions 33, 37, 38, 39, 40, 48, 50, 53 and 56.
- Section 4 lists our feedback on the other consultation questions, being largely binary Yes / No answers.

## 2 Summary

- The Landscape Institute welcomes the proposals and underlines the expert role which qualified landscape architects, designers, planners and scientists can play in delivering sustainable places and spaces for people and communities. In taking these proposals forward to delivery, we are keen to work with the Government and expert colleagues from other professional disciplines.
- We urge the Government to place greater emphasis on the role of green and blue infrastructure within development sites, not least to mitigate climate change, increase biodiversity and nature restoration, and promote health and well-being for everyone, both present-day and future generations.
- The Institute stands ready to assist the Government to deliver on its priorities as set out in our detailed responses.

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<sup>1</sup> The Landscape Institute contributed feedback to the Ministry of Housing, Communities & Local Government's consultation on *The NPPF and National Model Design Code* in March 2021. A copy of our response can be viewed at <https://www.landscapeinstitute.org/consultation/nppf-national-model-design-code-response/>

### 3 Our detailed response to specific questions

#### **33 Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?**

Yes. The Landscape Institute welcomes the Government's commitment to "emphasise the role of beauty and placemaking in strategic policies to further encourage beautiful development and deliver on the levelling up missions through our national planning policy."

However, 'beauty' is not defined. Such a definition can and should be established, and needs to accommodate an appropriately broad set of criteria that go beyond aesthetics and visual amenity to include natural, cultural and experiential qualities, responding to context e.g. landscape, townscape or seascape character. Increasingly, beautiful development requires functionality in terms of the ecosystems, goods and services that flow from natural capital assets, and in terms of adaptability and resilience to climate change.

Professional landscape practitioners have the technical knowledge, design experience and expertise to contribute to the creation of such a set of functional criteria. It is also important that local planning authorities have the skills and resources to competently advise on and assess design quality and beauty.

The Institute would like to work with the Government and like-minded suitably qualified professionals from other disciplines to deliver the necessary outline detail and definition. This could be done relatively quickly.

Places are embedded within their own context. Design guides, landscape characterisations and sensitivity analysis work well and can provide invaluable detail yet, overall, a greater degree of creativity is to be encouraged to celebrate unique local factors and character and avoid anodyne, anywhere streets, landscapes, townscapes and places.

Furthermore, the Landscape Institute is well placed to advise on what constitutes 'well designed places' or 'good design'.

For example, the Institute remains deeply concerned about the high and often disproportionate amount of hard impermeable paving, which is being used within new residential developments. This is often at the expense of green infrastructure, adding relatively high levels of embodied carbon, leaving many developments without sufficient space for planting.

#### **37 How do you think national policy on small scale nature interventions could be strengthened? For example, in relation to the use of artificial grass by developers in new development?**

The Landscape Institute, through its expert members, has a deep understanding of small-scale nature interventions and the tremendous impacts they can bring. Such interventions are often highly effective in dealing with a variety of onsite circumstances and challenges such as boosting biodiversity, reducing overheating, and retaining moisture through water sensitive design.

Such interventions are relatively low cost. When combined with other interventions, their impact can be huge, connecting up with broader networks of local green infrastructure.

Urban greening delivers multiple benefits for people and communities not least improving mental health and well-being and enabling carbon sequestration by plants and storage in biodiverse, hydrated soils.

We recognise that planning decision makers are under considerable pressure to realise the fullest range of policy demands that society places on land. Natural environments (of all scales) need to be on the developer's list of pre-planning considerations if we are to ensure appropriate space for nature is factored into planning layouts. Space planning for nature needs to be as mainstream as space planning for roads and houses.

We would therefore welcome minimum standards of greenspace provision being set out in the NPPF. E.g. the Fields in Trust Standard of 2.4 hectare greenspace / 1,000 population and the Access to Green Space Standard - all people have access to natural greenspace within 15 minutes' walk. These provide quantifiable size and spatial planning metrics.

An accompanying policy statement should encourage place responsive planning and design of greenspaces to realise their wellbeing potential for existing and future communities. Space for people and nature and the quality of streets and neighbourhoods would be better enabled. Changes affecting existing communities can be less contentious when they can see benefits.

The Institute applauds the urban greening factor initiatives taken forward by several local authorities in major English cities<sup>2</sup> and encourages their potential expansion across the rest of the country.

The preference and practice adopted by landscape architects is to use living, organic materials, over man-made ones. Plastic and semi-permeable materials increase embodied carbon, reduce capacity of soils to absorb rainwater and deter biodiversity.

**38 Do you agree that this is the right approach to making sure that the food production value of high value farm land is adequately weighted in the planning process, in addition to current references in the Framework on best most versatile agricultural land?**

No. Releasing lower quality agricultural land for development puts pressure on higher quality land which is needed, not just for food production, but for biodiversity, nature restoration, flood and water storage, and other eco-system services.

Soil management is a hugely neglected area<sup>3</sup>. We would like to see soils given higher prominence within the NPPF and supporting National Development Management Policies (NDMPs). Soils should be treated as an asset rather than a waste material with obligations

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<sup>2</sup> Urban greening factors <https://www.islington.gov.uk/physical-activity-parks-and-trees/parks-and-green-space/islington-greener-together>

<sup>3</sup> Soil task force - important facts <https://wp.lancs.ac.uk/sustainable-soils/files/2022/09/Soils-in-Planning-and-Construction-Sept-22.pdf>

clearly set out as part of the planning process. Landscape practitioners have a huge part to play in helping to restore soil quality in ways which enhance nature recovery.

Site and catchment area planning, in an integrated, multifunctional way, by technically qualified expert practitioners, not least landscape architects, is vital. Multidisciplinary teams, rather than single-scope professional groups, are best placed to deliver the holistic, integrated solutions required.

Consideration should also be given to the predicted impacts of climate change on the capacity of the land for food production, with the potential for significant changes in the productivity of certain areas due to higher summer temperatures and the availability of water.

**39 What method or measure could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?**

The landscape sector is taking steps to reduce the amount of embodied and operational carbon across the entire supply chain, from product manufacturers and organic growers to landscape designers, site and maintenance managers.

The Institute welcomes the Government's commitment to consult<sup>4</sup> on its approach and interventions to mainstream the measurement and reduction of embodied carbon in the built environment during 2023. This needs to incorporate not just buildings, their construction and ongoing use, but also the land on which buildings reside and their incorporated landscapes.

In terms of proportionate and effective means of undertaking assessments, ideally, this needs to be a part of the Government's embodied carbon consultation. An open, transparent and easy to calculate 'standard', together with agreed outline methodologies, is needed. The built environment sector has been active in developing such tools yet, at this time, there is no definitive single tool or source of truth. Putting such matters in place will present major challenges for practitioners and planners alike, requiring a massive cross-disciplinary collaboration.

**40 Do you have any views on how planning policy could support climate change adaptation further, specifically through the use of nature-based solutions that provide multi-functional benefits?**

Landscape architects synthesise and find solutions to the issues and opportunities affecting place, people and nature. We tackle climatic challenges head on, whilst realising multiple social, environmental and economic benefits at the same time. We would welcome planning policy encouraging more multi-benefit solutions, such as:

- Protecting and enhancing natural capital assets for the ecosystems, goods and services that flow from these.
- Creating new natural capital assets to build resilience and adaptability to climate change, support nature recovery and deliver other ecosystems, goods and services such as natural flood mitigation.

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<sup>4</sup> Building to net zero: costing carbon in construction: Government Response to the EA Committee's First Report. <https://publications.parliament.uk/pa/cm5803/cmselect/cmenvaud/643/report.html#>

- Green and blue infrastructure Including contributions to local nature recovery strategies and ecosystems services delivery, rather than hard engineered solutions.
- Energy saving and eco-friendly solutions such as living, green roofs and walls, also integrated solar lighting and signage.
- Reducing hard landscapes to mitigate heat island effects and using planting and tree planting to shade hard paving.
- Employing sustainable low-carbon construction practices.

Sustainable Urban Drainage schemes are being designed to support this objective<sup>5</sup>.

Details of these and other nature-based solutions can be found in the Landscape Institute publication *Landscape for 2030 – how landscape practice can respond to climate crisis*<sup>6</sup>

**48 Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?**

No. The Landscape Institute is strongly in favour of the retention of Supplementary Planning Documents (SPDs). These provide valuable locally based, place making information and clarify policy intent. We feel their unnecessary abolition has not been adequately explained or justified.

SPDs and Neighbourhood plans offer opportunities to test and enable National Design Guides at a local level. Engaging with people and communities is fundamental in creating sustainable places. In the planning and design phases, often people are drawn to wanting to be involved in the ‘landscape’ elements, typically about protection, enhancement or creation. Done well, this helps to facilitate and enable better custodianship of places which are both resilient and enduring. This ‘human touch’ is something which members of the Landscape Institute have embedded and celebrated in their work for many years<sup>7</sup>.

The Institute supports the continuation of Neighbourhood Plans because they have been successful in engaging communities, providing opportunities for local people to help define what’s special about their area. Neighbourhood Plans currently enjoy the same status as SPDs. Accordingly, we have concerns that the impact and value of Neighbourhood Plans will be eroded.

**50 What other principles, if any, do you believe should inform the scope of National Development Management Policies?**

The Landscape Institute recommends the inclusion of landscapes within the proposed National Development Management Policies (NDMPs) particularly in terms of landscape and townscape character and context led design<sup>8</sup>.

Landscape, both hard and soft, is as fundamental as buildings to good place-making for people and communities. Soft landscape in particular requires special consideration in the planning system as its delivery relies upon the establishment and survival of living natural materials. Equal

<sup>5</sup> SuDS [https://www.susdrain.org/resources/SuDS\\_Manual.html](https://www.susdrain.org/resources/SuDS_Manual.html)

<sup>6</sup> Landscape for 2030 publication <https://www.landscapeinstitute.org/news/new-publication-landscape-2030/>

<sup>7</sup> Skilled at being human [https://issuu.com/landscape-institute/docs/landscape\\_journal\\_2019\\_2\\_human\\_skill](https://issuu.com/landscape-institute/docs/landscape_journal_2019_2_human_skill)

<sup>8</sup> Landscape characterisation <https://www.coe.int/en/web/landscape/home>

emphasis should be given to both green and blue infrastructure and buildings and the constraints on existing and proposed trees and planting posed by utilities, services and the construction process.

We strongly feel that landscapes require special recognition and that equal emphasis and detail should be given to both green infrastructure and buildings.

NDMPs should usefully incorporate outline requirements for green infrastructure such as:

- the appearance and treatment of the spaces between and around buildings.
- the proposed measures to mitigate climate impacts through environmental net benefits such as sustainable drainage (SuDS), Biodiversity Net Gain (BNG) and other nature restoration solutions.
- the retention and suitable protection of onsite trees and the selection, effective planting and active maintenance of new ones.
- the treatment and intended design quality of open space including provision for health and well-being, air quality measures, play and allotment provision.
- the quality of works and materials within completed schemes.

Such pre-emptive interventions have been shown to be effective<sup>9</sup>. Landscape architects have the necessary skills and expertise to advise on their relative suitability and merits.

Although NDMPs may provide, by their very nature, vital strategic, generic and time-saving input, local authority planning departments will also need to have access to qualified advice from landscape planners and architects.

**53 What, if any, planning policies do you think could be included in a new framework to help achieve the 12 levelling up missions in the Levelling Up White Paper?**

*The Government's Levelling Up mission to improve well-being for all:* This is fundamental. Access to natural open space and recreation for everyone should be a requirement of all new residential development.

The Landscape Institute welcomes Natural England's recently published Green Infrastructure Framework<sup>10</sup> which seeks to increase the amount of green cover to 40% in urban residential areas. Parks and greenspaces in England deliver an estimated £6.6bn of health, climate change and environmental benefits every year. 80% of people live in towns and cities yet one third of people do not have access to good quality green and blue space within 15 minutes of their home.

The Institute also welcomes the Government's Environmental Improvement Plan with its ambitious commitment to enable public access to green space or water such as woodlands, wetlands, parks and rivers, within a 15-minute walk from their home.

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<sup>9</sup> Natural capital accounts

[https://www.london.gov.uk/sites/default/files/11015viv\\_natural\\_capital\\_account\\_for\\_london\\_v7\\_full\\_vis.pdf](https://www.london.gov.uk/sites/default/files/11015viv_natural_capital_account_for_london_v7_full_vis.pdf)

<sup>10</sup> Natural England's Green Infrastructure Framework <https://www.gov.uk/government/news/natural-england-unveils-new-green-infrastructure-framework>

Landscape design can play a vital role in enhancing quality of life for an increasing number of older citizens, enabling them to live life to the full, happy, hearty and healthy. Good landscape design makes an important contribution to this by creating green open space, improved air quality, cooling in extreme heat, rain gardens to mitigate excessive precipitation and other mitigations. Such pre-emptive interventions have potential to reduce the pressure and costs borne by the National Health Service.

Landscape architects and planners are essential for tackling climate change, creating healthier places to live and reducing the gap between the top and bottom performing areas of England for well-being.

*The Government's Levelling Up mission to deliver high-quality skills training:* Landscape architecture is now listed as a 'Shortage Occupation'. Access to the skilled and graduate workforce needed, together with improved equity, diversity and inclusion, is vital. Research<sup>11</sup> by the Landscape Institute published in December 2022 calculates that the landscape sector annually contributes £24.6bn in Gross Value Added (GVA) to the UK economy.

We continue to develop strategies and solutions to attract more people to become landscape architects, designers, planners, managers and scientists and to upskill existing workers and members of the Institute to meet the transformational changes taking place across the sector.

*The Government's Levelling Up mission to inculcate widespread 'Pride in Place':* The Landscape Institute has been an expert contributor to the High Streets Task Force, a government-backed initiative to support communities and local authorities to transform their high streets.

We commend its work to the Department for Levelling Up, Housing and Communities. We hope that the Department will look favourably on its track-record of delivery to date by commissioning further work in town and city centres across the country to flow from summer 2024, following the completion of its existing contract.

In respect of 'Pride in Place-friendly' planning, we commend those policies which will enable greater greening of urban and rural centres and the pathways and corridors which lead to them.

Landscape practitioners have a massive role to play in creating the vibrant communities people want and need. We are so well equipped and most often brought in to provide that link between people and their environment. We often need to think ahead and consider implications, effects and the resilience of place. We also seek to understand and enable the appropriate 'balance'.

Landscape architects and planners are skilled in engaging with communities to build cohesion and deliver places and spaces that respond well to local needs and characteristics and also encourage a strong sense of ownership. We are champions for connecting people, place and nature.

**56 Do you think that the government should bring forward proposals to update the framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups in society feel safe in our public spaces, including for example policies on lighting/street lighting?**

Yes, safety for women, girls and other vulnerable groups is a priority for the Landscape Institute.

<sup>11</sup> Landscape Institute research <https://www.landscapeinstitute.org/policy/skills-for-greener-places/>

We live, work and exist in a world that has been largely designed by men, for men and where women's voices have been largely marginalised or ignored. That is until, now.

The Journal of the Landscape Institute dedicated its 2022 Issue 3<sup>12</sup> to gender inclusive design. The Institute has a number of members with expertise in gender inclusive design who can provide input to the Government's wider review, later this year.

#### 4 Our feedback on the other questions

1 Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than 5 years old? **Yes.**

2 Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)? **No comment.**

3 Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable? **No comment.**

4 What should any planning guidance dealing with oversupply and undersupply say? **No comment.**

5 Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans? **No.**

6 Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need? **No.**

7 What are your views on the implications these changes may have on plan-making and housing supply? **No comment.**

8 Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above? **No comment.**

9 Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account? **No. Green Belt land could deliver far greater benefit than its traditional 'spatial separation' designation<sup>13</sup>.**

10 Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area? **No comment.**

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<sup>12</sup> The Journal of the Landscape Institute 2022 #3 [https://issuu.com/landscape-institute/docs/12954\\_li\\_journal\\_3\\_2022\\_v16\\_issuu\\_1](https://issuu.com/landscape-institute/docs/12954_li_journal_3_2022_v16_issuu_1)

<sup>13</sup> Redefined as natural capital, the transformation and enrichment of Green Belt land could deliver far greater benefit <https://landscapewpstorage01.blob.core.windows.net/www-landscapeinstitute-org/2018/04/li-green-belt-briefing-apr-2018.pdf>

- 11 Do you agree with removing the explicit requirement for plans to be ‘justified’, on the basis of delivering a more proportionate approach to examination? [No comment.](#)
- 12 Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to? [No comment.](#)
- 13 Do you agree that we should make a change to the Framework on the application of the urban uplift? [No comment.](#)
- 14 What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies? [No comment.](#)
- 15 How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city? [No comment.](#)
- 16 Do you agree with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any? [No comment.](#)
- 17 Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220? [No comment.](#)
- 18 Do you support adding an additional permissions-based test that will ‘switch off’ the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement? [No comment.](#)
- 19 Do you consider that the 115% ‘switch-off’ figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate? [No comment.](#)
- 20 Do you have views on a robust method for counting deliverable homes permissioned for these purposes? [No comment.](#)
- 21 What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results? [No comment.](#)
- 22 Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this? [No comment.](#)
- 23 Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people’s housing? [No comment.](#)
- 24 Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)? [No comment.](#)
- 25 How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing? [No comment.](#)

- 26 Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes? [No comment.](#)
- 27 Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing? [No comment.](#)
- 28 Is there anything else that you think would help community groups in delivering affordable housing on exception sites? [No comment.](#)
- 29 Is there anything else national planning policy could do to support community-led developments? [No comment.](#)
- 30 Do you agree in principle that an applicant’s past behaviour should be taken into account into decision making? [No comment.](#)
- 31 Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms? [No comment.](#)
- 32 Do you agree that the 3 build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures? [No comment.](#)
- 34 Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word ‘beautiful’ when referring to ‘well-designed places’, to further encourage well-designed and beautiful development? [Yes](#)
- 35 Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action? [Yes.](#)
- 36 Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective? [No comment.](#)
- 41 Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework? [No comment.](#)
- 42 Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework? [No comment.](#)
- 43 Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62? [No comment.](#)
- 44 Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance? [No comment.](#)
- 45 Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose? [No comment.](#)

46 Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose? [No comment.](#)

47 Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose? [No comment.](#)

49 Do you agree with the suggested scope and principles for guiding National Development Management Policies? [Yes.](#)

51 Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions? [Yes.](#)

52 Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies? [We look forward to the Government's future consultation on NDMPs.](#)

54 How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda? [See our response to Q53.](#)

55 Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores? [Yes. See our response to Q53.](#)

57 Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed? [No comment.](#)

58 We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document. [Noted.](#)

## **5 About the Landscape Institute**

The Landscape Institute is an educational charity and a Chartered professional body working to protect, conserve and enhance the natural and built environment for public benefit.

We represent over 5,500 landscape practitioners including landscape architects and designers, landscape planners, landscape scientists, urban designers, landscape and parks managers. We provide training, accreditation, and technical advice.

In June 2019, the Landscape Institute's Board of Trustees declared a climate and biological emergency, committing the charity to take tangible action and equip our members with the skills and tools to tackle these priorities.

We are members of a multi-skilled profession that stands at the forefront of climate action. We are concerned about the lives of future generations, about species extinctions, about deteriorating environmental quality. We seek to make ethical choices to ensure that our work projects will benefit society and reduce adverse environmental impacts.

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