

Planning Reform Working Paper: Development and Nature Recovery

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 and economics, 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 is 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 to deliver sustainable wellbeing, supporting progress towards a country with thriving people, a healthy economy, and a flourishing environment.
- The general approach outlined in the working paper has the potential to take a positive step towards a more strategic approach that supports sustainable development, though there are still significant questions about what the approach will look like in practice, particularly on links to other parts of the planning system, details of delivery through the Nature Restoration Fund, and the timeline for rolling out measures.
- These proposals should secure a more strategic approach for meeting some environmental objectives, though others (such as nutrient management) would be better handled elsewhere to allow for a more coherent approach overall.
- The process of developing Delivery Plans must be evidence-led to create confidence and avoid subsequent legal challenges, so those processes must have sufficient capacity, funding, and expertise to be appropriately carried out.
- Any shift away from site or project specific measures cannot become an excuse to abandon the mitigation hierarchy or sidestep the Environmental Principles Policy Statement: prevention of environmental harm and rectification at source must remain the default approach to protecting nature through planning.

- Environmental Outcomes Reports could be a key tool for supporting these proposals, as long as both systems are designed to encourage early intervention in the design process and to prioritise multi-functional outcomes.
- Nature restoration is a long-term commitment, so the future of the Nature Restoration Fund should be considered from the outset, with specific consideration of future budgets and delivery capacity, ensuring that nature restoration measures can actually be delivered and maintained in practice.
- It is vitally important that reform to the planning system does not take any backwards steps: efforts to expedite planning cannot result in environmental regression. If it is necessary to slow down the process of reforms to ensure that both economic and environmental outcomes can be achieved, the Government should take the time needed to implement these reforms correctly.

We would be happy to follow up any specific requests for additional information. In particular, the IES's Environmental Policy Implementation Community (EPIC) has expertise on how to deliver environmental policy in practice, particularly at a local level.

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 Foundation for Water Research (FWR)'s Water Resources and Quality Technical Panel, the Land Condition Community (LCC), and the Environmental Impact Assessment (EIA) Community.

Overall reflections

The IES supports the Government's ambition to reimagine the planning system and how it can accelerate developments while supporting nature recovery, and without compromising on environmentally and socially positive developments. In particular, a strategic approach to delivering social, economic, and environmental benefits through the planning system is much needed, so there is considerable merit in the principles underpinning the approach set out in the working paper.

We agree that the current planning system does not sufficiently deliver for people, the economy, or the environment. We have previously outlined our perspective on planning reform in two reports: ['Adversarial to integrated: How to make environmental consenting a team sport'](#) and in chapters three and eight of our broader report ['Our shared Mission for Sustainable Wellbeing'](#), which provide additional information that may be useful. The IES also published a report on the linked issue of ['BNG in Practice: One year on from mandatory implementation'](#).

To ensure that the new approach to planning achieves its ambitions, the details of how these reforms are delivered will be crucial. The working paper does not currently provide enough information to know whether the proposed approach will work in practice. In each case, these may be appropriate topics for further working papers or guidance. Regardless, we believe the answers to three questions will be important to knowing whether the policy will succeed:

1. How will these proposals interact with other parts of the planning regime?

Naturally, we appreciate that the process of publishing multiple working papers means that it will not be possible to learn how all the proposals work together until the final paper is released. However, given the complexities of the planning system, there are many interactions between processes (and the environmental consequences of those processes) which may be difficult to consider until those details are clear.

It will be especially important to understand the interactions between these proposals and those affecting nationally significant infrastructure projects, the proposed Environmental Outcomes Reports regime, and Biodiversity Net Gain.

To fully realise the potential of the Nature Restoration Fund, the approach must take a holistic approach that accounts for the potential to secure multiple benefits for people, the economy, and the environment. It will be important to understand how Delivery Plans and activities funded through the Nature Restoration Fund can account for the wider delivery of sustainable development in line with the Sustainable Development Goals.

2. What scale will Delivery Plans operate at, and with what level of detail? How will this affect the calculation of necessary payments into the Nature Restoration Fund?

Open questions remain about the geographic scale at which Delivery Plans will operate, including the extent to which the cost of payments into the Nature Restoration Fund will be specific to individual sites.

Paragraph 25 refers to aligning Delivery Plans with the evidence bases underpinning other strategies, such as LNRS or PSS. The IES would support drawing on these strategies, particularly LNRS, which should reduce duplication and encourage a more strategic approach to nature recovery. However, the geographies linked to these strategies are not likely to be completely shared and it is not clear whether the same scale will be used for Delivery Plans.

There is a trade-off between Plans operating at the site scale and operating at a more strategic scale, so clarifying the specifics will be important to understanding how the proposals work in practice. To the extent that this also has implications for how costs could be calculated, it may affect the overall efficiency of measures and value-for-money considerations.

3. What is the timeline for implementing measures under the Nature Restoration Fund, and how will the quality of those measures be assured, in general and in specific cases?

As the working paper recognises, urgent delivery of environmental outcomes is essential, so the ambitious timeline indicated in paragraph 30 is a positive sign that the Government is seeking to act quickly. However, the paper only sets out the timeline for having the first delivery plans in place, and it will be important to understand whether measures under the Nature Restoration Fund will be in place quickly enough to match this pace.

There are a number of practical considerations on this point. If there is a substantial delay between developments and the eventual delivery of nature restoration measures, it would produce a significant deficit for the state of nature and raises questions about how land that will be subject to those measures will be safeguarded in the interim. To that end, the mitigation measures funded through the Nature Restoration Fund will need to be ready to deploy in a similarly expedited timeline.

To support that timeline, it would be useful to have a clearer understanding of the specifics of the measures, including what organisations or individuals will be involved in deploying them; whether work will be contracted out and through what process; the timeline for delivery (both in individual instances and in terms of initial deployment); how exceedances of delivery cost or time will be managed and minimised; and how the quality of measures will be assured (both prior to deployment and in the long-term through monitoring and evaluation).

It would also be beneficial to have greater clarity around the timescales for environmental improvements through the Nature Restoration Fund, with a view to the potential for future shifts in the state of the environment or social and natural systems. Plans to intervene through the Nature Restoration Fund should be sufficiently future-ready that timescales can be adapted to accommodate anticipated changes. Likewise, timescales for delivery through the Fund should reflect realistic conditions within complex systems, rather than arbitrary or politically determined periods of time.

To support this, Delivery Plans should reflect both the complexities and dynamics of the systems into which they are intervening. More details on this are provided in response to question C, but it would be beneficial to provide greater details of how this expertise will be embedded upfront. Currently, the evidence base underpinning measures is not completely transparent, so it would be easier to assess the suitability of the proposals if these points were clarified.

A. Do you consider this approach would be likely to provide tangible improvements to the developer experience while supporting nature recovery?

Many of our members work directly with developers and have raised concerns about the possibility that the proposals may limit the ability of developers to demonstrate their environmental conscientiousness by carrying out ambitious mitigation themselves. As a shift from direct project mitigation to more detached mitigation through the Nature Restoration Fund adds a point of separation, it may reduce the case for action.

This could reduce the potential to build trust between developers and communities at pre-approval stages as developers would be less able to make assurances about what mitigation measures will be employed and how they could affect the community. To avoid any such uncertainties, any reforms should leave sufficient opportunities for developers to address their own environmental impacts if they believe that doing so enhances the development or their wider activities.

B. Which environmental obligations do you feel are most suited to this proposed model, and at what geographic scale?

This is another issue on which further clarity may be needed, and which environmental obligations are included within these proposals. As the full breadth of working papers has not yet been published, it is hard to say whether other proposals will be better placed to address other obligations.

The IES would expect these proposals to apply to those currently under the scope of Habitats Regulations and linked legislation. Given these proposals will use the Nature Restoration Fund as the primary mechanism for meeting environmental obligations in practice, the most suitable obligations would be those which are intended to support nature conservation and restoration specifically.

By comparison, meeting some environmental obligations will need to be part of the development itself, as they will apply to design choices, construction standards, or other activities which are necessarily on-site. Climate mitigation and resilience measures are clear examples, where subsequent measures taken through the Nature Restoration Fund would not be able to achieve the same outcomes.

We would suggest that obligations under Nutrient Neutrality would be less well suited to delivery through the Nature Restoration Fund, as they fit better as part of a coordinated approach to nutrient management, rather than outside that framework. Leaving nutrient management within its own framework rather than including it in the Nature Restoration Fund would allow nutrient management to be better coordinated by the Environment Agency and other relevant stakeholders.

Alternatively, if the Government wants to maintain a consistent approach to delivering environmental objectives, developers affecting nutrient levels could pay into a parallel Nutrient Management Fund operated by the Environment Agency in line with the Water Framework Directive and responsible for nutrient management. However, managing it separately from the Nature Restoration Fund will be important to ensuring coherency across nutrient management.

Obligations that would currently be part of the Development Consent Order (DCO) process would also be less suited to this approach, given the likely significant scale of the associated environmental impacts in the immediate vicinity of such a project. Our understanding is that these are intended to be addressed through the proposals for the working paper on Streamlining Infrastructure Planning, though some ambiguity arises from the inclusion of DCO in Scenario B.

C. How if at all could the process of developing a Delivery Plan be improved to ensure confidence that they will deliver the necessary outcomes for nature?

Firstly, to ensure confidence it will be important to increase certainty around the Delivery Plan process, how Plans will work in practice, and what this means for developers and the environment. In particular, the three questions set out at the start of this response will be

important areas of clarification to ensure that Delivery Plans produce the right outcomes. Specifically, the process needs to be clearer about which stakeholders will be involved in the development of Plans, the extent of funding for their development, whether pilot schemes will take place during the development of Plans (nationally or for individual Plans), and the scale at which baseline assessments will be calculated.

As previously noted, the process for developing a Delivery Plan should reflect both the complexities and dynamics of the systems into which it is intervening, in order to ensure that the Plan can be confidently expected to deliver over a timescale where the natural environment will be subject to change. As a starting point, the process of developing Delivery Plans should account for a future horizon of at least one generation (25 years) and ideally two or three, allowing for system dynamics and helping to meet obligations to (and the rights of) future generations, recognising intergenerational equity as a key element of sustainable development.

Secondly, confidence could be increased through greater clarity on how geographic areas subject to Delivery Plans will be defined, which may need to be decided with reference to the receptor that is being protected by a Plan. To that end, different geographic scales may be needed for different environmental obligations covered by the proposals, so further clarity may be needed on how different scales can be reconciled within the Delivery Plan process.

Thirdly, the most important aspect of ensuring confidence in the Delivery Plan process will be to ensure that processes are sufficiently led by robust evidence. To that end, appropriate funding, capacity, and expertise will be needed to ensure that Delivery Plans reflect their stated goals and achieve the best value-for-money for the funds. This will be important to ensure that the measures selected under Delivery Plans actually achieve environmental outcomes but will also be necessary to produce upfront certainty for developers and to minimise any risk of subsequent legal challenges.

Naturally, the evidence base for the development of Delivery Plans will need to recognise the interlinkages between environmental outcomes and social and economic outcomes in pursuit of sustainable development and human wellbeing. The process for developing Delivery Plans and the approach to selecting measures funded through the Nature Restoration Fund should both be underpinned by broadly-based sustainability appraisals, with reference to the Sustainable Development Goals and a broad understanding of sustainable development and wellbeing.

In this context, the wider need for the agencies responsible for preparing Delivery Plans to be suitably skilled and resourced to be able to undertake the appraisals should account for the possibility that the necessary capabilities may not be available within single agencies. To that end, the duty to cooperate in preparing Delivery Plans should include the ability to draw on expertise from across government and arms-length bodies.

Fourthly, confidence could be further established by clarifying the process for calculating the payments that developers will be required to make to the Nature Restoration Fund and the extent to which those payments will contribute towards the full offsetting and compensation

for environmental impacts, particularly those under the Habitats Directive, with a view to securing environmental improvement.

D. Are there any additional specific safeguards you would want to see to ensure environmental protections and / or a streamlined developer experience?

Firstly, it may be necessary to put safeguards in place to ensure that the proposed approach does not undermine the mitigation hierarchy by assuming that mitigation will be the default option for developments. In line with the Environmental Principles Policy Statement, paying into the Nature Restoration Fund should not preclude the ability to implement measures which would prevent environmental harm from taking place or rectify harm at the source.

These need to be genuine options when projects are delivered, so the process should account for that possibility and not default to giving developers an easy alternative that goes against the mitigation hierarchy. Similarly, there should be safeguards to ensure that these options are genuinely considered as additional measures, so that the cost of payments into the Nature Restoration Fund can be properly calculated.

Secondly, sufficient monitoring and evaluation should be embedded into the process of delivering measures to ensure that environmental obligations are being met in practice. This is a vital safeguard, particularly given that the proposals will detach measures from specific sites through the Nature Restoration Fund.

To ensure effectiveness and value-for-money, the implementation of measures should be subject to robust monitoring, appraisal, evaluation, and action based on those evaluations, including iteratively updating Delivery Plans. Paragraphs 49 and 54 commit to a degree of monitoring and evaluation, though further safeguards may be needed to ensure that appropriate processes and funding are in place from the outset.

There is a linked issue around maintenance of any measures associated with meeting environmental obligations through the Nature Restoration Fund, so appropriate safeguards should be in place to ensure that there are sufficient capacity, expertise, and resources to maintain measures into the future.

E. Do you support a continued role for third parties such as habitat banks and land managers in supplying nature services as part of Delivery Plans?

Third parties will play an important role in delivering many of these services. Appropriate guidance and processes should be put in place to clarify their roles and ensure appropriate governance that ensures any services supplied by third parties are evidence-based and subject to monitoring and evaluation.

F. How could we use new tools like Environmental Outcomes Reports to support this model?

Questions still remain about the future of Environmental Outcomes Reports. More clarity will be needed before it is possible to know exactly how they will be able to support the

model proposed in the working paper. However, the IES [response on the 2023 consultation](#) on Environmental Outcomes Reports provides more information on the role of those tools in supporting a strategic approach to nature and planning.

To summarise the key messages from that response and how they relate to this working paper:

- The process and framework for Environmental Outcomes Reports should be designed to encourage early-stage interventions, particularly at pre-screening stages and the project design stage. The proposals in this working paper must be flexible enough in practice to allow for those early interventions, rather than defaulting to post-development mitigation.
- Environmental Outcomes Reports have the potential to deliver multiple benefits for communities and the environment, so measures funded through the Nature Restoration Fund should have the capacity for multi-functionality. The process for producing Delivery Plans should be designed in such a way that these measures are prioritised where possible, with guidance to ensure that EORs correctly identify and adopt those measures.
- Competency, upskilling, and guidance will be essential to ensure that the EOR regime delivers to the full potential of the model outlined in the working paper. Training and guidance should be produced in a way that brings together each aspect, rather than isolating or fragmenting them.
- The Government's goal of making data publicly available (both through EORs and through the Delivery Plan process) is vital, and this could be best achieved through a national centralised database and stakeholder data networks.

Ultimately, if the Government intends to significantly iterate on proposals for Environmental Outcomes Reports, further consideration will be necessary on how they can support the proposals. The IES would recommend direct engagement with professional bodies, which will be well-placed to comment on how EORs will relate to the wider planning system in practice.

G. Are there any other matters that you think we should be aware of if these proposals were to be taken forward, in particular to ensure they provide benefits for development and the environment as early as possible?

Firstly, there are some uncertainties around the overall financial management of the Nature Restoration Fund which may benefit from greater consideration. Given some of the measures will require action over multiple years, including for monitoring, evaluation, and maintenance, the multi-year budget of the Nature Restoration Fund will be an important consideration. As the source of funding is linked to individual projects, some strategic financial planning will be necessary to ensure that external pressures on the number of developments taking place do not jeopardise existing measures being carried out under the Nature Restoration Fund.

There are also uncertainties linked to who will deliver measures under the Fund and what bidding or procurement processes would be used. It will not be possible to put out bids until

money has come forward through the fund, after which there may be considerable delays on delivery of measures, so proper financial sequencing needs to be in place to avoid funding uncertainty while still delivering timely environmental outcomes.

Secondly, it will be important to recognise from the outset any potential capacity limitations to certain measures, which could make delivering environmental outcomes difficult in practice. Some level of strategic assessment of capacity for delivering measures under the Fund may be needed to ensure that it is possible to actually deliver the measures associated with new developments.

Otherwise, developments could be carried out on the basis of contributions paid into the Nature Restoration Fund where that contribution cannot result in any actual nature restoration activity for a considerable time afterwards, as the relevant delivery body waits for capacity to become available. For the scale of housing development being considered by the Government, this may result in a significant environmental cost in the short-term that would not be addressed for many years, so plans for capacity need to be made upfront.