

Environment Bill: Local Environmental Improvement Plans¹

March 2019

Overview

This paper proposes a coherent local environmental planning framework for the Environment Bill to give place-based stakeholders a clear and efficient basis to plan, invest and collaborate in improving the environment. It sets out the need, the problem, what planning involves, considerations for designing a framework and a potential legislative model.

The need for a coherent framework

The UK Government has committed to leaving our environment in a better state. The Government's planned Environment Bill is widely expected to include a framework for setting environmental targets to improve the environment. In reality, improving the natural environment and many aspects of sustainability depend on local decision-making, as well as on local preferences, investment, action and collaboration. The value and cost - as well as the appropriate nature - of measures also depends heavily on geographical context: for example, to mitigate flood risk, enhance wildlife and greenspace or improve air quality. Therefore, the commitment cannot be met without a coherent framework for planning location-specific improvements.

The problem with the status quo

There are already many spatial instruments and plans for the environment, for example 35 listed in the annex. But they:

- **treat the environment in silos not as systems** treating connected issues like water availability and quality, soil quality, flood mitigation, biodiversity and habitats separately
- **are normally administered and financed separately**, with many single-issue streams of finance rather than in an integrated way, enabling coherent investment across multiple benefits.
- **are often managed on short decision timeframes** rather than to give long term stability reflecting the long term nature of environmental challenges.
- **have notable gaps** - in particular a clear basis to plan for nature's recovery.
- **are distant from and unaccountable to local people**
- **are separate from the 'real' plans, notably local development plans**, meaning that the environmental dimension is often introduced late in the day as a source of conflict rather

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than giving developers and all others the strategic predictability to build solutions in at design stage.

- **do not cater for new measures** such as net gain and a new Environmental Land Management scheme which will only achieve value for money if supported by a coherent spatial framework for environmental improvement.

What is environmental planning?

An environmental planning framework needs to give those interested or whose action is needed a shared spatial basis for understanding and improving the environment. There are two main elements to this. The framework needs to:

1. **develop a shared understanding of the environment including problems and opportunities**, including to:

- provide an up-to-date assessment of the current state of the environment, with data frequency appropriate to need
- show where the environment is in favourable/unfavourable/etc state
- include modelling of trends where appropriate
- overlay other activities/communities where relevant, helpful and feasible
- assess causes and drivers for improvement
- show designations and other spatial rules
- [include countrywide environmental census]

2. **develop a shared basis to improve the environment**

- collate local needs, expectations and preferences from the environment
- provide a basis for coherently marrying environmental needs with the place-based needs of other parts of government/society/economy
- show opportunities for nature's recovery and environmental improvements
- agree priorities for improvement
- agree plans, programmes and projects, where improvements need to be incorporated into other plans and arrangements for continuous improvement outside LEIP cycles
- report on where collaboration is needed or measures from higher tiers of government
- review LEIPs on the same cycle as national EIPs

Design considerations

Here are some of the critical design issues in developing a successful framework for the next decades:

- **Environmental planning should 'connect in' locally** - that includes influencing local decisions, reflecting local priorities and achieving democratic legitimacy and accountability - there is therefore a strong rationale for local government ultimately to 'own' the plans. The map at figure 1 gives an initial idea on the level at which that responsibility should lie which is broadly aligned with planning authorities and the level at which local taxes are paid.

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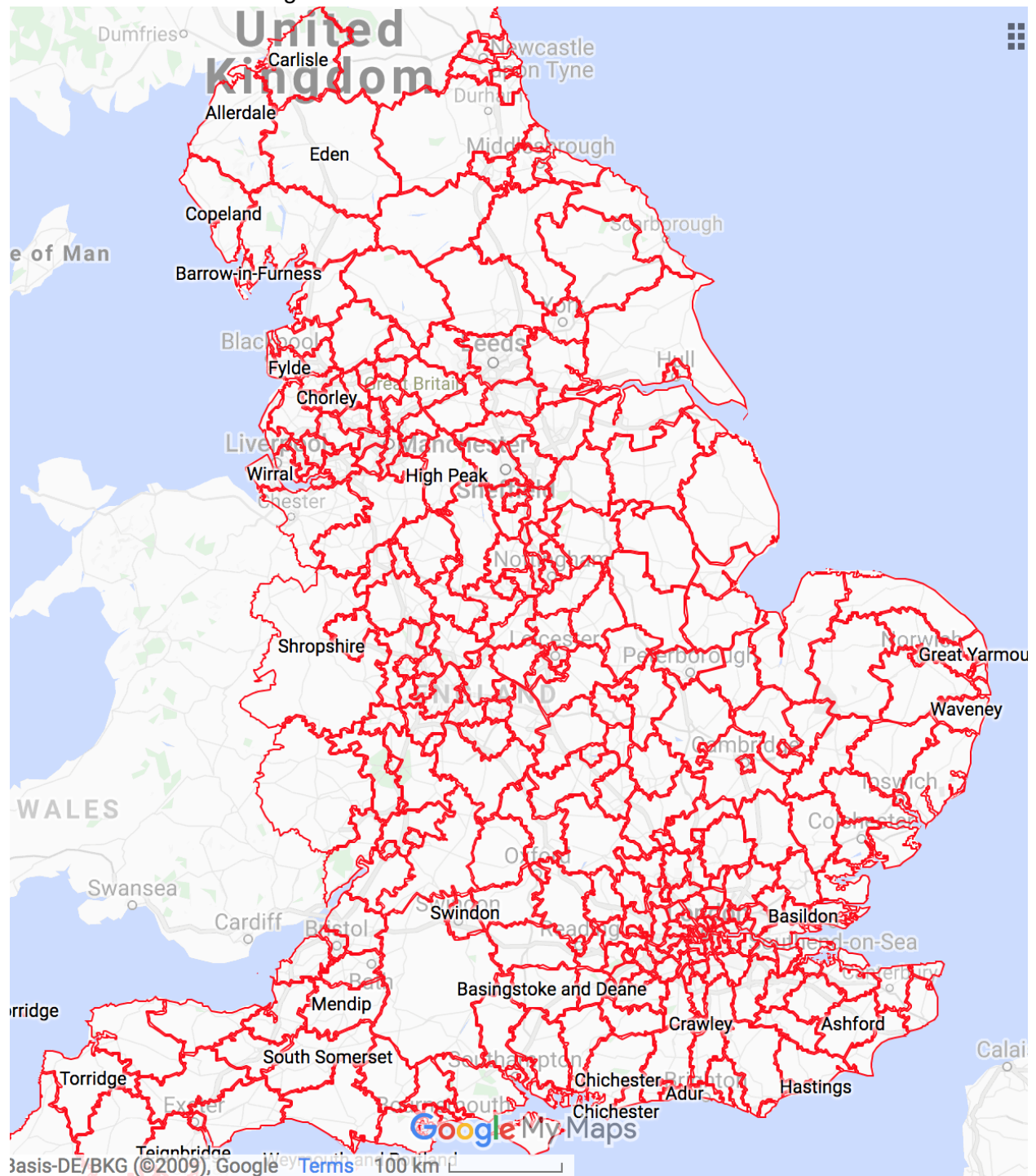
- **Planning scales should reflect the environment's disrespect for boundaries.** As an example, see the 'arterial' map at figure 2. Therefore local authorities should be able to collaborate with other authorities to manage or co-ordinate plans for example at a catchment or river basin level. There should be vertical coherence between different levels of activity.
- **Plans can be produced efficiently through a mix of local and national input.** We no longer need to design for a paper world. Digital technology can help to ensure consistency and efficiency of administration. Organisations can collaborate on plans through shared platforms. The table at annex 2 gives some initial ideas about what functions need to be done locally, supra-locally or through national support.
- **Responsibilities need the right capabilities and resources.** There are currently severe resource constraints within local authorities and many of the required skills have been lost or are not available in house within local authorities. An exercise is needed in mapping what skills are needed where- which can be provided nationally to support local plans and which should be available within single or groups of local authorities. Resources should then be allocated at the right levels with time to adjust to new responsibilities. Some pump priming may be necessary to help with the first round of plans. After which existing resource would be used far more productively than currently.
- **The framework needs to be flexible to changing local authority boundaries.** A formulation in law could require 'appropriate' local authorities to prepare plans and require the SoS to designate that responsibility as boundaries evolve.
- **The Act should give time to adjust to the new framework.** For example, requiring that plans should be produced by 2023. This would give time to work out more of the detail, develop and reallocate skills at the right levels.

More generally, the system of plans should:

- **integrate all aspects of the environment** and existing spatial instruments into a coherent single set of plans
- **influence all players** whose action is needed to achieve its objectives
- **be long term and durable** reflecting the timescales required to plan improvements
- **be open, relevant and inclusive** to local community engagement

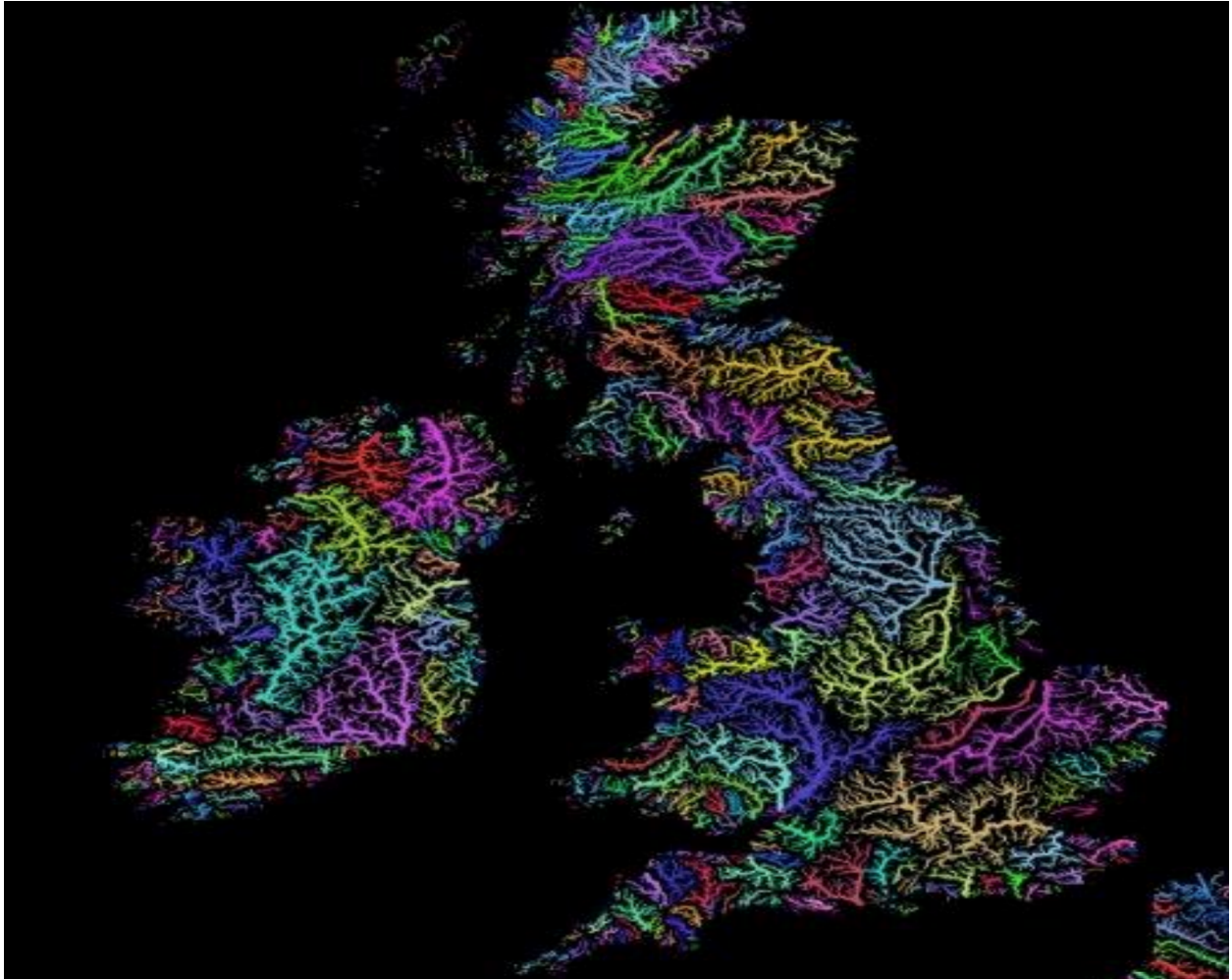
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Figure 1: map of councils in England showing: district councils, unitary authorities, metropolitan districts and london boroughs.



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Figure 2: UK map of river 'arteries'



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Possible legislative proposal

1. The appropriate local authority (ALA) must prepare and adopt a local environmental improvement plan (LEIP) to contribute to meeting the objectives of, and targets set under, this [Act] and the Climate Change Act.
2. The first LEIPs shall be developed no later than [2023].
 - a) Two or more ALAs may agree to prepare one or more joint LEIPs.
 - b) Two or more ALAs may agree that an area of the environment is best considered at a geographical scale that reflects the shared geography of their respective areas.
3. The LEIP shall, where appropriate in a spatial way, include:
 - a) the state of the environment and reasons for the state [updated as appropriate]
 - b) areas that are designated nationally and/or locally to protect the environment
 - c) areas of opportunity to improve the environment
 - d) the plan [to manage, achieve and maintain a safe and healthy physical environment and good environmental quality and to effectively manage, use and develop the physical environment in order to perform societal needs.]
 - e) a review of plans every 5 years [to fit with national EIP reviews]
4. The ALA must throughout:
 - a) consult with stakeholders including communities, civil society groups and local businesses.
 - b) consult and cooperate with other ALAs to ensure a coherent approach overall
5. The SoS must:
 - a) define which are the ALAs
 - b) provide guidance on producing LEIPs, including the process for adoption
 - c) provide a national service and templates for the production of LEIPs
 - d) provide for a committee at a scale that reflects the shared geography between ALAs to support LEIP objectives, including representation from ALAs and key stakeholders
 - e) provide appropriate funding to support the production of LEIPs
 - f) provide for the independent examination and adoption of the LEIPs
 - g) report by [date] on how funding provided both specifically for spatially relevant environmental improvement and more general funding can more effectively support LEIPs
 - h) may retain the obligation to prepare LEIPs at national level where s/he considers that no authority in the area has the capacity to perform the role
6. Local authorities must consider the LEIP in the formation of local development plans [and all other relevant plans set at a local level].
7. [Public authorities] must consider the LEIP in the formation of relevant plans and in taking decisions at relevant scales.
8. From 2023 existing statutory and non-statutory plans relating to areas of the environment shall be incorporated into a single LEIP. [This will require assessing which instruments in Annex 1 should be included].

Annex 1: Non-exhaustive list of environmental spatial instruments - from Defra's 2015 Smarter Environmental Legislation project

1. River Basin Management Plans
2. Catchment management plans
3. Catchment partnership plans
4. Nitrate Vulnerable Zones
5. National Flood and Coastal Erosion Risk Management Strategy
6. Flood Risk Management Plans
7. Catchment Flood Management Plans
8. Shoreline Management Plans
9. Strategic Flood Risk Assessments
10. Local Flood Risk Management Strategies
11. Surface Water Management Plans
12. Rivers, estuary and coastal investment strategies
13. Water Level Management Plans
14. Reservoir Flood Plans
15. National Character Areas
16. Nature Improvement Areas
17. Local Nature Partnership plans
18. Sites of Special Scientific Interest
19. Special Protection Areas
20. Special Areas of Conservation
21. Ramsar Sites
22. National Nature Reserves
23. Local Nature Reserves
24. Local Wildlife Sites
25. UNESCO biosphere reserves
26. Global Geoparks
27. Natural World Heritage Sites
28. Biodiversity Action Plans
29. Areas of Outstanding Natural Beauty
30. National Park plans
31. Local low emission zones
32. Air quality Management plans
33. Smoke Control areas
34. Forest Plans
35. Town and Village greens

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Annex 2: Potential model for locally owned plans supported through national level administration

| | Local | National support at River basin or more local level | National support |
|--|---------------------|--|---|
| State of the environment assessment | L input data | | N provide platform and template and collate N data |
| Model trends | L input data | | N model |
| Show gaps to target state. | | | N administer |
| Able to overlay other activities/communities etc | | | N administer |
| Assess causes and drivers for improvement | L input | | N administer |
| Show spatial rules | | | N administer |
| Include countrywide census | L input | | N administer |
| Collate local needs | L convene | | N support |
| Collaborate at larger scales | L input | N administer forum | |
| Marry different departmental needs | L input | Departments feed in | |
| Show opportunity for recovery | L identify | | N input and support |
| Agree priorities | L agree | | N support |
| Agree plans, programmes, projects | L lead | | N support |
| Incorporate into other plans | L lead | | N support |
| Report on where need higher help | L input | | N administer |
| Review LEIP | L input | | N lead |