

Department for Levelling Up, Housing & Communities: Consultation on Levelling-up and Regeneration Bill: reforms to national planning policy

Written submission of the IES Environmental Impact Assessment Working Group, March 2023

The [Institution of Environmental Sciences](#) (IES) is a professional body representing nearly 6000 environmental scientists and standing up for the voice of science, scientists, and the natural world in policy. We promote and raise public awareness of environmental science by supporting professional scientists and academics.

We are particularly well-placed to represent a transdisciplinary approach to environmental challenges, with members working in Environmental Impact Assessment, soil science, land condition, climate, nature, water, air quality, and anywhere else where environmental work is underpinned by science. As a result, the IES is uniquely positioned to examine interactions between complex natural and social systems from a scientific perspective.

The Environmental Impact Assessment Community provides a forum for thought-provoking, critical conversations around EIA from a science-based perspective. The Community connects and supports environmental scientists and practitioners working across a range of specialisms involved in the EIA process and facilitates meaningful discussion between disciplines on the key issues facing the sector.

The Institution is happy to elaborate on any of the details in this response with further evidence in whatever form the Department finds most appropriate.

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

Indifferent.

Regardless of how the multiple objectives of planning are articulated in the opening chapters of the Framework, it is important that the placement of emphasis on any of those objectives does not come in a form that implies the need to compromise on any element of the planning processes set out in legislative and regulatory requirements, particularly with regards to Environmental Impact Assessments (EIA) (or in the future, Environmental Outcomes Reports (EORs)).

Revisions which clarify the importance of one objective of the planning system could be worded in such a way as to imply that such an objective is more important than the process used to reach that objective (as well as the multiple other benefits the planning system can achieve). While the Institution does not have a comment on whether or not to make the revisions described in the question, it is important to note that any such revisions should be made in a way that does not compromise this delicate balance between process and outcomes.

Question 7. What are your views on the implications these changes may have on plan-making and housing supply?



As noted in response to Question 6, it is important to ensure that any changes to the NPPF or its wording should be taken in the full context of the proposed Levelling-Up & Regeneration Bill, and should not risk compromising any of the requirements which currently exist.

Taken holistically, there is a risk that the changes to the NPPF and the proposals for the shift from EIA to EORs could result in compromising the robustness of the evidence base used in decision making and plan-making. This risk does not arise explicitly from the proposals but could be created through their implementation, particularly where the changes are articulated from the perspective of streamlining processes or 'fast tracking' developments and consents.

The Department should take care to ensure that this risk is carefully managed and avoided while communicating with Local Planning Authorities and other stakeholders during the implementation of both sets of changes. Preserving the robustness of processes – not only in the NPPF itself but also in practice – will be essential to achieving the outcomes-based approach that underpins both the NPPF and the proposed Bill.

Question 45. Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose? [Yes/No/Indifferent]

Indifferent.

While the Institution does not have a comment on the specifics of the timeline proposed, any timeline of this nature will only be able to be achieved if the right expertise is available to the relevant authorities.

Currently, the proposals and other reforms to planning do not fully address the issues facing capacity, resourcing, and the availability of competent expertise. Many Local Planning Authorities may still be under-resourced or lack topic-specific expertise. Even under the proposed reforms and the shift to EORs, it will still be necessary to ensure competent topic-specific expertise, as well as the EIA professionals necessary to perform those tasks.

Any timeline for the finalisation of local plans and spatial strategies will require far greater building of capacity and capability in the planning system to improve knowledge, skills, and efficiency. This is a substantial opportunity to improve the process of planning decisions, however time and funding implications will have a significant impact on how those aspects can be understood, and must remain fundamental considerations as timelines are further developed.

Question 47. Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?

The Institution's answer to Question 45 above is also relevant in the context of this question.



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

National Development Management Policies should be informed by relevant scientific expertise, particularly the full understanding of interlinking systems associated with planning. Understanding the impact of developments on land, air, water, soil, and other natural systems should be an essential principle to inform the scope of these policies.

Question 52. Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?

It is fundamental that National Development Management Policies fully reflect the extent to which planning can create positive or negative effects. In that context, soil health remains a critical issue in all planning decisions, and is relevant across all of England.

Alongside the other aspects of policy identified as potentially requiring updating to conserve and enhance the natural environment (listed in Chapter 12 of the Consultation), the Department should also make updates to reflect the importance of soil health management and ensure development at all levels encourages safeguarding of soil resources and maximises biodiversity gains through good soil management in the development process.

These changes will be crucial to meeting the goals and commitments set out in the Government's 2023 Environmental Improvement Plan, as well as to fully account for the importance of soil health, which is not sufficiently reflected in current legislative mechanisms associated with planning. Embedding soil alongside issues such as biodiversity, clean air and water, and climate change will be crucial to ensure an approach by planning which properly reflects the interconnected natural systems affected by the process.

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

In order to achieve the missions set out in the Levelling Up White Paper, as well as the needs and wishes of local communities, it will be necessary to ensure a careful balance between local and national considerations affecting the planning process.

By strengthening engagement with local communities earlier in the process of planning and consents, specifically through the proposed EORs, the potential to strike that balance more carefully and appropriately will be better achieved. This engagement should be ongoing throughout the process wherever possible and practical.

Where processes are streamlined or hastened, this cannot come at the expense of effective engagement with local communities, and any decrease in timetables for assessment examinations, such as for Development Consent Orders linked to Nationally-Significant Infrastructure Projects, must not decrease opportunities for engagement with communities or robust evidence.



Ultimately, public confidence in the planning process is fundamental, not only to the missions set out in the Levelling Up White Paper, but also to expedient and effective planning. Rushed processes are only likely to lead to greater delays in achieving outcomes, particularly where unintended consequences emerge through poor engagement with communities and experts.

Question 57. Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?

Increasingly, best practice in planning relies on the accessibility of robust and consistent datasets. This is particularly important as digital EIA becomes a more prominent approach to impact assessment, as well as a fundamental aspect of the efficiency of consenting processes.

Project information should be accessible and available wherever possible, subject to project confidentiality requirements. Similarly, data collection and monitoring requirements should be delivered through EORs to establish a firm basis for considerations about project mitigation, and whether or not they are working as desired. This is crucial not only for the Government's wider environmental objectives, but also a necessary prerequisite to emerging best practice in EIA.

The accessibility of these datasets is therefore vital, and the Department should consider whether existing reporting mechanisms through consenting authorities are sufficient to enable access to robust datasets where necessary, and to promote the consistency of datasets.