

Ministry of Housing, Communities & Local Government: Consultation on proposed reforms to the National Planning Policy Framework and other changes to the planning system

Written Submission of the Institution of Environmental Sciences

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The [Institution of Environmental Sciences](#) (the IES) is at the forefront of uniting the environmental sciences around a shared goal: to work with speed, vision and expertise to solve the world's most pressing environmental challenges, together. As the global professional membership body for environmental scientists, we support a diverse network of professionals all over the world – and at every stage of their education and careers – to connect, develop, progress and inspire.

As a professional body, the IES represents the voices of environmental professionals, sharing insights from the front lines of work with the environment. The interdisciplinary background of the IES family makes it particularly well-placed to address interconnected environmental challenges such as planning, drawing members working in climate change, air quality, land condition, water, impact assessment, nature, and anywhere else where environmental work is underpinned by science.

The Institution can elaborate on any of the details in this response with further evidence in whatever form the Ministry finds most appropriate. Our membership includes over 6000 environmental professionals who are well-positioned to share insights directly from the point of policy implementation.

Executive Summary

- The IES supports a transformative approach to the planning system, so that it delivers sustainable wellbeing, supporting progress towards thriving people, a healthy economy, and a flourishing environment.
- Delivering a planning system which contributes to the mutual and linked objectives of economic security and sustainable development relies on a holistic approach, so the NPPF must be properly linked to the breadth of government commitments and objectives. This should be part of general efforts for a joined-up approach to government.
- Specific challenges may arise around the proposals to expand the criteria for Nationally Significant Infrastructure Projects, where nuance will be needed to ensure that economic pressures do not serve as a barrier to public benefit.
- Reducing uncertainty is essential to developers, local planning authorities, and the wider sector, especially for nationally significant projects, so a consistent long-term approach will be essential. Equally, further details are required in many instances to provide clarity on how proposals will work in practice.
- The IES supports the Government's ambition to realise the safe use, re-use, and redevelopment of brownfield land, which must be delivered in line with sustainable development and evidence from environmental science.
- Local planning authorities need the resources, skills, and evidence needed to deliver on planning policy in practice. This is correctly reflected in many of the proposals, though there are some instances where additional support may be required to avoid unintended consequences.

The IES has responded to the questions which are most directly related to our institutional expertise. If the Ministry would value the IES's perspective on a question to which we have not answered, we would be happy to follow up any specific requests.

This response was developed with support from the IES communities, which are expert groups of members brought together around a shared professional interest, goal, or challenge. In particular, the response was supported by members from the Environmental Policy Implementation Community (EPIC), the Foundation for Water Research (FWR)'s Water Resources and Quality Technical Panel, the Land Condition Community (LCC), and the Environmental Impact Assessment (EIA) Community. The response incorporates expertise from each of these groups but may not represent the views of each community or their members.

We would also recommend the consultation responses from the National Contaminated Land Officers Group (NCLOG), the Healthy Air Coalition (HAC), the Society for the Environment (SocEnv), and the Chartered Institute of Environmental Health (CIEH), which may have relevant insights to consider.

Question 4: Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130? [Yes/No]

Yes.

The IES agrees with the intention behind this proposal, which also provides an opportunity to emphasise the need to consider a wider set of issues around land use. A holistic approach is essential to delivering a sustainable society with thriving people, a healthy economy, and a flourishing environment. Reconnecting development to those wider objectives is critical, and reversing the December 2023 changes on character and density supports that endeavour.

This should reflect a general approach of joining-up government action and processes around environmental issues. To achieve sustainable development through the planning system, it is not possible to consider social, economic, and environmental objectives in isolation. Any policy or planning decision should be aligned with those objectives and intended to support their delivery. Government departments should be facilitated to enact the legislation for which they are responsible in such a way that individual actions, guidance, or enforcement activities deliver on these three linked objectives.

These considerations are particularly relevant in the context of the NPPF, which sets many of the presumptions around national planning policy. Supporting planning guidance also has the ability to avoid unnecessary trade-offs by identifying the potential for conflicts between these objectives, with sector-specific advice on how to avoid them.

In that context, the UN Sustainable Development Goals may be a useful guide, as they are designed to support proactive economic development while still protecting social and environmental considerations.

Question 5: Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities? [Yes/No]

Yes.

The IES supports the proposals and the associated shift in strategic focus, as long as they reflect a wider set of considerations inherent to sustainable development. For development to deliver for people and provide economic growth and long-term security, it must be sustainable growth, which ensures that the benefits of developments are seen both now and in the future.

To that end, planning and design should contribute towards sustainable development, rather than development at any cost. The proposals for a shift in the focus of design codes towards supporting spatial visions could support that approach, ensuring a strategic approach to development in line with the Government's wider objectives and commitments.

To ensure that planning fully embeds a more holistic approach, further changes may be needed across environmental impact assessment (or environmental outcomes reports), planning guidance, and other framework-level approaches to land use. Each of these should work holistically, alongside the NPPF, to embed climate, biodiversity, soil health, water management, and sustainable development as explicit outcomes to consider.

Question 6: Do you agree that the presumption in favour of sustainable development should be amended as proposed? [Yes/No]

Yes.

The IES shares the Government's concerns about the potential for the current approach to produce lower standards of developments in the short-term and unsustainable development in the long-term. Amending the presumption as proposed may help to mitigate these concerns, as long as the amendment is part of a more strategic approach to improving the quality of projects in line with sustainable development.

The presumption in favour of sustainable development must be reflected in practice as well as in principle. This must be reflected in the Government's overall approach to planning and land use, such as through the forthcoming Land Use Framework. As discussed in response to question 5, this would provide the opportunity for a more holistic set of considerations to be prioritised in developments, maximising the chance of achieving the Government's wider objectives, as well as benefits for people, the economy, and the environment.

Question 12: Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters? [Yes/No]

Yes.

The IES agrees with the Government that "*cross-boundary strategic planning ... will play a vital role in delivering sustainable growth and addressing key spatial issues*". The natural world does not recognise the lines we draw on maps, so we must be ready to encourage cross-boundary planning and cooperation if we want to achieve sustainable development. A cross-boundary approach will also be necessary to reconciling strategic land use considerations between the national and local scales.

It is important that the proposals for strategic planning and cooperation include waste and water plans and approaches to waste and integrated water management, including on contaminated land and brownfield sites. One important factor will be to consider the rules and approaches associated with how soils are treated in developments.

While wider action is needed to promote the sustainability of soils, such as the inclusion of soil in the Circular Economy Regulations as a resource where safe re-use is encouraged and the expedited development and rollout of the Soil Re-Use and Storage Depot scheme, cooperation across boundaries will be an important practical step towards promoting sustainable, healthy, and resilient soils on developments.

The IES also agrees with the statement that “*strategic planning will also be important in the delivery of Local Growth Plans and Local Nature Recovery Strategies.*” To that end, strategic planning should facilitate links between Spatial Development Strategies, Local Growth Plans, and Local Nature Recovery Strategies at a local level and national or regional policies addressing the same issues, such as the forthcoming Land Use Framework.

Question 13: Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals? [Yes/No]

Yes.

The IES believes that amendments to the tests of soundness would be justified. One of the current barriers to the successful implementation of such plans and strategies over the long-term is the accessibility of expertise during their development. Incentives to engage early with experts would support the identification of practical barriers to implementation and the development of reasonable alternatives, reducing costs over the long-term and supporting delivery.

By amending the tests of soundness to include expert engagement as part of paragraph 36c (proposed numbering, 35c in the current numbering), the overall ‘soundness’ of plans could be significantly increased, supporting deliverability and the success of long-term planning.

Paragraph 36d (proposed numbering, 35d in the current numbering) could also be amended to ensure that consistency with national policy also drives engagement with a wider suite of Government objectives. As paragraph 37 (proposed numbering, 36 in the current numbering), already introduces an element of proportionality, it would not be unduly burdensome to local authorities, but would improve clarity, certainty, compliance, and overall cohesion with the Government’s policy agenda. The rationale for a more holistic approach is outlined in response to question 5.

Outside of direct amendments to the NPPF, the concerns identified in the consultation document could also be mitigated through increased access to evidence during the development of Local Plans and Spatial Development Strategies. Over the long-term, effective implementation relies on a robust understanding of ‘what works’, so accessible centralised databases of ‘what works’ can facilitate better outcomes, alongside built-in monitoring and evaluation from the outset.

Question 20: Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports? [Yes/No]

To determine whether or not the IES supports this proposal, further information on how the proposed change will affect outcomes in practice is required.

The IES supports the Government’s push for a ‘brownfield first’ approach, as well as the principle underpinning ‘brownfield passports’ as an approach. Identifying appropriate means to encourage the safe use or reuse of brownfield land as a default option for developers is crucial, though the current proposals leave some uncertainty about delivery which may limit the successful promotion of brownfield land.

Firstly, it is not sufficiently clear in the proposed changes to paragraph 124 what the consequences will be for considering proposals on brownfield land to be 'acceptable in principle'. While this language has been successful in other areas of the planning process, applying it to brownfield land development produces ambiguity, as the technical and environmental character of brownfield land lends itself to a range of considerations, and the current wording does not make it sufficiently clear which would be negated or deprioritised in the new approach.

Any measures to improve the efficiency of the planning process should not come at the expense of robust approaches to the assessment of environmental risks and the proper remediation of contaminated land. Doing so is essential to ensuring that developments deliver for the people intended to use them, and any failure in effective assessment or remediation could lead to delays or cost implications in the long-term.

One solution to the current ambiguity would be to add a footnote to paragraph 122c (proposed numbering, 124c in the current numbering), clarifying the meaning of 'suitable brownfield land' to reiterate the need for brownfield land to be properly assessed and remediated, with reference to the exceptions to the principle that the use of brownfield land should be regarded as exceptional. For example, a scenario with extensive un-remediated contamination or a situation where a brownfield site had become particularly biodiverse during its inactivity could make such sites less appropriate for developments than alternatives.

This would increase certainty, encouraging the use of brownfield land by avoiding ambiguity that the principle may not be seen through in practice, while ensuring the avoidance of environmental or social risks associated with its development.

Secondly, there are practical considerations about how the change will be delivered.

Greater clarity is needed to ensure that authorities can address the complex environmental challenges associated with land condition, air quality, and other issues affecting brownfield land. In particular, in line with their powers under Part 2A of the Environment Act, local authorities must identify any sites that present contamination risks so as to ensure that any brownfield sites put forward for development do not present contamination risks and require expensive remediation.

Through the implementation of the proposals, any changes which risk infringing on the robustness of evidence processes should be avoided, and all relevant organisations, such as local planning authorities, should be properly resourced to support them and engage with the necessary evidence.

There are also emerging challenges which may need to be considered prior to adopting these changes, such as the influence of 'novel contaminants of concern' including per- and polyfluoroalkyl substances (PFAS) and the potential associated remediation costs.

The IES supports the requirement under paragraph 190 (proposed and current numbering) that "*where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.*" The Government must ensure that this provision is adhered to and that there can be no liability for public bodies and finances from such remediation costs. It may therefore be prudent, during the process of implementing changes to paragraph 124c, to review the current extent to which paragraph 190 has been applied, as well as how costs may increase in the future as a result of 'novel' contaminants.

The implications of potential remediation costs may be particularly relevant to the deliverability of the Government's objectives around affordable housing, as well as its wider environmental objectives.

Question 21: Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt? [Yes/No]

Yes, with respect to the caveats noted in response to question 20.

In particular, it will be necessary to ensure that resources, capacity, skills, and guidance are available to support the effective and sustainable delivery of these proposals. In the context of the development of PDL in the Green Belt, proper consideration of scientific evidence and broad environmental systems will be particularly important.

In some instances, professional or industry guidance may be an appropriate form of support for developers and local planning authorities, such as [Environmental Protection UK's Guide for Developers on Developing Garages and Filling Stations](#) ('Before you dig', reissued in 2023 by the Environmental Policy Implementation Community).

The IES supports efforts to improve designations for land to better reflect its complexity. This was one of the recommendations outlined in our [2024 priorities for the UK Government](#), so the IES is keen to support the effective implementation of that goal through these changes.

In light of that shared objective, the proposed change to paragraph 154g (as well as the other proposals with relation to land designation, addressed in questions 20 and 23) would be more effective at achieving the Government's objectives if a more nuanced approach was taken to understand the ecological value of land. Land is complex, often-changing, and linked to myriad natural and social systems, so simple designations often fail to address these complexities.

As a result, Previously Developed Land may not automatically be of low ecological value purely because it was developed in the past. Similarly, brownfield land can gain some ecological value over time, particularly while it is inactive, for example as naturalised grassland which provides a valuable habitat for insects and small mammals that provide food for raptors. Equally, greenfield land can be curated in ways that diminish its ecological value.

The Government correctly identifies in the consultation document that "*The Green Belt ... is not an environmental designation or a marker of any environmental importance.*" In light of that, caution should be taken that designations for land do not become a surrogate for a more complete understanding of the condition or ecological state of that land.

It will not always be possible to capture the full extent of these complexities while also delivering housing and infrastructure in an efficient and productive manner. However, that should not preclude a proportional approach to recognising these wider considerations, with the potential for the system to take a 'common sense' approach to identifying where designations are not effectively considering the actual state of land and any associated ecosystem services.

Nor should it lead to any reduction in the ways that environmental value is preserved. Where the consultation document notes that "*any development on land released from the Green Belt must bring benefits, via not only mandatory Biodiversity Net Gain, but also through new rules that will secure improved access to good quality greenspace*", these protections cannot

be assumed without reference to the challenges that have been faced for the implementation of mandatory Biodiversity Net Gain.

The effectiveness of Biodiversity Net Gain has been subject to a number of challenges as a result of its delivery and implementation, though there are also inherent challenges to an approach which treats ecology as tradeable and transferable, leading to absurdities or unintended consequences.

For the protections suggested in the consultation document to be effective, Biodiversity Net Gain must translate into actual meaningful gain, so further consideration of the implementation of mandatory Biodiversity Net Gain may be prudent. In the absence of those considerations, further changes to the NPPF or planning guidance could somewhat address these challenges.

Question 23: Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend? [Yes/No]

No.

The IES supports the intention of this proposal, recognising the need for designations to better reflect the complexity of land. However, the current definition does not adequately reflect that complexity, with the potential to lead to absurdities in implementation. As outlined in response to questions 20 and 21, there are wider considerations around land designation that should be better reflected in the proposed definition of grey belt land.

Additionally, the decision for grey belt land to effectively serve as a sub-designation of Green Belt, rather than a separate designation, may lead to unnecessary uncertainty around the distinction between designations. In particular, it presents a risk that the wider Green Belt is implicitly seen as being of lower value, potentially undermining the Government's 'brownfield first' approach. While on a technical level, this distinction is clear in the proposed changes, in practice it may introduce ambiguity about the overall approach to greenfield land.

To some extent, this results from the inherently simple nature of the land designation system. Naturally, there is a balance to be struck between simplicity and effectiveness, the latter of which requires a greater degree of nuance about the value and positive attributes of land.

Such considerations could be displaced by an approach which blurs the boundaries of designations even further, compromising the potential to deliver ecosystem services such as flood resilience, biodiversity, and access to green spaces. To some extent, this is addressed by other changes proposed in the consultation document, particularly those noted in the IES's response to question 36.

The current proposals would also benefit from more explicit appreciation of the inherent opportunity cost associated with development. Given the finite availability of land and multiple pressures for land use, planning guidance should better reflect that developing a piece of land prevents alternative developments, which may forego multiple benefits for people, the economy, and the environment.

Excluding land from the Green Belt where it is not already of particular importance or contributing to the five purposes of the Green Belt may lead to absurdities where what is now considered grey belt land could have a more beneficial potential use, which is foregone in favour of development without proper consideration.

As outlined in response to question 21, there are a wider range of land use objectives which could be considered here, which may lead to scenarios where the Government's ability to secure its overall objectives for land use across the country is compromised. Some land in this category may have the potential for use for carbon offsetting, habitat creation, or other purposes, so a more nuanced approach is needed, and environmental assessments may be necessary.

It is not yet clear how the forthcoming Land Use Framework will amend policy to effectively reconcile these objectives, but in the current proposals, ambiguity remains on how these multiple land use objectives will be reconciled where land is primarily driven towards developmental land use. If the Land Use Framework properly accounts for these considerations, these challenges could be significantly mitigated.

To avoid unintended consequences of the implementation of grey belt land, further action may be required to ensure the full alignment of governance and consenting processes between the national and local scales, including through existing Local Plans. Efforts should be made to work in close partnership with the devolved administrations, particularly where grey belt land is in close proximity to the borders with the devolved nations.

Question 24: Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria? [Yes/No]

Yes.

As outlined in response to questions 21 and 23, further considerations are needed to avoid the potential for unintended consequences.

Land degradation is one such consequence where a broader set of social, economic, and environmental considerations are not part of the criteria for grey belt land. More generally, the system should be better placed to reject attempts to change the designation or value of a land through environmental degradation. These challenges also exist around the implementation of mandatory Biodiversity Net Gain, where land can be intentionally left to degrade in order to reduce the scale of gain required.

Where land is unintentionally degraded, better access to environmental expertise and information about risks would be beneficial. Early engagement with experts has the potential to avoid these consequences, so should be encouraged as best practice for developers through planning guidance wherever possible.

There may also be the potential for unintended consequences as a result of the changes to footnote 63 (proposed and current numbering). Agricultural land could be degraded to make it eligible for development in the situations where that appears more financially viable to landowners, so the removal of caveats around food security objectives from this footnote could increase the possibility of abuse. This could be remedied by ensuring proper funding for Environmental Land Management Schemes, encouraging sufficient funding to remove the economic incentive underpinning this risk.

Question 25: Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance? [Yes and it should be contained within the NPPF/Yes and it should be contained within PPG/No]

Yes, and it should be contained within PPG.

Given the complex nature of many of these considerations, additional guidance would help to provide clarity for all parties. As the scope of the guidance involves a limited set of circumstances which are not universal, this could be achieved outside the NPPF, which would also provide greater flexibility to the overall approach. However, this would be most effective if combined with further efforts to promote access to PPG to all stakeholders.

Question 26: Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes? [Yes/No]

Yes.

The responses of the IES to questions 20, 21, and 23 are all relevant to these considerations, where greater nuance could be beneficial.

Question 27: Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced? [Yes/No]

Yes.

The IES would strongly support an increased role for Local Nature Recovery Strategies in identifying areas of the Green Belt which could be enhanced. Both the mapping element of a LNRS and its identification of priority areas for new and improved habitats could make significant contributions towards a more holistic approach to how land is used for the mutual benefit of humanity and nature.

The planning system is the main control on how land is used in England, so having a strong weight in planning decisions is key for LNRS to achieve impact. While the legal duty for local authorities to 'take account' of LNRS, introduced through the Levelling Up and Regeneration Act, has increased their relevance, the specifics of what 'take into account' means in practice is unclear. This is a particular challenge as local authorities are currently at different stages of developing Local Plans.

Government guidance on this subject is due to be published. The guidance must not allow for LNRS to become easily ignored or a 'box ticking' exercise. It should instead give LNRS a strong voice for nature in planning decisions, clarifying the current ambiguity.

LNRS should also have the benefit of increased legitimacy through consultation processes and potentially co-creation, so they would typically be an appropriate means to pursue multiple benefits for people, the economy, and the environment. As long as relevant authorities receive sufficient resources and capacity for ongoing review, LNRS should also be underpinned by up-to-date evidence.

Question 28: Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations? [Yes/No]

In theory, the proposals seek to release land in the correct places, though there may be barriers to whether that is realised by this approach in practice.

Specifically, without the additional nuances and broader strategic considerations identified in response to questions 20, 21, and 23, the proposals may not always support the release of the right land. The IES supports the objective behind this approach, though concerns and uncertainty remain regarding its implementation.

Question 29: Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole? [Yes/No]

Yes.

This is an important consideration. The IES supports the proposal, with the caveat that it would benefit from a more nuanced approach to understanding the role of land designations as a whole, as outlined in response to questions 20, 21, and 23.

Question 30: Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend? [Yes/No]

Greater clarity is needed to answer this question.

The proposed addition of paragraph 152 (proposed numbering) does not adequately resolve the issues identified in response to questions 20 and 23, particularly around the need for a more holistic understanding of what constitutes 'sustainable locations' and how opportunity costs around multiple competing uses of land will be managed.

Question 36: Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs? [Yes/No]

Yes.

The IES supports the increased recognition of rights of access to nature, so efforts to secure increased public access to green spaces where Green Belt release occurs are a positive proposal.

Where possible, this should be implemented with recognition of the opportunity for co-benefits and other social, economic, and environmental benefits to be built-in by design, including Sustainable Drainage Systems and benefits for nature.

Question 37: Do you agree that Government should set indicative benchmark land values for land released from or developed in the Green Belt, to inform local planning authority policy development? [Yes/No]

No.

The IES agrees that use of viability assessments to support developments coming forward "*cannot be an excuse to inflate landowner or developer profits at the expense of the public good.*" Equally, delivering development in the public good requires land to be unlocked for development, which will require some economic or regulatory incentives. For the approach to achieve public benefit, the balance may need to be better struck between driving development and preventing inflationary profits for landowners.

The Government may be better able to achieve these dual objectives by focusing on the funding of specific public benefits, rather than intervening at the point of land pricing. While there have been challenges for the current implementation of the Community Infrastructure Levy (CIL), and while the IES agrees with the Government's decision not to implement the Infrastructure Levy set out in the Levelling-Up & Regeneration Act, public benefit may be more effectively retained by levying the use of land at the point of sale or development, rather than directly intervening in land value or pricing.

For example, this could be achieved by requiring payment for the costs of community infrastructure requirements associated with a given development, such as transport, public health, water, energy, and impacts from noise or air pollution, which would better deliver locally coherent benchmark land values and address public benefit from the perspective of the genuine needs of the public.

Regardless of whether this change is made, it will be important to address the reasons why the CIL has not been properly implemented, such as by stressing that local planning authorities must assess infrastructure impacts and requirements of a development and then use the CIL to cover them fully. This should not be displaced by the need for development to occur, as it is possible to achieve both mutually beneficial outcomes.

The Government should also consider incorporating an ecosystem services element into benchmark land values, using guidance to apply modifiers to benchmark land values based on the environmental value of the land being released, up to a relevant cap where that value would be too high for development to take place.

This could serve as an incentive not to allow land to degrade, countering the potential for land to increase in value as its decreasing social and environmental value makes it more suitable for development. At the same time, much of the environmental value of land could be retained through policies or guidance such as mandatory Biodiversity Net Gain, or increased rollout of Air Quality Neutral guidance.

Question 38: How and at what level should Government set benchmark land values?

The Government should not set benchmark land values, instead setting out clear policies and measures to support locally appropriate benchmark land values. In that context, the answer to question 37 is relevant to how this is approached.

Question 44: Do you have any comments on the proposed wording for the NPPF (Annex 4)? [Yes/No]

Yes.

The responses of the IES to question 20 with regards to contamination risks and the need for effective remediation, and question 37 with regards to the proposed approach to viability assessments and benchmark land values, are both relevant to the wording of Annex 4.

Question 46: Do you have any other suggestions relating to the proposals in this chapter? [Yes/No]

Yes.

Firstly, as stated in response to question 20, the IES supports the Government's intention for a 'brownfield first' approach. Further practical steps could be taken to support this approach.

Guidance, either through the NPPF or through planning practice guidance, should seek to ensure that planning issues are not unnecessarily revisited through permitting regimes, avoiding 'double regulation' with formal agreements or memoranda of understanding between departments and regulators where necessary, so that there is clarity on what process should encompass which actions and activities. The prospect of 'double regulation' and unnecessary revisiting of issues is a challenge for the current system, slowing planning processes and creating uncertainty for development.

A 'brownfield first' approach could also be supported by further engagement with communities and developers from central government. Where many of the current barriers to developing brownfield sites arise from misunderstanding or the feeling that greenfield land is 'better', this can be alleviated by showcasing the positives associated with brownfield development, as well as the potential for multiple benefits for people, economic development, and nature.

Secondly, it would be beneficial if the 'golden rules' were more explicit about how they ensure that the developments to which they apply will benefit nature. Currently, the rules disproportionately rely on access to green spaces as a means of driving environmental benefits and they do not sufficiently account for benefits to nature or the potential to secure wider sustainability objectives.

Further details on these benefits and the value of a more holistic approach to environmental outcomes is set out in response to question 20.

Thirdly, the delivery of the proposed changes around promoting the use of brownfield land would benefit from increased clarity around skills and competence. Specifically, providing a stronger and clearer definition of a 'competent expert' (currently required through the Environmental Impact Assessment Regulations) would significantly support the clear and robust delivery of 'brownfield first' while managing the complex environmental characteristics of brownfield land.

Historically, where policy has not given explicit expectations around competence, it has fallen to professional bodies and the environment sector to set standards, leading to ambiguity and inconsistency in the types of expertise that are utilised. This uncertainty affects both environmental outcomes as well as the deliverability of the planning process.

This situation could be improved with clearer guidance on key competency standards as well as through explicit evaluation of the success of the Planning Skills Delivery Fund and other relevant initiatives. By combining evaluation with proactive guidance, high standards and upskilling could be promoted to meet the skills challenges associated with an increase in the use and reuse of brownfield land. Many of these standards already exist, so the burden on government would be minimal in endorsing or formalising guidance.

Question 58: Do you have views on why insufficient small sites are being allocated, and on ways in which the small site policy in the NPPF should be strengthened? [Yes/No]

Yes.

The allocation of small sites would likely be increased through clearer guidance to local planning authorities, as well as the resources and capacity to carry out that guidance.

In addition, the IES believes that stronger links between the national and local scales may help to strengthen the NPPF's small site policy. Specifically, connecting Local Plans, Local Nature Recovery Strategies, and other aspects of strategic planning at the local level to both the NPPF and the forthcoming Land Use Framework would help to clarify the role of small sites with respect to the Government's wider set of objectives, increasing certainty for developers and local planning authorities, as well as confidence about the use of small sites.

Question 59: Do you agree with the proposals to retain references to well-designed buildings and places, but remove references to 'beauty' and 'beautiful' and to amend paragraph 138 of the existing Framework? [Yes/No/Partially agree]

Yes.

The IES agrees that these proposals will support the movement towards a more holistic approach to design.

The National Model Design Code (NMDC) is an effective tool for promoting good design overall, so the IES supports its increased rollout and support through national guidance. Guidance and communications should continue to place emphasis on the importance of overall sustainability in good design, which is embedded throughout the NMDC.

Question 61: Do you have any other suggestions relating to the proposals in this chapter? [Yes/No]

Yes.

Firstly, the IES supports the objective of embedding high quality design as the norm across developments. For developments, 'good design' needs to include resilience, so designs need to function well into the future, including under changing circumstances. In the context of climate change, well-designed developments should be not only resilient to the effects of climate change, they should also be able to function as part of a sustainable future where society is able to mitigate the extent of climate change.

To that end, a wider set of design objectives, such as air quality, energy usage, water usage, and biodiversity impacts, should be placed at the forefront of guidance on good design. These considerations are somewhat represented through the NMDC currently, but efforts should be taken to emphasise the importance of sustainability as part of good design, through the NMDC, planning guidance, and the Government's wider engagement with the planning sector.

In that context, sustainable development should be understood in terms as a key component of the duty to support growth, as well as a means to ensure that growth does not cause unintended consequences for communities or nature. Frameworks including the UN Sustainable Development Goals provide the means to deliver regulatory guidance and enforcement policies which do not create barriers to growth or sustainable development.

Secondly, as identified in response to question 37, the IES agrees with the Government's decision not to implement the Infrastructure Levy set out in the Levelling-Up and Regeneration Act, though further clarity is needed on how infrastructure will be funded going forward, and whether the Community Infrastructure Levy will be implemented by local planning authorities in practice.

Barriers to implementation should be appropriately addressed and suggestions on how this could operate are provided in response to question 37.

Thirdly, the IES believes that the Government should work to create a National Development Management Policy (NDMP) on the protection, management and use of soil as a resource. This would help to avoid unintended consequences of development, such as soils being inappropriately treated as waste. Instead, valuable excavated soils should be driven to beneficial uses, enabling the delivery of Biodiversity Net Gain and other Government objectives, such as carbon sequestration and improved surface drainage to manage flood risk.

Developing an NDMP on soils would help to ensure that topsoil and subsoil are not sent for disposal to landfill, in line with the Government's objectives in the Environmental Improvement Plan for England (EIP). At the same time, it will be important to deliver the commitment in the EIP to "*begin development of a Soil Re-Use and Storage Depot scheme to help prevent soil that would otherwise be classified as waste going to landfill and encourage remediation and re-use of soil*".

Aligning national planning policy through the NPPF and NDMPs will be critical to achieving that goal. This could be further supported by linking the NDMP to the forthcoming DEFRA Code of practice for Construction soils. Further details of how a joined-up approach could be taken to the use of soils in developments is provided in response to question 12.

Question 62: Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF? [Yes/No]

No.

The IES broadly supports the principles underpinning the proposed changes to paragraphs 86b and 87 (current numbering, 84b and 85 in the proposed numbering). Modernising the economy is crucially important, and championing the role of science, innovation, and technology is a critical step towards achieving that. However, this should be approached in a balanced manner to ensure that it actually achieves the public benefit intended.

The proposals around data centres in particular present the potential for unintended consequences. While investment in the digital economy, such as the recently announced investment in Amazon Web Services, can provide immense public benefits, the development of data centres does not always directly contribute to that objective.

As the economic value of data centres increases, distorted economic incentives have emerged to construct potential data centres without an intended use case, selling them after the fact in pursuit of private profit. Where this happens, or where investment is not specifically targeted as part of a plan for sustainable economic development, the overriding public interest can be jeopardised.

In particular, there are significant environmental consequences of data centres which should be taken into account, affecting both nature and people. Data centres are associated with a significant climate impact, using substantial amounts of power and with high energy storage demand. As the services provided by data centres often require continuous function, they require substantial energy storage to protect against intermittency, and sustainable design solutions have not yet been produced at the scale required. Data centres have also been associated with immediate environmental impacts, such as noise pollution, and questions remain about the implications for water stress as the scale of data centre development increases.

Many of these environmental considerations can be mitigated or may be balanced against the public interest of economic development and technological services associated with data centres. However, the current proposals do not sufficiently account for these risks.

The proposals could be improved by introducing a short caveat, including data centres associated with a clear and specific public interest, but not all data centres in the abstract. The same caveat could be applied to the other potential developments discussed in this section, though the risks associated with those developments do not require the same degree of mitigation.

Additionally, the Environment Agency should be suitably resourced through cost recovery charges on developments so that it can provide integrated water management to address these concerns, including promoting water saving to release water and provide secure water supplies for such developments. Similarly, other delivery organisations should be suitably resourced to support an integrated approach.

Alternatively, or additionally, changing the proposed text of paragraph 87a (current numbering, 85a in proposed numbering) from “*support the growth of these industries*” to “*support the sustainable growth of these industries in the public interest*”, could achieve a similar effect.

Question 64: Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development which could be capable (on request) of being directed into the NSIP consenting regime? [Yes/No]

No, not in the form of the current recommendation.

As identified in response to question 62, there are potential unintended consequences associated with an unchecked increase in the development of data centres, and the inclusion of all data centres in the NSIP regime would likely produce that result.

Given the specific public interest motivation that underpins the NSIP regime, it is doubly important that developments included in the regime are focused on achieving specific public interest, and that they appropriately mitigate against unintended consequences. The concerns outlined in response to question 62 do not apply to offices, sports, leisure, and tourism in the same ways, so data centres should not be included in the same category of projects without some degree of caveat to better balance the overall approach to economic development in the public interest.

While the existing protections in the NSIP regime could help to mitigate those risks, it would again be prudent to introduce caveats to the proposals to ensure that data centre developments are focused on those most directly contributing to the public interest. The NSIP regime is at its strongest when it is underpinned by clear and consistent guidance, underpinned by a joined-up approach which drives nationally significant infrastructure development in line with the Government’s vision and broader objectives.

This would allow for the most beneficial projects to continue, rather than those projects which would have greater environmental harms than social or economic benefits. Specific proposals for the wording of how this balance could be struck are offered in response to question 62.

Question 65: If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so? [Yes/No]

As outlined in response to question 62, it would be appropriate to make these developments subject to limitation, though it may be more appropriate to limit on the basis of scope, rather than overall scale.

A large number of smaller-scale data centres which were not developed in the public interest could be more damaging in practice than a small number of large-scale data centres developed with a clear public interest rationale and appropriate environmental mitigations in place, so limiting developments purely on scale may not be the most effective approach to avoiding unintended consequences.

Some degree of limitation is needed, so limiting by scale would be preferable to not having limitations at all. If the approach of limiting by scale is seen as preferable, it would also be necessary to provide a means to assess for trade-offs between these projects, including through guidance for local planning authorities and developers, to ensure the overall alignment of these developments with the Government's objectives around strategic sustainable growth.

Question 69: Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF? [Yes/No]

The proposed changes are broadly positive, though greater clarity is required on how the proposals will work in practice.

Overall, the move towards a wider category of tested scenarios is positive, rather than focusing on 'worst case' scenarios. The IES recognises the challenges associated with 'predict and provide' approaches and supports the aim of "*challenging the default assumption of automatic traffic growth*" as well as the need for a more strategic view of transport.

To realise that goal, further clarity would be useful on what 'vision-led' transport planning would mean in practice. This would represent a significant shift in planning and would require support for local planning authorities, both in terms of guidance as well as resources and capacity to develop visions and implement plans. Specific examples of options and their associated social implications may be useful, as well as case studies to support implementation.

In addition to general guidance on a 'vision-led' approach, it could be valuable to produce specific guidance on how to unite visions across authority or spatial boundaries, as well as across scales. Guidance may also need to be supported by appropriate incentives and means to collaborate, in order to ensure that local transport is connected beyond and across the borders of relevant authorities.

To alleviate the burden on roads and the assumption of automatic traffic growth, guidance and support around the proposals should emphasise the importance of sustainable transport options, including active travel, public transport, and sustainable links to regional and national transport infrastructure.

Question 70: How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?

As referenced in response to question 69, healthy communities would benefit significantly from increased options for active travel, supported by appropriate infrastructure and resources for local authorities. National planning policy should seek to emphasise options for active travel to be supported whenever possible. Similarly, public transport options should be promoted and encouraged where appropriate.

To improve public health at the scale of change required to address major health threats such as poor air quality and noise pollution, local authorities need increased powers, funding, and clear, consistent guidance from the Government. National planning policy can support the latter and may contribute towards giving authorities appropriate powers to act on public health, but this will inevitably need to be supported by adequate resources to take a more holistic approach to health outcomes alongside development. It is likely that this goal will be supported by the Government's manifesto commitment to "*give councils multi-year funding settlements and end wasteful competitive bidding.*"

Specifically, healthier communities could be supported by clarifying and strengthening the powers and enforcement abilities of all types of local authorities to tackle air pollution, including from vehicle idling and wood burning, and by enabling public transport and active travel. This should be supported through clear guidance and unambiguous political support for an evidence-informed community-led dialogue on air quality interventions, such as clean air zones and low traffic neighbourhoods.

People spend the vast majority of their time indoors, so efforts to promote healthy communities should also consider indoor air quality, which can have significant implications for human health. This should be a much more clearly considered design question for developments. Further action could be taken through planning guidance and the NMDC. Ambient and indoor air quality could also both be improved through the wider rollout of Air Quality Neutral Guidance.

The forthcoming 'Guidance for Local Authorities on Integrating Action on Air Quality and Climate Change', from the Environmental Policy Implementation Community (EPIC), may be an appropriate source of information on how local authorities can support linked public health and environmental goals. The case studies and options outlined in the guidance provide an insight into specific actions that could be promoted through planning guidance to improve public health outcomes.

A draft copy of the guidance is available here: https://www.the-ies.org/sites/default/files/documents/aqcc_exposure_draft_final.pdf

Question 72: Do you agree that large onshore wind projects should be reintegrated into the NSIP regime? [Yes/No]

Yes.

This reflects the Government's wider commitments, its mission to "*Make Britain a clean energy superpower*", and the urgent need for increased renewable energy generation. The Intergovernmental Panel on Climate Change (IPCC)'s recent report on the mitigation of climate change makes clear that wind power is an important and cost-effective step towards reducing greenhouse gas emissions.

The IPCC's [Sixth Assessment Report, Figure SPM.7](#) is a useful visual representation of the significant potential global impact of wind energy.

To support the reintegration of large onshore wind projects into the NSIP regime without unintended consequences, it will be necessary to review guidance, particularly ETSU-R-97, which relates to the assessment and rating of noise from wind farms. The IES understands that the guidance is currently under review, which will be vital to ensure that it sufficiently protects communities from the adverse effects of noise pollution.

The World Health Organization (WHO) has identified noise as the second largest environmental cause of health problems, and the [House of Lords Science and Technology Committee](#) found that 130,000 healthy life years were lost as a result of noise pollution in the UK in 2018. As the guidance is reviewed, it should reflect the reintegration of large onshore wind projects into the NSIP regime and put appropriate safeguards in place.

In particular, the 'noise limits' defined in the ETSU-R-97 guidance should be replaced with effect thresholds for adverse and significant adverse impacts on health and quality of life from noise. The effect thresholds should be based on the best available scientific evidence of the impact of wind turbine noise including, but not limited to the WHO's systematic reviews of the health effects of environmental noise. Experts in noise and health should be engaged in the process of defining these effect thresholds.

Further guidance should be developed for: (a) controlling amplitude modulation and any other acoustic features likely to affect the perception of the sound; (b) effectively engaging with communities as a means of mitigating the adverse effects of noise in practice; and (c) implementing schemes to share the benefits associated with onshore windfarms by embedding social value into development proposals, which can produce positive contributions on the perception of noise from onshore windfarms.

Question 73: Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy? [Yes/No]

Yes.

In addition to the reflections provided in response to question 73, it is important to note that strong incentives are necessary to ensure renewable energy is developed, to avoid the possibility that every community wants increased energy security yet does not want developments in support of energy security to happen locally.

Question 74: Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place? [Yes/No]

Yes.

The NPPF should align with other key frameworks for delivering multiple social, economic, and environmental benefits, so that energy decarbonisation can be achieved in tandem with climate and nature commitments, as well as broader sustainable wellbeing and economic security. Often building on peatlands will not be appropriate regardless, as the substrate may not be suited to heavy infrastructure developments.

In particular, the forthcoming Land Use Framework will be a significant opportunity to identify how competing land uses will be reconciled, so the NPPF must be set up to clearly align with that Framework and vice versa. Ensuring that the right land is used for the right purposes is essential to helping all communities benefit from the climate transition, without compromising on the other aspects of that transition.

Additionally, existing legislation and commitments on peatlands and similar habitats should be better referenced through the NPPF and supporting guidance.

As a general response on the form of mechanisms to achieve this goal, protections are likely to be more effective than compensatory mechanisms, in line with the mitigation hierarchy. Habitats or ecosystem services lost in one location are not automatically restored if they are added in another. As habitats are part of more complex natural systems, it is not always possible to compensate for their loss or replace their services and functions elsewhere. To that end, the social, economic, and environmental benefits of such habitats may be lost where compensatory mechanisms are used instead of protections.

For peatland specifically, compensatory mechanisms may not effectively account for the release of carbon previously sequestered in the peatland, which could not then be immediately re-sequestered. Broader efforts to increase the scale of CCUS are already ongoing, so the burden on new carbon storage or sequestration should not be unnecessarily increased.

The Government should consider existing approaches and case studies of peatland protection policies as examples, including the current policy approach in Scotland through the Fourth National Planning Framework and the work of the IUCN UK Peatland Programme.

Question 75: Do you agree that the threshold at which onshore wind projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50 megawatts (MW) to 100MW? [Yes/No]

Yes.

Question 76: Do you agree that the threshold at which solar projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50MW to 150MW? [Yes/No]

Yes.

Question 78: In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?

The IES strongly supports the Government's aspiration to use national planning policy to support action on climate mitigation and adaptation.

Firstly, several of the suggestions made in response to earlier questions could have direct benefits for climate action, as one of the most important factors will be clear, consistent, and explicit support for planning and design that seeks to secure multiple benefits. The answers to questions 5, 6, 21, 23, 37, 46, 61, 62, and 70 offer specific interventions which either support that objective or have significant climate co-benefits.

This approach could also be supported by more explicitly including climate resilience, adaptation needs, and co-benefits as considerations during the design, planning, and consenting of new housing and infrastructure, where they are not already. Guidance should be clear that this extends beyond flood defence to the full extent of adaptation needs, such as energy security.

Secondly, some ambiguity remains about the future of Environmental Impact Assessment, following consultations around Environmental Outcomes Reports last year. Regardless of what form that process takes in the future, climate, biodiversity, soil health, and sustainable development should be embedded as explicit environmental outcomes in impact assessment.

A proportional approach could be retained within impact assessment by offering greater routes for differentiation between nationally significant and small project scales.

Thirdly, while the proposals around onshore wind should provide substantial support for the energy transition, more could be done to support that objective. While the outcomes of the call for evidence on 'Barriers to community energy projects' have not yet emerged, facilitating community energy will be a vital aspect of the transition, so evidence-backed actions emerging from that work should be implemented in full.

Two actions, which would support both community energy projects and national energy security more generally, would be to provide support through planning for energy storage projects, in line with the new proposals for green energy discussed in chapter 9, and to make grid connectivity a more explicit consideration in guidance on the design stage of projects, particularly where different regimes are involved and communication is required to ensure that infrastructure is properly and efficiently connected.

Fourthly, action on climate change could be facilitated through empowering local authorities and increasing access to evidence, so that evidence-led action can be taken locally to support national objectives. Planning guidance should clarify and capitalise on the role of local authorities in the net zero transition. Local Plans should be more directly linked to local climate action plans where these exist.

As [called for by the Climate Change Committee](#), these plans should be viewed as 'Locally Determined Contributions' as part of the UK's overall net zero objectives, legal commitments, and international obligations, so linking them to Local Plans would provide a better means of ensuring that planning works towards those objectives at all scales.

The public and all planning stakeholders would also benefit from greater access to evidence, particularly on what works in practice, so that projects with proven success can be accelerated and those that are ineffective in practice can be avoided. Due to the long time scales involved in many projects and their implications for the climate, upfront evidence is critical to urgent and effective action.

In support of that goal, the Government should work with local authorities and developers to centralise monitoring data and evaluations on previous projects, either creating a central platform or offering case studies through planning guidance. Planning regulations, including the NPPF, may need to be adjusted to require the release of this evidence, particularly where a project's environmental outcomes may be considered to be commercially sensitive information.

Question 79: What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use?

Further action should be taken to ensure the effective rollout of technical and digital skills across local planning authorities, including resources and capacity. In particular, it will be important to have case studies of what works in practice so that decision makers have an understanding of the whole carbon lifecycle associated with a project. Where tools exist

already, this understanding will be critical to applying them effectively. Specific suggestions for how this could be implemented are given in response to question 78.

Additionally, a distinction should be drawn between hypothetical technological readiness and technological readiness in practice. For carbon accounting to be effective in plan-making and decisions across the system, the system as a whole should be modernised to simplify and support the process. One key step will be the urgent rollout of digital EIA, which will be critical to the accessibility and evaluation of projects.

Question 80: Are any changes needed to policy for managing flood risk to improve its effectiveness? [Yes/No]

Yes.

A more coherent long-term plan is needed for surface water flooding, developed with the support of environmental experts and with planning in mind. The Government should implement the recommendations of [DEFRA's review for implementation of Schedule 3 to The Flood and Water Management Act 2010](#), rolling out Sustainable Drainage Systems with support provided for planning and delivery organisations.

Taking a systems approach to how water is addressed in the UK could solve multiple challenges for water at the same time. The goal of managing flood risk should be part of a long-term objective to acknowledge humans as part of the water system, prioritising strategic network solutions that work with nature. For example, a strategic programme of reservoir building could help to address water security concerns but could also make significant contributions to managing flood risk, as long as it was designed to work with the water cycle, rather than against it.

Unlocking water storage through Environmental Land Management Schemes, Sustainable Drainage Systems, and nature-based solutions could have a significant impact on flood risk, water security, and could provide co-benefits for biodiversity, public health, and climate change.

For this strategic approach to be successful, it should be explicit in planning guidance and policy. Rather than encouraging atomistic approaches on a site-by-site basis, planning policy should more strategically identify how the water system works as a whole. This approach already exists and could be adopted at scale, utilising integrated water system models, such as [Imperial's Water Systems Integrated Modelling framework](#).

As a subset of the overall water system, the catchment scale should be better utilised to ensure the effectiveness of policy around flood risk. Understanding how catchments function and embedding that in strategic planning is essential to preparing for flood risk. To that end, sufficient resources and skills should be provided to deliver sustainable water management at the catchment scale across regions. Local decision making about sustainable water management could be facilitated by providing investment to guarantee everyone has access to a local catchment partnership.

Question 81: Do you have any other comments on actions that can be taken through planning to address climate change? [Yes/No]

Yes.

The ways that planning can address climate change should be part of a joined-up approach, with reference to each other so that participants in the process have certainty and clarity on

how their actions or decisions can contribute to the country's overall action on climate change. The importance of a strategically holistic approach is outlined in response to questions 4 and 6. Specific details of how this can be embedded for climate change are provided in response to question 78 and 80.

This could be further facilitated through a 'sustainable wellbeing' approach across the planning system, recognising that the purpose of planning should not just be economic growth in isolation, but also the ability to help people thrive and support a flourishing environment.

These three goals are mutual and indivisible: when given the opportunity to thrive, people protect the environment that they value, and they become instrumental parts of our economy. The economy gives people their livelihoods and the security needed to safeguard the environment. The environment is the fundamental basis of all human needs and ensures the economy can be sustained into the future.

In practice, this approach could be facilitated by aligning consenting processes and governance across local and national policy, including through the NPPF and through partnership with devolved administrations, such as Scotland and its Fourth National Planning Framework. National environmental objectives and outcomes should be linked to local delivery as explicit considerations in Local Plans.

**Question 82: Do you agree with removal of this text from the footnote?
[Yes/No]**

Yes.

For maximum effectiveness, the proposal could be further supported with clear alignment through the forthcoming Land Use Framework and other policies with implications for land use, such as Biodiversity Net Gain, Local Nature Recovery Strategies, and Environmental Land Management Schemes. Each of these needs to be 'on the same page' and should be clearly linked to the approach in the NPPF to ensure this proposal works as intended, rendering the footnote unnecessary.

Similarly, this would be best supported by ensuring the effective implementation of the Community Infrastructure Levy and payment in full for associated infrastructure costs, as outlined in response to question 37.

Question 83: Are there other ways in which we can ensure that development supports and does not compromise food production? [Yes/No]

Yes.

This could be achieved through the holistic approach outlined in response to questions 4, 37, and 82.

The forthcoming Land Use Framework is a significant opportunity to provide a clear and consistent approach to how different types of land are used, how the full suite of policy measures affecting land use are deployed, and how to unite the entire system of land use in England to achieve multiple objectives, including food security, as well as energy security, biodiversity, water security, climate mitigation and adaptation, and housing and infrastructure development.

It is crucial that the Framework provides that guidance and coherent vision. Otherwise, competing land uses will need to be reconciled on a project-by-project basis, potentially overwhelming an already-stretched system. Linking these national frameworks and plans to Local Plans will then be an essential step to legitimise them and ensure community voice is respected.

Outside the planning system, the mutual goals of development and food production could be further supported by robust Environmental Land Management Schemes. Providing clarity for farmers and landowners over the long-term is essential, or economic pressures will drive agricultural land into inefficient uses, either through degradation or short-term tenancies which undercut the strategic use of agricultural land.

Question 84: Do you agree that we should improve the current water infrastructure provisions in the Planning Act 2008, and do you have specific suggestions for how best to do this? [Yes/No]

Yes.

The current water infrastructure provisions do not sufficiently account for a whole system approach to water, the need for which is outlined in response to question 80.

A significant factor in the declining state of the water environment and the linked reduction in water security and sewage treatment capacity is that local planning authorities have not consistently made developments account for the cost of the water infrastructure needed to cater for their additional demand and sewage loads. Local planning authorities should require developers to fully pay these costs, in line with NPPF paragraphs 20, 34, and 180 (current numbering, 20, 35, and 180 in proposed numbering), which collectively require plans for developments to sufficiently make provision for water supply and wastewater, as well as requiring contributions for infrastructure costs, including water and flood management.

This would also be a suitable opportunity to support the link between national planning policy and strategic planning for water stress and insecurity at a catchment level, including through joined-up planning for responsible authorities that embeds climate resilience as well as mitigation. Specifically, inclusion in NSIP could support a strategic programme of reservoir building which identifies opportunities to work with the water cycle.

The IES is particularly supportive of the proposed inclusion of "*water recycling, which will be an important option for securing water supplies and one that is commonly used around the world*". This should be aligned with a holistic understanding of water systems.

To support these changes, planning guidance should also provide support to help decision makers at the project, local, or catchment scale to identify high risk areas. This could then support partnership working with delivery organisations and the water industry, including the development of joint emergency response plans and comprehensive risk assessment and management in relation to water stress.

Question 85: Are there other areas of the water infrastructure provisions that could be improved? If so, can you explain what those are, including your proposed changes? [Yes/No]

Yes.

Other areas of the provisions are identified in response to questions 80 and 84 as changes that would facilitate the responses to those questions.

Question 87: Do you agree that we should we replace the existing intervention policy criteria with the revised criteria set out in this consultation? [Yes/No]

Yes.

Question 88: Alternatively, would you support us withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers? [Yes/No]

No.

While the IES supports a change in the intervention policy criteria, having clear criteria is an important part of providing consistency and removing uncertainty for local planning authorities, developers, communities, and the wider sector. Removing the criteria altogether could come at the expense of a clear understanding of when intervention will take place, potentially increasing the prospect of legal challenges and serving as a barrier to proactive development.

Question 96: Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services? If yes, please explain what you consider an appropriate increase would be and whether this should apply to all applications or, for example, just applications for major development? [Yes/No]

Yes.

Details of how planning fees should be increased are provided in response to question 97, alongside the rationale for increasing fees. As the response outlines multiple options for how this could be implemented, it is not possible to provide a specific suggestion in relation to how much fees should be increased.

Question 97: What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?

The system would benefit significantly from the inclusion of ecological expertise as a wider service accounted for within planning fees. Alternatively, some of these costs could be reflected through the price of biodiversity units. These costs are often already borne by the system, being passed on to developers or local authorities in different contexts. In either case, the current approach does not sufficiently allow for robust ecological expertise within local authorities.

Where developers use environmental consultants to assess proposals, these can often then be reassessed by local authorities, requiring an additional payment. Rather than paying twice, it would be more sensible to provide access to independent environmental expertise through planning fees, either by employing ecologists directly within local authorities, or by providing improved access to pooled networks of experts.

As a result of the current system, many projects proceed without expertise at the design stage, leading to the identification of flaws in environmental considerations later on, when

they are more difficult and expensive to address. The result is a loss, both in terms of environmental gain and also potentially on financial savings for projects, because the likelihood of developments needing to be reconfigured or abandoned increases.

Including the costs of ecology services within planning fees could save money in the long-term, particularly if linked to early intervention. This would be particularly helpful to smaller and medium-sized developers, which may lack access to the same levels of expertise as larger developers, increasing the risk of a project needing to be significantly altered at a later stage. It could also facilitate a long-term shift towards a simpler, more proportionate process which could reduce the need for high fees in the future.

This could also potentially remove some unintended consequences from the system, including for the implementation of mandatory Biodiversity Net Gain (BNG), where cost recovery improvements could ensure ecological expertise that prevents abuse such as the intentional degradation of land to facilitate technical compliance with BNG, or the increase in self and small-scale custom builds solely as a means to claim exemption from BNG, even in circumstances where this would be inappropriate.

Currently, many local authorities lack access to the embedded ecological expertise to take strategic approaches to dealing with these situations. Both monitoring and enforcement around BNG would benefit significantly from embedded ecological expertise within local authorities.

The IES's Environmental Policy Implementation Community (EPIC) recently conducted a survey with the Association of Local Government Ecologists (ALGE) which identified issues around capacity relating to Biodiversity Net Gain, including the resulting burden on planning and legal expertise within local authorities. The results of the survey will be published in due course.

Question 103: Do you agree with the proposed transitional arrangements? Are there any alternatives you think we should consider? [Yes/No]

Yes.

The IES recognises the importance of long-term certainty for the sector, particularly with regards to Nationally Significant Infrastructure Projects. Equally, it is important that transitional arrangements reflect the urgency of environmental challenges. In pursuit of that balance, it will be important that local planning authorities are provided with the resources and capacity to support transitional arrangements in practice.

Question 104: Do you agree with the proposed transitional arrangements? [Yes/No]

Yes.

The response of the IES to question 103 is relevant here, as the same considerations apply.