

CONSULTATION

Response Document



Planning Reform Working Paper: Development and Nature Recovery (Defra and MHCLG)

12 February 2025

1. Introduction

1.1 About CIEEM

The Chartered Institute of Ecology and Environmental Management (CIEEM) is the leading membership organisation supporting professional ecologists and environmental managers in the United Kingdom and Ireland.

CIEEM was established in 1991 and has over 8,000 members drawn from local authorities, government agencies, industry, environmental consultancy, teaching/research, and voluntary environmental organisations. It therefore has a considerable breadth and depth of professional expertise from which to draw upon, when for example, responding to Government consultations such as the one currently circulating.

CIEEM has led the way in defining and raising the standards of ecological and environmental management practice with regard to biodiversity protection and enhancement. It promotes knowledge sharing through events and publications, skills development through its comprehensive training and development programme and best practice through the dissemination of technical guidance for the profession and related disciplines.

CIEEM is a member of the following organisations/collaborative initiatives:

- Environmental Policy Forum
- Society for the Environment
- Wildlife and Countryside Link
- Scottish Environment Link
- Wales Environment Link
- Northern Ireland Environment Link
- IUCN – The World Conservation Union
- United Nations Decade on Ecosystem Restoration 2021-2030 Network
- Irish Forum on Natural Capital (working group member)
- National Biodiversity Forum (Ireland)
- Environmental Science Association of Ireland

About the Consultation Response Document

CIEEM welcomes the opportunity to comment on the Government's working paper 'Planning Reform Working Paper: Development and Nature Recovery' published on 15 December 2024.

The Government's working paper invites views on a proposed new strategic, streamlined and more outcome-focused approach to the development planning system. The Government hopes that in turn such an approach will help to meet its ambitions for economic growth, nature recovery and broader environmental obligations.

Below are CIEEM's submission to the online response portal, which has severe character limitations for each question. These responses should be read in conjunction with our longer and more detailed response document, which has also been submitted manually to the Government.

CIEEM's consultation response document has been informed by the expertise and experience of its membership, many of whom have considerable environmental planning expertise.

CIEEM Responses to the Working Paper Questions

Q7. Do you consider the approach set out in the working paper would be likely to provide tangible improvements to the developer experience while supporting nature recovery?

Yes

No

Maybe

Explanation (1500 character limit):

The working paper suggests addressing environmental challenges early in the planning process but lacks sufficient detail for assessment. It critiques the existing regulatory framework without presenting evidence that environmental protections hinder development. Reviews of the Habitats Regulations have found them effective, and delays often stem from inadequate government action rather than the regulations themselves.

Key concerns include the lack of clarity on how the proposed approach integrates with existing frameworks, public bodies, and funding mechanisms. The omission of detailed site assessments raises risks of environmental harm and undermines biodiversity protections like BNG. The approach also appears to bypass the mitigation hierarchy, potentially leading to loss of valuable ecosystems.

CIEEM supports strategic decision-making but stresses that reforms should be evidence-based. Existing tools like Local Nature Recovery Strategies should be leveraged instead of creating unproven new systems. Proper ecological assessments remain essential to ensure sustainable development. While streamlining processes is beneficial, reforms must protect biodiversity and align with climate goals.

Q8. Which environmental obligations do you feel are most suited to the model set out in the working paper, and at what geographic scale?

Explanation (3000 character limit):

CIEEM supports amendments to legislation only if environmental protections are maintained or strengthened. However, effective nature recovery requires improved planning guidance, policy and funding for statutory agencies and Local Planning Authorities to handle increasing workloads. A strategic approach, as proposed in the Working Paper, could mitigate environmental impacts at larger spatial scales, particularly regarding water quality, air pollution and habitat connectivity. CIEEM advocates for a catchment-wide approach to ensure ecological processes are holistically managed within a natural capital framework.

Existing environmental regulations, particularly the Habitats Regulations, must remain robust to prevent biodiversity loss. Any reliance on Delivery Plans should only proceed if there is strong evidence that proposed measures will be effective, ensuring no regression in environmental protections. While strategic approaches could enhance nature recovery and reduce delays for developers, site-specific ecological assessments must remain mandatory. Strategic Delivery Plans should not replace project-level assessments, as local solutions (e.g. Biodiversity Net Gain) often provide more effective, place-based conservation outcomes.

Local Nature Recovery Strategies should be expanded to guide biodiversity planning and align with Local Development Plans. A strategic approach should be applied cautiously to species-specific issues, as current evidence suggests that models like District Level Licensing for great crested newts may not be suitable for all species. Further research and independent scientific advice are necessary before applying similar approaches to other protected species.

CIEEM emphasises the need for clear criteria and evidence-based policies to support species conservation. In particular, irreplaceable habitats such as ancient woodlands, ancient grasslands and peat bogs require special protection, as mitigation and compensation are often inadequate. Greater clarity is needed on how Delivery Plans will address impacts on these critical natural assets.

Q9. 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?

Explanation (3000 character limit):

CIEEM raises concerns about the Working Paper's assumptions that existing policies can serve as Delivery Plans; they lack specificity for mitigating development impacts. There is uncertainty over which public body will resolve conflicts between competing Delivery Plans and the scope of their authority. The success of Strategic Delivery Plans depends on an evidence-led process, adherence to the Mitigation Hierarchy, and adequate funding for expert engagement.

CIEEM stresses that mitigation measures must be proven effective before approval, as required by the Habitat Regulations. The Working Paper's proposal to replace site-specific surveys with Strategic Delivery Plans risks lowering environmental standards, breaching international obligations, and undermining local nature conservation. The upfront payment model for the Nature Restoration Fund raises concerns about potential delays in mitigation delivery, cumulative environmental harm, cost miscalculations, and fairness in developer charges.

Local nature conservation is vital for ecological and social benefits. Removing site-specific mitigation risks diminishing local engagement, worsening inequalities, and assuming that people can access more distant nature sites. District Level Licensing is not universally applicable for all species, and site-specific assessments remain crucial to addressing cumulative impacts.

CIEEM warns against limiting HRA considerations only to areas outside Delivery Plans and highlights the lack of clear implementation timelines for mitigation. Ensuring Delivery Plans adhere to the Mitigation Hierarchy is essential to prevent displacement of nature recovery projects away from affected sites. Long-term monitoring, enforcement and clear accountability are critical for ensuring positive environmental outcomes.

To maintain transparency, CIEEM opposes giving Delivery Bodies unchecked authority to create, assess and monitor Delivery Plans, recommending an independent oversight body. CIEEM urges a reassessment of the approach to ensure economic and environmental goals are met. Immediate adoption of Delivery Plans should focus on well-evidenced environmental issues, with others requiring further research before implementation.

Q10. Are there any additional specific safeguards you would want to see to ensure environmental protections and / or a streamlined developer experience?

Explanation (3000 character limit):

The existing environmental legislation, including the Habitats Regulations and Wildlife & Countryside Act, already provides flexibility to balance nature protection with economic growth. Rather than introducing new laws, the Government should fully implement existing legislation, particularly the Section 40 enhanced biodiversity duty under the NERC Act 2006 (as amended by the Environment Act 2021). To ensure biodiversity enhancement, a baseline assessment is necessary.

Maintaining the Mitigation Hierarchy is essential for development affecting the environment. The Government should support nature restoration by enforcing long-term environmental monitoring within Strategic Delivery Plans and promoting early engagement with ecologists, planners and regulators to streamline development.

Additionally, the list of irreplaceable habitats under the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 must be regularly updated and legally upheld. Any loss or damage to these habitats should only be permitted under Imperative Reasons of Overriding Public Interest (IROPI).

Q11. 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

No

Maybe

Explanation (3000 character limit):

CIEEM questions the assertion that the state alone can deliver the proposed approach without substantial public funding and contributions from the private sector, NGOs and the public. The recently released England Land Use Framework consultation highlights the complexity of land ownership and utilisation, requiring input from multiple stakeholders to achieve better outcomes for nature and society. However, new legislation on top of existing frameworks (LNRS, BNG, Conservation Covenants) may create confusion rather than encourage cooperation.

Private sector involvement in initiatives such as Nutrient Neutrality schemes and strategic licensing has shown success, particularly in the case of DLL for great crested newts. However, clear governance is

essential to avoid conflicts of interest. Delivery Bodies and other public institutions must not act as both regulators and implementers. Natural England and other organisations should commission work from local authorities, private entities and environmental NGOs rather than solely executing Delivery Plans. The government should establish clear roles, jurisdictional boundaries, enforcement mechanisms and a delivery standard for third-party providers.

For third-party involvement to remain effective, particularly in habitat banking, clearer guidelines are needed on biodiversity credit stacking and bundling. Currently, habitat banks are unevenly distributed across regions, limiting access to expertise and suitable land. Additionally, available habitats may not align with the specific mitigation needs of development projects. For example, Nutrient Neutrality efforts often require decommissioning polluting land or creating interceptor habitats along watercourses, but these needs are not necessarily met by the standard offerings of habitat banks, which may not be appropriately located.

Q12. How could we use new tools like Environmental Outcomes Reports to support the Model set out in the working paper?

Explanation (3000 character limit):

The Working Paper proposes Environmental Outcomes Reports but lacks details on their scope and content, making it difficult for CIEEM to assess their effectiveness compared to current environmental assessments like Environmental Impact Assessment (EIA), Strategic Environmental Assessment (SEA), and Habitats Regulations Assessment (HRA).

The Office for Environmental Protection has identified key barriers to effective environmental assessments, including issues with access to information, monitoring, evaluation, reporting and expertise. Existing environmental assessments play a crucial role in gathering detailed data on environmental impacts, ensuring transparency and supporting evidence-based decision-making. Strengthening the implementation of EIA, SEA, and HRA could enhance positive outcomes for nature and create more sustainable development opportunities.

If Environmental Outcomes Reports align with previous Government consultations, they could help guide development in a way that minimises the need for mitigation. However, their success depends on being informed by robust environmental and ecological data. Without a strong evidence base, these reports risk leading to poor planning decisions early in the process, particularly if project-level assessments are also weakened. To ensure informed and effective decision-making, ecological data collection must be prioritised early in the planning process.

Q13. 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.

Explanation (3000 character limit):

The Working Paper claims that the Nature Restoration Fund and Delivery Plan-based approach will go beyond mitigating environmental impacts to provide enhancements, something it argues the current planning system has failed to achieve. However, this is misleading, as previous planning policies prioritised 'no net loss' rather than enhancement. The claim that these additional benefits will come at no extra cost also lacks evidence. While a strategic approach may offer efficiencies, proof is needed that enhancements can be delivered without additional costs to developers.

Policy and legislative changes create uncertainty, potentially slowing development as stakeholders adjust. Fast-tracking reforms without solid evidence could be counterproductive. Changes should also avoid unintended consequences for land management sectors like agriculture and forestry, which require planning permissions for sustainable land use.

CIEEM recommends re-evaluating the Working Paper's approach to ensure that Delivery Plans effectively balance economic growth with environmental benefits. We also suggest integrating biodiversity improvements across terrestrial, aquatic and marine habitats rather than focusing solely on water quality. Aquatic habitat restoration should include physical habitat, riparian zones, hydrology, water quality and native species recovery.

Additionally, concerns exist that the proposals may disincentivise retrofitting and reuse of existing housing stock, which could otherwise improve housing availability for local communities.

To enhance planning outcomes, CIEEM suggests:

- Involving CIEEM and relevant experts in planning policy development from the outset.
- Increasing Local Planning Authority (LPA) funding to recruit sufficient expertise.
- Providing technical training for local councillors on planning and ecology.
- Implementing accreditation and a code of conduct for private consultants advising LPAs.
- Expanding and enforcing design codes, including a nature recovery code.
- Clarifying planning practice guidance and defining robust options appraisal requirements.
- Developing an online collaborative tool for planning stakeholders to co-design large projects.
- Creating a centralised database on planning applications and decisions to identify key challenges.
- Establishing a sliding scale of pre-application requirements based on development size and impact.
- Allowing applications for protected species mitigation licenses alongside planning applications.
- Revisiting the 2014 Law Commission Review on streamlining wildlife legislation.
- Encouraging collaboration between LPAs, developers and consultants to resolve planning issues.
- Launching a national conversation on the importance of nature recovery and good planning to foster public engagement in shaping local plans.

CIEEM expresses our willingness to work with the government to find solutions that support both nature recovery and sustainable development.