

## IEMA Response to the Ministry of Housing, Communities & Local Government Consultation on ‘Planning for the Future’

### Introduction

IEMA is the professional body for everyone working in environment and sustainability. It is the largest professional body for environmental practitioners in the UK and worldwide with 16,000 members.

IEMA is an authoritative voice on Impact Assessment (IA) and is at the forefront of reform. We have remained an integral part of the consultation on change including previous modifications to regulations in the UK. An Impact Assessment Network, established in 2015 brings together skilled and experienced experts in IA and includes representation from developers, consultancies, statutory consultees, academia and others.

We have reviewed the August 2020 consultation ‘Planning for the Future’ on changes to planning policy and regulations hereafter referred to as the ‘Planning White Paper’ and welcome the opportunity to lead and support progressive IA reform as part of the emerging, separate consultation in autumn, 2020.

There were a number of key themes within the August White Paper including: focusing on digitalisation; maximising environmental benefits; earlier identification of impacts and resolution; improving transparency and reducing duplication of effort. IEMA endorse these themes and are already advanced and mobilised with mechanisms to deliver solutions.

### Focus of our response

Our response is twofold. **Part 1** focuses on the implications that the proposals in the Planning White Paper have for impact assessment and specifically identified Proposals 16, 23 and 24 as key areas for our response. **Part 2** is a response to the individual consultation questions posed in Planning White Paper.

## Part 1: Impact Assessment Reform

IEMA welcomes the Planning White Paper and the opportunity to improve the way that planning is delivered. Our focus is particularly on any proposals that effect IA such as Environmental Impact Assessment (EIA), Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA) undertaken in the UK.

IEMA agrees with the need for impact assessment reform, however the specifics of Proposal 16 need further consideration. A quicker and simpler system must not reduce the existing protection IA provides to valued assets and people. Protecting and enhancing the most valuable and important habitats and species in England is important, but is only one of many assets that need to be safeguarded. Equally the role of IA and its influence on better development for the people that live there must be recognised and safeguarded.

It is currently unclear from the White Paper what this quicker framework will involve and the relationship between SEA at the plan level and EIA at the project level.

### EIA Reform

Cognisant that we are yet to see the planned IA reforms in the anticipated EIA white paper, IEMA has produced a paper on EIA reform which has already been circulated with stakeholders including MHCLG and Defra. To avoid repetition here, a copy is attached as **Annex A** to this Consultation Document. A short summary is provided below.

Development in the UK has long benefited from improved environmental outcomes as a result of robust assessment of the likely environmental effects of proposals and plans to enable stakeholders, the public and decision makers to better understand the environmental and social effects of a project. The value of the EIA process should not be under-estimated simply because of a perception amongst certain stakeholders that it is delaying development. We recognise that there could be improvements in the EIA process however we fundamentally disagree with the assertion that:

*“Assessments of environmental impacts and viability add complexity and bureaucracy but do not necessarily lead to environmental improvements nor ensure sites are brought forward and delivered.”*

EIA applies to less than 1% of all planning applications and by definition it rightly applies to the most complex, most contentious applications with the greatest potential for environmental impacts. Thoroughly investigating those complexities, using the most advanced techniques to do so and enabling the public to comment should be completely in keeping with the aims of the Planning White Paper to achieve sustainable, high quality development, utilising technology and engaging the local community.

We agree that there is a need for the planning process to be more outcome orientated and consider that EIA is proven tool that can achieve these outcomes. As a design tool the EIA process identifies potential adverse impacts and then assists in avoiding, reducing or offsetting those impacts during the design, through early commitment to mitigation for every stage of the design-life of a project – construction, operation and

decommissioning. Therefore, in terms of delivering ‘beautiful and well-designed homes and places, which embed high environmental standards’ EIA is the mechanism for achieving this (in partnership with master planning, design codes, the community and individual excellence).

For those impacts which cannot be avoided, EIA is a key mechanism for identifying and developing mitigation and management measures to control and monitor potentially adverse environmental and social impacts. The commitments made by a development to specific environmental outcomes or specific mitigation as part of the EIA process can then be clearly translated into specific targets that the development can be measured and challenged against. In this way it provides a vehicle to capture opportunities and quantify the significant benefits of the project, including net gains and carbon reduction.

EIA is therefore a practical and established method of implementing the Planning White Paper objective and National Planning Policy Framework<sup>2</sup> goal of achieving sustainable development and good design, as well as supporting the UK’s efforts to meet its commitments to the United Nations Sustainable Development Goals and international treaties on climate, biodiversity and environmental justice.

EIA provides the confidence to all parties of how risks can be managed and how benefits and quality will be delivered. Equal to the importance of the tool in decision making is the role that EIA delivers in formulating the environmental integrity of a project. This is key to demonstrating the commitment major developers have to the environment and local community, which is rapidly becoming a core principle of any business or strategy for investment.

The UK needs to renew the role of EIA in the context of the need to build back better, deliver net environmental gain, tackle current economic and societal challenges and set the tone for the wider planning system taking responsibility for good design and sustainable outcomes.

## EIA Recommendations

EIA reform represents an opportunity to improve design and ensure that environment is considered in the early stages of design, when applied well it also removes unnecessary cost, delay and impact. These and other weaknesses in some current practice stem from a lack of clear requirements and standards as part of, or in support of, any regulatory framework. IEMA has consistently been providing forward thinking, good practice advice on improving quality<sup>1</sup>, delivering proportionality<sup>2</sup> and responding to the need for digitalisation<sup>3</sup>. Delay (and cost) could be rectified with new UK requirements and standards on EIA, mandating good practice and lessons learnt from

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<sup>1</sup> Including but not limited to: IEMA, Environmental Impact Assessment Guide to Shaping Quality Development, November, 2015; and IEMA, Environmental Impact Assessment Guide to Delivering Quality Development, July, 2016.

<sup>2</sup> Including but not limited to IEMA, Delivering Proportionate EIA – A Collaborate Strategy For Enhancing UK Environmental Impact Assessment Practice

<sup>3</sup> IEMA, Digital Impact Assessment – A Primer for Embracing Innovation and Digital Working, March, 2020

previous EIA's. This would reduce uncertainty which is often the cause for disproportionate assessment as an attempt to avoid perceived risks of legal challenge. IEMA consider the following to be priorities:

- **Governance on 'scoping' non-EIA development:** Provide new requirements and standards on how the need for reporting is scoped for projects which are not EIA development – the 99.9% of planning applications. As part of this, a consistent mechanism should be defined to ensure the requirements and mitigation of the project are implemented – this could be through mandating the use of an Environmental Management Plan (EMP).
- **Publish clear requirements and standards for EIA:** Convene a working group to define existing good practice which will deliver the key themes outlined in the August White Paper. This should include re-defining EIA as a design tool for plan making and design coding; a delivery mechanism for net environmental gain; and delivery of effective scoping. This would lead to an agreed set of enhanced and simplified requirements and standards and would give practitioners and decision makers the evidence behind approaches taken and decisions made.
- **Ensure EMPs are central to the EIA process and provide certainty on implementation:** EMPs to become a validation requirement of any EIA and singularly include all design and mitigation requirements – delivering quality design. An EMP is the single plan against which monitoring can be undertaken to ensure implementation/deliver post consent compliance and evolve to provide the structure and control mechanisms of further plans (e.g. construction environmental management plans). There needs to be a re-focus on capturing data on the implementation and effectiveness of mitigation through monitoring and to use this data to inform future developments.
- **Appraise the role of a national EIA unit:** Revisit previous consideration of a national EIA unit to deliver a uniform approach in determining the requirement for EIA and to develop (or commission) a proportionate evidence base to support screening and scoping decisions. This would reduce uncertainty in the current PPG, provide early certainty to developers, reduce timescales and reduce the risk of successful legal challenge<sup>4</sup>. This could be explored as part of any evolving role of the Planning Inspectorate and would help to deliver a consistent and proportionate approach to screening and scoping.
- **Embrace innovation and digital EIA:** Define the steps that will be implemented and when (acknowledging that some of them will be required to be up and running prior to implementation of reform). Priorities should include a national data hub (both for primary data and EIAs), a permanent move to digital submissions and improved use of interactive mapping to provide clarity

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<sup>4</sup> Screening remains a key target for current legal challenge as emphasised by a recent flurry of cases in 2020.

on whom or what is impacted. Any national data hub needs to deliver better accessibility and can also be used to share industry intelligence<sup>5</sup>.

- **Competence in EIA:** Acknowledge EIA as a specialist area of expertise, one that requires competent experts to lead and prepare and competent experts to use the tool correctly in the decision-making process. This may include a decision on shared technical capacity across determining authorities so that the value of training is realised (unless the benefits of a national unit resolve this need).

## SEA and SA

IEMA has noted that within the Planning White Paper the Government refer to abolishing Sustainability Appraisal and developing '*a simplified process for assessing the environmental impact of plans*'. This implies that there may be some intention to significantly alter SEA or combine SEA and EIA. Furthermore, the White Paper mentions duplication of assessment more than once, and therefore implies that there is some duplication of assessment between SEA and EIA. It is IEMA's view that both SEA and EIA have different focuses and are both valuable and necessary. There is however opportunity to improve both SEA and EIA, and through better digital working to transfer data between SEA and EIA projects to improve efficiency and avoid any duplication of data collection (if any).

IEMA considers that the Proposals within the White Paper strengthen the need for both SEA of the likely environmental effects at the Plan Stage and Project level EIA. It is at the Plan Stage and the identification of growth areas that strategic issues and cumulative effects can be addressed. These are often associated with understanding the carrying capacity of development infrastructure and the strategic mitigation required to deliver growth. The level of assessment would be sufficient to satisfy the test of 'sustainable development' for the overall plan. The results of these strategic assessments should then be translated into limits or targets within the design requirements and standards under Proposal 11.

However, information and resources are often lacking at the SEA stage, both concerning the design of proposals, when they may be implemented as well as environmental data. In practice, this lack of information and resources is why some assessment is deferred to the project level.

It will only be at the project level that greater level of design information becomes available, more detailed environmental data is collected and impacts to specific communities or assets of value can be determined. Compliance with the targets, design requirements and standards can therefore only be demonstrated after a process of project level environmental assessment. This is not a duplication of assessment with SEA. Therefore, although this may not be in the form of EIA as currently understood, for new permitted development within Growth areas, environmental assessment to demonstrate compliance with the design codes / standards and net environmental gain will still be required.

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<sup>5</sup> A priority will be the documentation of commonly occurring impacts that we have a high confidence in being able to mitigate. This will further influence the proportionality agenda.

Consequently, IEMA consider that the Planning White Paper reinforces the need for both strategic and project level assessment of environmental effects. They have different purposes and to achieve the Government's stated objectives in the White Paper, both are necessary.

### Comment on Resource and Skills Strategy in Proposal 23

IEMA welcomes the focus on skills development, training and workforce planning which is a critical component in making any wider reforms successful. IEMA has a long history in this area with a comprehensive range of professional standards and training to support environment and sustainability professionals working across planning and development.

IEMA has in recent years been focusing on the transition to digital working across the profession and welcomes this element of the proposals. However, it should be noted that these proposals should not narrowly focus on planners alone, and should include the other professions working closely in the planning and development sector, including architects, engineers, lawyers, impact assessment professionals and numerous expert disciplines, including ecologists, transport planners, archaeologists, acousticians, landscape architects, contaminated land specialists and so on.

IEMA would be willing to work with the Government in developing a resourcing and skills framework which works for all authorities and professions across the country. We would be willing to share our own experiences with innovative solutions which can transform practice.

### Comment on Enforcement Proposal 24

IEMA supports the Government's proposed review and strengthening of enforcement powers and sanctions. IEMA wishes to draw attention to the recent report 'The UKs Enforcement Gap 2020'<sup>6</sup> which sets out, in detail, the statistics on how under-resourced the situation on enforcement has become.

We also would encourage the Government to consider that local planning authority resources should not be limited to strengthening the existing planning enforcement powers and sanctions for unauthorised development. The following provides opportunities that IEMA believes the Government should consider.

**Environmental management resources for Local Planning Authorities:** The current situation means that local planning authority training and resources for environmental management are inadequate to monitor and enforce the planning conditions and minimum legal requirements. An additional effect is that planning conditions are not sufficiently defined and detailed, meaning that the conditions can be open to interpretation by developers which can result in the under-allocation of environmental management resources. There is an urgent need for the Government to promote and incentivise a positive transformation of the construction industry, leading them towards genuine innovation and achieving/exceeding minimum compliance.

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<sup>6</sup> <https://www.unchecked.uk/wp-content/uploads/2020/10/The-UKs-Enforcement-Gap-2020.pdf>

**Performance monitoring:** The EIA Regulations require monitoring of significant effects associated with 'EIA development'. However, IEMA believe there is a need for a mandatory performance monitoring and reporting of environmental compliance for a broader range of developments. This should be aligned to key government environmental targets/policies and legislation (e.g. the Environment Bill, Climate Change Act, Energy Savings and Opportunities Scheme etc.). This should be self-reported at a regular frequency to the relevant Regulator. The results of this could be made available to the public via a government web portal, such as the Planning Portal. Care would have to be taken to ensure requirements were scalable, to ensure the admin cost burden was proportionate to the type/impact of the development.

**Tender-incentivised regulator-collated compliance:** A publicly-accessible enforcement database, made available to project promoters, to facilitate the tender selection process, detailing all types of enforcement and performance-improvement activities (not just prosecutions) by regulators (i.e. DEFRA, the PI and LPAs, the EA/SEPA/NRW/NIEA, the MMO, perhaps also with input from EH, NE, LA Ecology Units).

**Risk threshold-mandated Environmental Clerk or Works (ECoW):** To facilitate and provide assurance on the above performance monitoring recommendation we recommend the Government considers a new requirement that defines the risk criteria/thresholds (i.e. nature, scale, location and environmental) above which the appointment of one or more project-dedicated independent ECoW is required to assure environmental monitoring and compliance. This may be enabled via an amendment to the EIA Regulations and by the planning system for 'non-EIA development'.

## Part 2: Response to Consultation Questions

The following responses were developed through engagement and with contributions from IEMA members.

### 1. What three words do you associate most with the planning system in England?

Complicated, Reactive, Under-resourced.

### 2. Do you get involved with planning decisions in your local area?

Not Directly Applicable / No - IEMA itself is not directly involved in planning decisions.

However, Yes - Many of our 16,000 members across the country interact with planning on a daily basis as developers, planning professionals, local authority officers, consultants, civil servants, NGO officers and statutory advisers. In particular, as the leading professional institute for Impact Assessment (IA), IEMA's membership contains many professionals working in EIA, SEA, Health Impact Assessment (HIA), Habitat Regulations Assessment (HRA), SA and planning.

### 3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?

Ideally online, with a notification system as well as good search functionality, so that personal preferences, by topic and by location, can be set and then emails or notifications are sent when new activity occurs.

However, one advantage of the paper notice system is that many members of the public are not aware and are not actively searching planning portals or Local Authority websites. Therefore, many people may only become aware of a project when they see a local notice or receive a direct mail shot from a developer as part of a public consultation. Any move to online notifications should consider how the public are consulted more widely as part of the requirements for stakeholder engagement.

### 4. What are your top three priorities for planning in your local area?

In general, IEMA recognise that specific locations will have individual sensitivities and priorities which may be related to local circumstance and conditions. However, as a general rule, IEMA recognise the following three priority considerations for planning at this time:

**Nature:** Biodiversity conservation, environmental net gain and ecosystem restoration.

**Climate:** Carbon reduction, transition to net zero, climate resilience and adaptation.

**Society:** Human health, wellbeing, inclusivity, social justice and equity.

### 5. Do you agree that Local Plans should be simplified in line with our proposals?

No.

In principle IEMA has reservations regarding adopting an oversimplified zonal planning system. We recognise that it is aimed at achieving a more rapid planning consent process however, we consider that the European countries which have a similar system have very different circumstances to those in the UK (not least the amount of available space) and a mixed success in the quality of development achieved and how integrated it is.

To overcome this the proposals put forward by the Planning White Paper will place an incredibly high burden on:

- The quality and comprehensiveness of the design standards to allow development to meet the requirements of an allocation;
- The skills and available resources within the Local Authorities and;
- The quality of strategic environment assessment undertaken on the Local Plan.

IEMA considers that it would be preferable and more proportionate to examine why so many local authorities do not have adopted Local Plans now and investigating the real reasons why housing targets are failing to be met, before resorting to an overhaul of the entire planning system.



**6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?**

Any new general development management policies should be developed and informed by evidence, and consider environmental and social considerations of development types to ensure that the system as a whole is aligned to commitments to biodiversity recovery, climate action and sustainable development.

We are also aware that there is often overlap between the NPPF and local planning policy. IEMA consider that Local Authorities and the local community should be able to produce specific policies relevant to the local area but generalised policy on e.g. designated environmental assets such as listed buildings or Sites of Scientific Interest, should not be duplicated. Doing this in order to allow Local Plans to set specific outcome orientated policies on noise, air quality, carbon and ecological gain is supported.

**7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?**

The White Paper provides no information regarding what the consolidated test would involve. Further it suggests that the concept of sustainable development is an *‘existing and well-understood basis for the planning system’*. IEMA agrees that a test of whether the Local Plan delivers ‘sustainable development’ should be the basis of what a Local Plan is approved however, we disagree that this is *‘well understood’*.

In order for us to support this change there would need to be clear guidance on what is meant by sustainable. For example, sustainability is not to be confused with economic viability or financial sustainability. Sustainability needs to be defined along the lines of the Brundtland Definition and the Triple Bottom Line, i.e. balancing environmental, social and economic considerations in a manner that allows the present generations to meet their material needs without compromising the ability of future generations to meet their needs. Infinite growth is not sustainable in a finite physical space with limited resources and therefore the focus should be on managed growth, a circular economy, regenerative resource use, environmental net gain, urban renewal, regeneration and redevelopment.

For example, it could be suggested that the Government’s housing policy and targets are not sustainable in the long term especially if at the local level the only way to achieve the housing allocations targets are unsustainable development of valuable and finite green space, habitats and ecosystems. It would seem that similar arguments around road building and some forms of energy generation could also be questioned by the local community under the test of whether they were sustainable in terms of carbon net zero. We would welcome such dialogue as it represents a healthy and constructive approach to determining what short-term and medium-term measures and policy decisions need to be made now, in order to meet the long-term objective of achieving sustainable development within environmental limits.

**7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?**

From an environmental perspective IEMA maintain that a Strategic Environmental Assessment (SEA) of the Local Plan by the relevant local authority must include the consequences for the adjacent authorities. An adjacent authority must be a statutory consultee on any environmental assessment.

In terms of practical matters, it would seem that there should be an obligation to produce a single set of design standards / codes / masterplan for any Growth area that crosses a Local Authority boundary. Similarly Protect and Renewal areas must be integrated at district boundaries.

Consideration could also be made of regional or supra-authority advisory groups/forum which bring together cross-boundary stakeholders to look at issues that span multiple authorities, for example River Basin Management Plans and Strategic Road Network planning.

**8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?**

The problem with separating housing targets is that they are inherently unsustainable, in that housing developments do not exist in a vacuum. Housing needs a road network, energy (power), schools, healthcare, water, telecoms and employment. Therefore, by separating out one element and basing targets on a single facet, developments are inevitably out of sync with the supporting infrastructure and the natural environment. Separate housing targets should be scrapped, and instead an integrated strategy for community development and community expansion be adopted. Developments need to integrate housing needs within the context of the existing capacity of supporting infrastructure so that development can be paired with any required upgrades to the community infrastructure. The Garden City developments of the past provide a blueprint for placemaking that is integrated with community and infrastructure development. This model should be adopted and can be adapted for smaller expansions with garden quarters etc, appropriate to the size of the community where the development is occurring.

IEMA has reservations regarding the long-term approach to housing and the use of housing targets. Nearly all local communities oppose further house building of the kind that is routinely proposed, with little accommodation of the necessary supporting facilities or infrastructure for a successful integration with the host settlement/community.

**8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?**

No.

IEMA consider that the quantity of development to be bought forward cannot be determined based on affordability and / or the extent of existing urban areas. The risk

of this approach is that it is an oversimplification of a complex set of site-specific issues, leading to poor decisions on location and scale of development.

The appropriate level of development must reflect need, prioritisation of suitable locations and avoidance of unacceptable environmental and social effects. This requires innovation in the way we deliver housing and other infrastructure and points towards an integrated approach to community development which looks at the existing environment and infrastructure (physical and social) akin to the development of Garden Cities to achieve sustainable and thriving communities.

**9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?**

No.

The Growth areas would, by definition, be the most likely areas identified for allocations for all major infrastructure including housing but also for example, energy generation / manufacturing and industry and waste management.

The White Paper proposals rely on the relevant Planning Authority being able to correctly identify what the future need is for these and correctly establish the site suitability criteria for each type of infrastructure they want to include in the Growth area. This is in such a way that it is included in a masterplan, specific design codes can be produced and a developer will come forward with a proposal for that allocation.

The White Paper proposals for the Growth areas also rely on the Local Authority being able at the Local Plan stage to consider the likely environmental effects of the allocations within the Growth area and their cumulative impact such that the allocations meet the consolidated test of 'sustainable development'.

As outlined in Question 5, this will place an incredibly high burden on:

- The quality and comprehensiveness of the design standards to allow development to meet the requirements of an allocation;
- The skills and available resources within the Local Authorities and;
- The quality of strategic environment assessment undertaken on the Local Plan.

As outlined above under 'SEA and SA', assuming the above is met, environmental assessment at the project level will still be required to demonstrate compliance with the design codes / standards.

However, rather than focusing on automatic planning permission IEMA considers that it would be preferable to focus on improving the speed that planning applications move through the consent process. A presumption in favour of granting combined permissions with fixed timescales could be used. This could involve different fixed timescales depending on the level of complexity of the development.

Within that process we consider that improvements in EIA as outlined in Part 1 could significantly aid the speed of the planning system.

We also note that the status of Nationally Significant Infrastructure Projects (NSIP) and the Development Consent Order process is unclear in relation to those proposals which would satisfy the criteria for an NSIP under the Planning Act 2008 but are brought forward in a Growth area. We believe based on the drafting of the White Paper these would have deemed outline planning permission and would no longer be subject to a DCO application. This seems to reverse the benefits of transparency and public engagement with NSIPs that the process has delivered.

### **9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?**

Aside from the general comments raised in relation to the principles of a zonal based planning system, IEMA does not oppose the concept of protect and renewal areas. We support the re-use of brownfield sites rather than development in greenfield / parks or the countryside. Additionally, we emphatically support protecting areas from development where it would not be appropriate or sustainable. However, the reason for the response of 'Not sure' is a number of uncertainties around how these would be implemented including for example:

- the status of the 'protected areas' is unclear and the circumstances under which development could be brought forward and justified; and
- the status of applications that would satisfy the NSIP criteria outside of a Growth area.

### **9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?**

Yes.

IEMA considers that the examination process used for NSIPs would provide a more robust analysis of the development with the benefit of fixed timescales for an application. In environmental terms we believe that the DCO process results in a more comprehensive set of mitigation commitments and outcomes.

### **10. Do you agree with our proposals to make decision-making faster and more certain?**

Yes to some, but not all.

The majority of proposals make sense, however IEMA has reservations concerning automatic approval if time limits are exceeded. As has been the case with some Local Plans and housing allocations, if a local authority lacks the resources to determine the case load, or if extenuating circumstances occur, then it is not sustainable or equitable that a development should automatically be granted consent. This effectively punishes the citizens and the receiving environment for a failing by the Local Authority and does not achieve the NPPF goal of sustainable development. A more productive and helpful approach would be a central pool of assistance that can aid struggling Local Authorities on a needs-basis where problems arise, so that applications can receive the proper

scrutiny and decision be made in accordance with national and local policies and the overarching goal of sustainable development.

## **11. Do you agree with our proposals for accessible, web-based Local Plans?**

Yes.

IEMA support the use of digital tools and believe that there could be much greater use of digital EIA and on-line monitoring of targets / outcomes and commitments than is currently the case in the planning system. This could all be integrated into user-friendly, transparent and accessible web-based plans.

## **12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?**

IEMA agree that the current position with many Local Authorities not having a Local Plan is not acceptable and a fixed timescale is needed. However, the burden placed on a Local Authority to produce the Local Plan including SEA, masterplans, design codes and standards (potentially at an allocation by allocation level for growth areas in particular) is incredibly high in a 30 month timescale. Yet the beneficial outcomes sought from the proposed reforms, in terms of quality of development, sustainability, reduced timescales is predicated on the masterplans, design codes and standards being of sufficient quality, thoroughness and appropriateness to each geographical location to achieve this. Therefore, whilst we support a reduced timescale this needs to be matched by the resources to enable the plans to be drafted to the quality needed.

## **13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?**

Yes.

IEMA support efforts to improve and expand Neighbourhood plans and using digital techniques to make them easier and more accessible for communities to develop.

## **13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?**

Develop a user-centric web-based template that guides communities and provides templates, advice and training to facilitate inclusive participation and encourage plan making and public engagement.

## **14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?**

Yes.

If appropriate sites have been allocated, examined, and consented, then they should be built. If the build out does not occur, then the sites should be auctioned or some other mechanism applied to bring them forward. Unless justification can be presented to

explain why a delay in build out may arise (for instance a change in baseline conditions, incorporation of adjacent land which would benefit revision of a masterplan or demonstrable emerging improvements to environmental technologies). Land banking, and sitting on consented sites, artificially lowers the house building figures and can trigger the unnecessary development of more marginal land with consequent impacts on the environment. Land banking and sitting on consents is the main contributor to the low house building rate, not the planning and permissions process, and certainly not the EIA process.

### **15. What do you think about the design of new development that has happened recently in your area?**

No response on specific sites, however numerous members have commented on poorly planned or poorly located housing schemes. These schemes are often cited as being forced through by house building companies, that seek to minimise contributions to local infrastructure and other measures such as affordable housing, providing sub-standard environmental information and inadequate public consultation. These developments fall beneath the threshold of EIA development and so do not benefit from the protections and design improvements that are generated by the EIA process.

### **16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?**

No response on specific sites, however national priorities should focus on Nature, Climate and Society:

**Nature:** Biodiversity conservation, ecological net gain and ecosystem restoration.

**Climate:** Carbon reduction, transition to net zero, climate resilience and adaptation.

**Society:** Human health, wellbeing, inclusivity, social justice and equity.

### **17. Do you agree with our proposals for improving the production and use of design guides and codes?**

Yes, with the following caveats.

IEMA recognise that there is a need to improve the focus of planning outcomes particularly in environmental terms. We welcome the increased use of design guides and codes however only on the following grounds:

- The codes are not limited to appearance / finishes, they should be ambitious and include all elements of the environment including use of; sustainable materials, insulation, conversion to electric heating, renewable energy, Environmental Net Gain and Carbon Net Zero.
- They do not replace the need for environmental assessment, in fact assessment will be required to demonstrate compliance.
- Compliance against the codes is monitored against and enforced in construction and post construction. IEMA recommend the use of independent environmental clerks of works to carry out this role, reporting to the Local Authority and funded by the developer.

- The ability to draft local code variations will be severely hampered by lack of expertise, human resources and finance within overstretched and underfunded Local Authorities. Therefore, any National Standards need to set high ambitions as the majority of Local Authorities will not be in a position to develop local codes in the foreseeable future.

When EIA is used as the design tool as intended, it can identify impacts early during the design process, define mitigation and enhancement and ensure this is aligned with any project level design code. For the design code, EIA will increase the vigour in assessing the success of the design code when implemented and provide certainty in its desired outcome.

### **18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?**

Yes, with the following caveats.

Will new funds be provided to allow for the new design roles? The ability to draft local code variations will be severely hampered by lack of expertise, human resources and finance within overstretched and underfunded Local Authorities. Therefore, any National Standards need to set high ambitions as the majority of Local Authorities will not be in a position to develop local codes in the foreseeable future.

Design officers would be necessary, however without officers to carry out monitoring and enforcement, the codes may be widely ignored. Compliance against the codes needs to be monitored against and enforced in construction and post construction. Funds need to be available to enable these activities or they will not occur. IEMA recommend the use of independent environmental clerks of works to carry out this role, reporting to the Local Authority and funded by the developer.

### **19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?**

Yes, with the following caveats.

On the basis that promoting 'design quality' rather than purely focusing on price includes incorporation of sustainability issues such as materials, energy efficiency, ecological impact and carbon, in line with the NPPF goal of achieving sustainable development.

### **20. Do you agree with our proposals for implementing a fast-track for beauty?**

Yes, with the following caveats.

Rather than beauty, this should be renamed a fast-track for sustainability (it can still be beautiful). IEMA would only support national and local design templates where they incorporated market leading sustainability innovations such as materials, energy efficiency, ecological impact and carbon, in line with the NPPF goal of achieving sustainable development. Evidence globally has proven that high environmental

standards drive innovation and lead to better designs, products, and an increase in exports as sustainable services and products are in global demand.

## 22. When new development happens in your area, what is your priority for what comes with it?

Our priority for what comes with a development is a **robust system of environmental assessment** to inform the design and decision making, ensuring appropriate development that is sustainable.

The problem with stand-alone large housing developments is that they are inherently unsustainable, in that housing developments do not exist in a vacuum. Housing needs to be accompanied by a review of the capacity of the local:

- road network;
- energy (power);
- schools / education provision;
- healthcare;
- social / leisure provision;
- water;
- telecoms; and
- employment.

Developments need to integrate housing needs within the context of the existing capacity of supporting infrastructure so that development can be paired with any required upgrades to the community infrastructure. The Garden City developments of the past provide a blueprint for placemaking that is integrated with community and infrastructure development. This model should be adopted and can be adapted for smaller expansions with garden quarters etc, appropriate to the size of the community where the development is occurring.

IEMA has reservations regarding the long-term approach to designing and building standalone housing projects and the use of housing targets. Nearly all local communities oppose further house building of the kind that is routinely proposed, with little accommodation of the necessary supporting facilities or infrastructure necessary for a successful integration with the host settlement/community.

## 23(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

IEMA supports the introduction of a better system of ensuring that developers contribute to the effects of their development. However, it is not clear if the proposals will improve the situation as the local circumstances will differ in each locality.

The contribution to the supporting infrastructure should vary depending on the gap between the existing capacity and the new demand generated by the development. For example, the redevelopment of an urban brownfield site in a city centre will likely already have transport, water and utilities infrastructure in place. Focus is more likely needed on health and education capacity in the locality. Whereas a greenfield



extension to a village area may have capacity in health and education services but not have capacity in sewerage, internet, power or the local road network. Therefore a flat-rate is likely to be unrepresentative, with some developments being charged above that required to provide a contribution to supporting infrastructure, and other developments providing a far smaller contribution to the infrastructure and therefore creating a burden on the wider taxpayer and community by overloading local supporting systems.

Also see IEMA response to Question 22 above.

**23(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?**

Locally. See Response to 23a above.

**23(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?**

Overall, more value.

As the current system does not achieve sustainable development. See Response to 23a above regarding ensuring a system need to assess each development to determine an appropriate contribution or enabling actions commensurate with the new demand created and in the context of the existing provision and capacity.

Also see IEMA response to Question 22 above, the Infrastructure Levy and Section 106s are a result of the inherently unsustainable approach to developing housing in isolation. New settlements should be planned as an integrated project working with the providers of infrastructure to create a holistic scheme that is sustainable, environmentally, socially and economically.

**23(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?**

Providing the Local Authorities have the skills and resources to assess and administer the loans. Lack of competence could lead to poor use of public finances and delivering very poor value for the public. In addition, the situation should be avoided where environmental and planning considerations are subverted due to financial interests.

**24. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?**

Yes, where this closes any potential loophole where developments are consented for one purpose to avoid contributions and levies and then later change use through permitted development rights with the intent to avoid these contributions.

**25(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?**

IEMA recommend that any reform to affordable housing provision is straightforward, transparent and clear. This will improve public trust, provide certainty to all parties, reduce avoidance, reduce consultant and lawyer fees and attendant delays.

**25(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?**

See response to 25a.

**25(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?**

See response to 25a.

**25(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?**

See response to 25a.

**26. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?**

While local flexibility is good, any changes need to be careful not to incentivise Local Authorities to approve developments simply as a means of generating income to finance gaps in other funding areas. Where this occurs, cash-strapped Local Authorities are likely to consent developments based on maximising contributions rather than against a test of sustainable development.

**26(a). If yes, should an affordable housing 'ring-fence' be developed?**

See earlier response to 26, 23c and 22. Housing needs to be developed holistically as part of a wider community/settlement development and should incorporate affordable housing as part of the design.

**27. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?**

IEMA agree that access to environmental information and active and inclusive engagement and participation with local planning should be encouraged. IEMA welcome any initiatives that enhance public participation and stakeholder engagement.

**Comments or questions relating to IEMA's Response to:**

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## **Annex 1 - Levelling up EIA to Build Back Better**