Land Policy Briefing Paper, 13 July 2022

Institution of Environmental Sciences (IES)

This is a briefing paper on environmental policy relating to land and systems linked to land, including land-based habitats and ecosystems. With a number of critical policy developments in environmental governance, punctuated by the Environment Act 2021, there are multiple opportunities for positive engagement.

The paper is intended for IES members to encourage awareness of relevant policy issues, support horizon scanning for environmental professionals, and identify opportunities to engage with decision makers and the public on emerging issues linked to land and the environmental sciences.

Long-term legally-binding targets

The long-term legally-binding targets framework under the Environment Act provides a key opportunity to set up the next decade of policy decisions around land and related systems. Decisions, such as what targets to set, their indicators, and how they should fit together with other targets, will be determinative in the future of these systems. The Government's consultation on the targets proposes an approach which is broadly similar to the one set out in the Government's policy paper in 2020.

Several of the proposed targets will have implications for land, how it is used, and the policies which affect it. In particular, the biodiversity targets may have a significant impact on the UK's approach to land. Three long-term targets relate to biodiversity on land: to "*increase species abundance by at least 10% by 2042, compared to 2030 levels*", to "*improve the England-level GB Red List Index for species extinction risk by 2042, compared to 2022 levels*", and to "*create or restore in excess of 500,000 hectares of a range of wildlife-rich habitats outside protected sites by 2042, compared to 2022 levels*."

Outside of biodiversity, a number of the other targets are relevant to land use. The woodland cover target, to "*increase tree canopy and woodland cover from 14.5% to 17.5% of total land area in England by 2050*", will affect around 400,000 hectares of land, potentially overlapping with the target on wildlife-rich habitats. Regardless of the overlap, a significant area of land in England is likely to be subject to the new targets, with consequences for how land is used across the country. There may also be substantial knock-on effects across borders in Scotland and Wales.

Other targets may have co-benefits or consequences for land. In particular, the water quality targets include one on nutrient pollution from agricultural land, which may affect the policy approach to agriculture, with consequences on land as well as in watercourses.

Despite that, there is no proposed target on soil health, unlike in previous versions of the target framework, so soil is less likely to be a system which sees direct intervention under the framework. Given the deep interlinkages between land and other natural systems, there may also be consequences for land from the other targets, particularly on waste reduction (in the context of the built environment) and air quality.

While it is possible that the Government will make further amendments to the targets based on responses to the consultation, the short timeframe of the consultation suggests that changes will be minimal. As the consultation was extended to allow commentators a greater degree of scrutiny into the evidence packs used to justify the targets, there may be some scope for influencing the framework on a technical level. In broad terms, the most likely scenario is that the targets addressing land will be those already set in the consultation paper.

The targets present a number of opportunities for environmental science to engage positively. The consultation has now closed, and the IES and its sister organisation, the IAQM, have submitted responses addressing the targets on both a theoretical and technical level. The Society for the Environment also submitted a response, which was supported by the IES, addressing the framework as a whole.

Although the formal consultation process has now ended, engagement from land science remains critical. By October 2022, the targets will have been finalised and passed into law, as is required by the Environment Act. During that process of finalisation and legislative scrutiny, there may still be opportunities to ensure that the final targets reflect the insights and expertise that the environmental sciences have to offer.

The challenge will be to condense the technicalities and specifics of the targets into real-world implications which are meaningful to the government officers and politicians responsible for making the final decisions. That may be particularly important in the crucial interdisciplinary conversations about the coherency of the targets as a whole and the ways that different systems interact under the proposed framework, as environmental scientists will be well-positioned to identify governance gaps and unintended consequences.

Governance, regulation, and the Environment Act

As part of the shift from governance arrangements under EU directives to a UK-driven framework of environmental regulation, the Environment Act has made significant changes to the governance of issues affecting nature and natural systems such as water and air, with consequences for how land will be used and regulated going forwards.

Some of these changes will directly influence some of the most significant socio-economic systems affecting land, such as agriculture and planning, so there is a potential for substantial positive change, though this will rely on careful scrutiny and the ability of arms-length bodies such as the Office for Environmental Protection (OEP) to challenge failures.

Whilst some regulation around land in the UK is still governed by historic regulation, such as the UK's implementation of EU Directives, there is a possibility of the governance framework changing further. In the context of the Government's proposed 'Brexit Freedoms Bill', several areas of environmental regulation are likely to be revisited to further promote the concept of a UK-led approach to environmental regulations.

Although significant changes to regulation are unlikely given the changes which have already been made through the Environment Act, there is an ongoing need for engagement and for awareness of the potential ramifications for regulation of land and adjacent natural systems. Recent commentary has indicated that different Government departments have differing approaches to the retention of EU law, with some ministers supporting further changes only where there is a specific rationale, so the Government's future approach may remain unclear until after the ongoing Conservative Party leadership election.

Ongoing engagement with DEFRA and relevant regulatory bodies will therefore be increasingly important as the Government works to implement and action key areas of the 25 Year Environment Plan. In the process of moving towards a second Environmental Improvement Plan, engagement with the Environment Agency, the Forestry Commission, government agencies for nature (such as Nature Scot, Natural England, and Natural Resources Wales), and the OEP will be crucial to ensuring that challenges linked to regulation, implementation, and enforcement are properly addressed in Government policy.

There is a strong opportunity for different disciplines of science linked to land to support work that aligns governance, regulation, and policy to drive environmental improvement across areas of land and other natural systems. Awareness of regulatory changes linked to these bodies will also be important to maintaining effective horizon scanning so that environmental professionals working or specialising in land are appropriately equipped to take a long-term perspective to environmental monitoring and improvement.

Land use

In the context of environmental crises such as climate change and biodiversity loss, as well as socio-economic challenges linked to land use, such as housing shortages, there has been a notable shift in attention towards solutions which address land use from a more systemic and holistic perspective.

The renewed policy focus on the ways we use land has ranged from the general, such as the House of Lords Committee on Land Use in England, to much more specific interventions, including on two of the most significant drivers of land use change, agriculture and planning.

Agricultural payments are now subject to reform in each of the devolved nations of the UK as the country moves away from the EU's Common Agricultural Policy. In England, the opportunity presented by the Environmental Land Management Schemes (ELMS) has been placed in doubt by recent implications that the Government is seeking to be less ambitious than initially-promised. Agricultural payments will likely to be an issue of political sensitivity until the end of 2022, so the future of agricultural land management remains somewhat uncertain.

Beyond agriculture, the use of land is also subject to ongoing developments in the planning system and through land restoration. The former is currently undergoing a number of reforms linked to the Government's Levelling-Up & Regeneration Bill, which seeks to address planning processes at the local level. Beyond increased local control, the Bill also proposes to reform

Environmental Impact Assessments (EIAs), with significant potential to change the approach to land, not only in England but across the UK.

In Scotland, a draft version of the fourth National Planning Framework has been released, which has the potential to enhance environmental considerations in the use of Scottish land, though uncertainty remains around its interactions with the UK Levelling-Up & Regeneration Bill, as well as whether sufficient skills and resources exist to secure effective delivery of the draft Framework's ambitions.

As land is increasingly committed to plans for carbon storage and ecological restoration, there are also technical changes which will affect how those commitments are met in practical terms. The UK Forestry Standard in subject to ongoing review, with a new version planned for release by the end of 2022; the International Union for Conservation of Nature (IUCN) released an updated Peatland Code in April as a set of voluntary guidelines for peatland projects; and the Soil Health Action Plan for England (SHAPE) is due to be published imminently.

Across these developments, there is significant potential to utilise insights from land science to support a systematic approach to how land is used, how it can secure multiple benefits, and how to avoid the unintended consequences often associated with land use change. In particular, environmental scientists will play a crucial role in the implementation of many of the new standards and guidelines being introduced, so will be able to identify gaps in the overall approach to the use of land.

Landscape Recovery

Following the final report of the Glover Review of Landscapes in 2019, the Government has set out its response on the future of National Parks and Areas of Outstanding Natural Beauty (AONBs) in England. A consultation on the Government's plans was held at the start of 2022 and has now closed. As the Government reflects on the consultation, there will be further opportunities to build on existing aspirations.

Current proposals do not fully reflect an implementation of the recommendations set out in the Glover Review, though the proposals demonstrate some progress towards them, including giving National Parks and AONBs an increased purpose to support nature's recovery, as well as proposals to increase cooperation with planning, local authorities, and the private sector. To fully implement the Glover Review's recommendations, further steps will need to be made to embed considerations about landscapes across decision making, as the Review's proposals on governance are not yet fully realised.

Continued engagement on landscape recovery raises the potential for an expanded and holistic view of landscapes and the multiple benefits that could be achieved by a systems approach to restoring nature across different contexts. If the Government fully utilises the expertise reflected in responses to the consultation, its approach to land has the potential to unite policy across ELMS, Local Nature Recovery Strategies (LNRS), and crucial protected areas.

That approach will depend on the adequacy of resourcing, data for decision-making, and effective governance. To that end, environmental scientists will have a crucial role to play in providing evidence of gaps in data and governance, as well as practical insights on how to address National Parks, AONBs, and landscapes more generally.

Nature and biodiversity on land

This will be a critical year for nature, with negotiations linked to the UN's COP15 Biodiversity Summit taking place. The primary goal of negotiations is to support the development of a new framework for addressing biodiversity loss at a global level, which has been left uncertain since 2020. The final discussions of the summit itself are now due to take place in Montreal in December. Though this means another delay, the new arrangements indicate that there will be no further postponements after this one. IPBES has also now published its Values Assessment, which provides an underpinning basis of evidence on the value of nature and the benefits it can provide.

Nationally, there are also several important policy developments underway which relate to nature, habitats, and biodiversity. The majority were set out as proposals in the Government's Nature Recovery Green Paper. The implementation of Biodiversity Net Gain has been subject to controversy, particularly on whether local authorities and other relevant organisations have the skills and expertise necessary to deliver it across contexts. In November 2022, the IES called for all local authorities to employ the necessary expertise to support nature, which will be especially vital as core issues such as Biodiversity Net Gain and Local Nature Recovery Strategies (LNRS) are implemented.

The implementation of LNRS will support investment and targeted action on nature recovery, as part of the development of the Nature Recovery Network, which is expected to be in place by 2042. The launch of LNRS began across England in April 2022, following pilot schemes in 2021, though significant further steps must still be taken before local plans are actually in place. Full details on how land managers such as farmers and foresters can contribute to restoring nature at a local level are expected to be published by the end of 2022.

Further reforms are also expected to the Habitats Regulations, with the Secretary of State repeating concerns about the current Regulations at an evidence session of the Environment Audit Committee in late June. The Government has stated its intention to make Regulations less complex and more reactive to policy developments, despite responses from environmentalists that the complexity of the Regulations is necessary, and not a barrier to their implementation in practice.

Final plans will be set out following the Government's consultation on the Nature Recovery Green Paper, the response to which will clarify the Government's plans for the future regulation of habitats. Regardless, there will be opportunities for land science to engage positively in any developments, to ensure that any changes to regulations do not reflect regression on existing standards, whether in principle or in practice.

The institution of environmental sciences

Net Zero Strategy

The Government's Net Zero Strategy has a number of potential ramifications for land policy. The most immediate is the potential to secure co-benefits for land and other natural systems in the expected climate transition. The Strategy addresses the Government's plans to increase sustainable land management, as well as to restore peatlands and woodlands for carbon sequestration, with co-benefits identified for land, soil, and biodiversity.

However, there has not been a strong enough commitment in the Net Zero Strategy, or in global commitments at COP26, to address the role of land use in the climate crisis, either as a solution or for their potential to increase climate risks if unaddressed.

For example, while both the UK Government and devolved administrations have set in place plans for how agriculture can support net zero commitments, there is no unified strategy on how land use can act as a driver of climate change, or as a potential solution. While this may be reflected to some extent by the policies being put in place, a more systematic approach will be necessary to avoid unintended consequences.

The provisional agenda has been released for COP27 in Egypt, with negotiating days devoted to Adaptation and Agriculture, Science, and Biodiversity. With an increasing focus on the role that land plays in interconnected crises, there will be a significant opportunity for environmental scientists working on land to ensure that discussions at COP27 reflect a systems approach to the use of land, rather than atomistic or insufficient responses.