

# **Planning Reform Working Paper – Development and Nature Recovery**

## **Question 1) Do you consider this approach would be likely to provide tangible improvements to the developer experience while supporting nature recovery?**

The proposed approach could improve environmental outcomes by reducing the administrative and practical implementation cost burdens through improved efficiencies. Upfront assessment and quantification of impacts, along with the required compensatory payment, would likely reduce evidence burdens to developers and delays to the planning process on identified matters.

It is important that, for such an approach to work, that there is a transparent, robust and evidence-based framework which governs the environmental matters requiring consideration under a Delivery Plan, how identified impacts are to be addressed, and charging schedule. There is a risk that this broad-brush approach could under (or over) estimate the impact of a scheme on a particular site, where the strategic benefits are diffused too widely to address. This may be by intent, however.

## **Question 2) Which environmental obligations do you feel are most suited to this proposed model, and at what geographic scale?**

The scope of environmental issues which could be addressed under the approach is wide, but requires some key characteristics:

1. There is an identified issue which often interacts with the planning system. Interaction with the planning system is what can generate funds required to implement conservation strategies.
2. The impacts of the issue can be assessed remotely, through modelling or without significant project-specific surveying. The contribution that a proposed development makes towards an identified issue (“harm”) needs to be able to be robustly determined, quickly. That way, the appropriate compensation payment can be calculated.
3. The issue can be reasonably be resolved through the spending of generated funds, noting potential issues related to land access. This could range from habitat creation or infrastructure improvements.

District level licensing for great crested newts (protected species licensing) operates at a sub-regional level, covering two-tier and unitary authorities, across multiple geographic counties. This could potentially be expanded, though the geographic scale should relate to the matter being considered. Some impacts may be localised and not relevant on larger geographic scales. There may be opportunity to align Delivery Plans with local government reorganisation. It is important that assessment and compensation is suitably strategic to deliver wider benefits, but local enough to ensure the approach taken is suitable to local circumstances.

In practice, we agree that a strategic approach can work for certain species which have relatively specific and predictable habitat requirements (such as for great crested newts as discussed above). For other more wide-ranging species groups, which inhabit a very wide range of habitat niches it is hard to see how the proposed strategic approach could work without first understanding the current distribution and range of the species through site surveys.

For species such as water vole, otter, and for river habitats more generally it is conceivable that a catchment based strategic approach could be implemented and a delivery plan developed.

For other species such as bats and many birds which have a much wider-range we do not believe that the proposed strategic approach would serve to protect the species or deliver improvements to their conservation status.

For Nutrient Neutrality issues impacting on designated sites then we believe that this approach could work however, the mitigation that is put in place through the Delivery Plan should not rely solely on 'green solutions'. Investments should be targeted at more industrial and technological solutions for stripping nutrients from wastewater, with the natural solutions mopping up residual nutrients from the system.

**Question 3) 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?**

The development of the delivery plan needs to be led by impartially appointed experts in the required fields and involve significant consultation and collaborative working with stakeholders (developers, NGOs, LPAs, EA, NE, public). Funding may need to be offered to expedite the timelines to ensure that public bodies have resource to respond and engage in a timely manner.

We also believe that there needs to be a commitment to keep the delivery plan up to date as baseline conditions in an area can change over time (particularly for protected species). This requirement would need to be baked into any enabling legislation or guidance that is produced to introduce Delivery Plans.

**Question 4) Are there any additional specific safeguards you would want to see to ensure environmental protections and/or a streamlined developer experience?**

Regular publication of monitoring reports (on an annual basis?) and adaptive management if the approach is not working. In addition, steering/working groups who can check and challenge delivery bodies on what work has been taking place.

**Question 5) 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?**

Yes, nature markets can be driven by stacking/bundling environmental benefits and making nature recovery financially attractive proposal. Clear guidance and regulation of stacking/bundling needs to take place to ensure conflicts do not occur and secure nature conservation outcomes.

**Question 6) How could we use new tools like Environmental Outcomes Reports to support this model?**

A developer interface for the easy access and searching of nature market services, such as a web portal with interactive mapping, would be a useful for simplifying the process. A centralised payment system could also work, with the transfer of funds to delivery bodies being controlled.

**Question 7) 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?**

There may be value in reviewing the legislative framework behind mandatory BNG to allow consistency with delivery plans. Many of the benefits of the delivery plan (e.g. reduced administrative burdens on LPAs and developers) could also be realised for BNG.