

IEMA RESPONSE TO: CONSULTATION ON OPERATIONAL REFORMS TO THE NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT (NSIP) CONSENTING PROCESS

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EXECUTIVE SUMMARY

IEMA has developed this response to the Government’s consultation on the details of the operational reforms it is looking to make to the Nationally Significant Infrastructure (NSIP) consenting process as detailed in the Nationally Significant Infrastructure Projects Reform Action Plan (February 2023).¹ IEMA is well placed to comment on the present consultation as our members often lead the environmental and sustainability-related inputs and assessments to NSIPs. In addition, IEMA and its members have been closely engaged with planning reforms since 2020 including related consultations such as the Levelling Up and Regeneration Bill (LURB) and the Environmental Outcomes Report (EOR). A list of previous consultation responses are provided at the end of this document.

¹ <https://www.gov.uk/government/publications/nationally-significant-infrastructure-projects-nsip-reforms-action-plan/nationally-significant-infrastructure-action-plan-for-reforms-to-the-planning-process>

IEMA welcomes many aspects of the proposals for operational reforms to the NSIP consenting process. IEMA recognizes that the demands of the system are changing, and the Government's National Infrastructure Strategy (2020)² and British Energy Security Strategy (2022)³ both called for a need to make the infrastructure consenting process better, faster and greener. IEMA understands that the current proposals are aimed at improving the flexibility and resilience of the system and allow the increasing number of infrastructure project proposals to go through the consent process quicker than before. IEMA welcomes proposals to improve and strengthen the consultation and engagement with communities and councils, to put them at the heart of decision-making processes. IEMA is supportive of reforms that aim to make the whole process more transparent and easier for all stakeholders to navigate and, crucially from our point of view, ensure that consultation and environmental requirements are 'proportionate, and clearly understood'.⁴

IEMA welcomes and supports the following key elements of the proposals:

- **Improving the quality of public participation and stakeholder engagement.** IEMA views this as an area in clear need of improvement and welcomes investment in producing better guidance and good practice standards and requirements.
- **The use of early adopters feedback and pilot projects to inform policy and regulation.** This is essential for ground truthing proposed changes to check that the outcomes work as intended, it is essential that an evidence-led approach is adopted to any reforms. IEMA would welcome a similar pilot system and evidence-based approach to the environmental assessment reforms and encourages engagement DLUHC to reconsider its proposals and increase its engagement with the professional bodies on these reforms.
- **Strengthening public sector capacity and resources.** IEMA welcomes acknowledgement of capacity and competency constraints within the public sector. IEMA recommends that a long term and systematic approach is taken to improve capacity and competency through investment in staffing, recruitment, training, guidance and salary benchmarking to ensure adequate provision of competent experts.
- **Updating and improving guidance.** Investing in updated and improved infrastructure planning guidance will help raise standards, consistency and quality of applications.
- **Adopting digital innovation.** IEMA has long championed better use of digital and data improvements.

IEMA once again extends an invitation to DLUHC and the Planning Inspectorate to directly engage with our 20,000 environment and sustainability professionals to assist with taking forward the details of the above proposals. We encourage the Government to benefit from their experience from all sectors, and roles in both public and private sectors, and take advantage of our members deep knowledge and experience of the practical challenges and potential solutions for improving the NSIP regime.

² <https://www.gov.uk/government/publications/national-infrastructure-strategy>

³ <https://www.gov.uk/government/publications/british-energy-security-strategy>

⁴ Foreword by Lee Rowley MP, Minister for Local Government and Building Safety, <https://www.gov.uk/government/consultations/operational-reforms-to-the-nationally-significant-infrastructure-project-consenting-process/consultation-on-operational-reforms-to-the-nationally-significant-infrastructure-project-consenting-process#building-the-skills-needed-to-support-infrastructure-delivery>

IEMA RESPONSE TO NSIP CONSULTATION QUESTIONS

CONSULTATION QUESTIONS

QUESTION 1: DO YOU SUPPORT THE PROPOSAL FOR A NEW AND CHARGEABLE PRE-APPLICATION SERVICE FROM THE PLANNING INSPECTORATE?

IEMA supports the proposal.

QUESTION 2A: DO YOU AGREE WITH THE 3 LEVELS OF SERVICE OFFERED?

IEMA supports the proposal for three levels of service offered.

QUESTION 2B: IF YOU ARE AN APPLICANT, WHICH OF THE 3 TIERS OF SERVICE WOULD YOU BE MOST LIKELY TO USE AND FOR HOW MANY PROJECTS? PLEASE EXPLAIN YOUR REASONS FOR CHOOSING THIS TIER / THESE TIERS.

N/A

QUESTION 3: WOULD HAVING THE FLEXIBILITY TO CHANGE SUBSCRIPTIONS AS A PROJECT PROGRESSES THROUGH PRE-APPLICATION BE IMPORTANT TO YOU?

IEMA supports the proposal.

QUESTION 4: TO WHAT EXTENT DO YOU AGREE THAT THE OVERALL PROPOSALS FOR MERITS AND PROCEDURAL ADVICE WILL ENABLE THE POLICY OBJECTIVE TO BE MET?

IEMA Supports the principle of the policy objective 'To make the pre-application stage more effective in identifying and resolving, or reaching clear positions on potential examination issues'. With regards to the proposals, as long as the Inspectorate maintains their impartiality, ethics and governance in the carrying out of their duties the proposals are to be welcomed.

QUESTION 5: DO YOU HAVE ANY SPECIFIC COMMENTS ON THE PROPOSALS IN THE TABLE ABOVE?

As long as the integrity and governance processes are maintained then IEMA is supportive. Appropriate oversight needs to be maintained to ensure the individual officers do not become advocates for a development. The role should maintain an impartial and objective position, whilst supporting applicants with process and procedure. The officers should also be advocates for high quality applications (following guidance and policy), as these will lead to shorter determination periods.

QUESTION 6: DO YOU AGREE WITH THE PROPOSED CHANGES TO THE CONSOLIDATED LIST OF STATUTORY CONSULTEES OUTLINE ABOVE?

IEMA has no objection to the proposed changes.

QUESTION 7: ARE THERE ANY OTHER AMENDMENTS TO THE CURRENT CONSOLIDATED LIST OUTLINED IN TABLE 2.1 THAT YOU THINK SHOULD BE MADE?

Not at this time.

QUESTION 8: DO YOU SUPPORT THE PROPOSED INTRODUCTION OF AN EARLY 'ADEQUACY OF CONSULTATION' MILESTONE?

IEMA is an advocate for high quality public participation and stakeholder engagement, access to information and environmental justice. IEMA believes the proposed 'adequacy of consultation' could be a useful addition. However, the legal requirements (particularly for TCPA EIA applications) are often a minimum legal requirement and fall well short of good practice. The NSIP requirements are more comprehensive in terms of legal requirements, however they also do not specify appropriate techniques, nor require good practice.

Compared to international good practice requirements of prior, free and informed consent (FPIC), or broad community support (BCS), the NSIP requirements are not best practice. The proposal to encourage use of independent community liaison chairs and forums are to be welcomed, but this review should go wider and include a review of good practice internationally, including an academic literature review, and consultation with IEMA and other professional bodies whose members often lead on public consultation.

Techniques and approaches such as citizens panels, deliberative approaches, and a greater requirement to consider vulnerable and hard to reach groups within communities should be explored. Planning Inspectorate guidance should then be produced on good practice, and the extent to which this has been followed by an applicant should feed into the 'adequacy of consultation' determination. The overall aim should be to ensure appropriate, proportionate and effective public consultation has been undertaken. Current practice has been found to be poor in capturing community views, both in terms of percentage of community engaged, and in the reaching a variety of groups within the community. Vulnerable groups are often not represented in traditional approaches such as public exhibitions in town halls.⁵

⁵ See academic research for example; Koski, C., Siddiki, S., Sadiq, A-A. & Carboni, J. (2016). Representation in collaborative governance: a case study of a food policy council. *American Review of Public Administration*, 48(4), 359–373. Jha-Thakur, U. & Fischer, T.B. (2016). 25 years of the UK EIA system: strengths, weaknesses, opportunities and threats. *Environmental Impact Assessment Review*, 61, 19–26. Hui, I., Ulibarri, N. & Cain, B.E. (2020 [2018]). Patterns of participation and representation in a regional water collaboration. *Policy Studies Journal*, 48(3), 754-781.

QUESTION 9: ARE THERE ANY ADDITIONAL FACTORS THAT YOU THINK THE EARLY ‘ADEQUACY OF CONSULTATION’ MILESTONE SHOULD CONSIDER?

As above for Q.8. The ‘adequacy of consultation’ should look at what efforts the applicant has made to study the affected community (not just landowners within the red line) and identify groups or individuals that may be affected (including hard to reach and vulnerable groups). The affected community may encompass a wider range of users who may be affected via their professional, cultural or recreational use of land or assets impacted by the proposal. The applicant should demonstrate what techniques and efforts have been made to contact and engage with the affected community. A newspaper advert, site notice, website and public exhibition will likely only reach a subset of the public, and will be overrepresented by a specific demographic, as well as reaching a small proportion of the affected community. Pro-active measures and techniques should be used, such as citizen panels, forums, community liaison, social media should all be explored to ensure adequate engagement is carried out.

IEMA would happily assist DLUHC with assembling leading public participation and stakeholder engagement professionals and academics to assist DLUHC and the Planning Inspectorate to review and produce updated guidance on consultation and expectations regarding ‘adequacy of consultation’ guidelines.

QUESTION 10: OUR EVIDENCE SHOWS THAT THERE IS A SUBSTANTIAL AMOUNT OF COMMUNITY CONSULTATION THAT HAPPENS DURING THE LIFETIME OF AN NSIP. TO GUIDE OUR REFORMS, AND TO ENSURE THAT REFORMS SUPPORT FASTER CONSENTING, PREVENTING CONSULTATION FATIGUE, MORE PROPORTIONATE COMMUNITY CONSULTATION, WITH CLEARER TESTS FOR ADEQUACY, IT IS IMPORTANT TO GATHER FURTHER INFORMATION ABOUT THE CAUSES FOR MULTIPLE CONSULTATIONS. WHAT ARE THE MAIN REASONS FOR CONSULTING WITH COMMUNITIES MULTIPLE TIMES DURING THE LIFETIME OF AN NSIP APPLICATION?

- What constitutes adequate consultation is not clear from legislation.
- What constitutes adequate consultation is not clear from guidance.
- What the Planning Inspectorate will accept as adequate consultation is not clear.
- It is challenging to get the right level of information from consultations.
- The age of the National Policy Statements means more consultation is needed than before.
- It is the main way to update a community on changes that are made to a project.
- It is hard to engage with the correct communities.
- It is a means to mitigate legal challenge for the project.
- It is part of how to build enthusiasm for a project over time.
- It is a helpful way to develop the project.

Are there any other factors that play a part in multiple consultations seen to be required by developers?

It is a combination of factors, but the following key issues have been raised in the experience of IEMA members:

- Later design changes (or design evolution) leading to new proposals that haven’t been consulted on, needing fresh consultation on the amendments.
- Lack of official guidance.

- Some applicants do not use appropriately qualified stakeholder engagement and public participation professionals, leading to poorly designed or poorly implemented engagement.
- Some applicants are unwilling to spend the adequate resources (money) on a professional and comprehensive engagement (more so for TCPA but also for some NSIPs).
- Some applicants are hesitant to engage the public (due to fear of objections/controversy) and therefore either do the minimum engagement, or leave the engagement too late. This can lead to later requirements to improve engagement which was initially inadequate.

QUESTION 11: ARE THERE ANY OTHER MEASURES YOU THINK THAT GOVERNMENT COULD TAKE TO ENSURE CONSULTATION REQUIREMENTS ARE PROPORTIONATE TO THE SCALE AND LIKELY IMPACT OF A PROJECT?

Key recommendations as set out above would be greater use of guidance on good practice in stakeholder engagement (to be developed with stakeholder engagement and public participation experts and practitioners). Greater encouragement to use 'competent experts' to lead engagement. See also response to Q.9.

QUESTION 12: TO WHAT EXTENT DO YOU AGREE WITH THE PROPOSAL TO REMOVE THE PROHIBITION ON AN INSPECTOR WHO HAS GIVEN SECTION 51 ADVICE DURING THE PRE-APPLICATION STAGE FROM THEN BEING APPOINTED TO EXAMINE THE APPLICATION, EITHER AS PART OF A PANEL OR A SINGLE PERSON?

PLEASE PROVIDE YOUR REASONS

As per Q.5, IEMA is happy with operational efficiency improvement, providing the appropriate integrity, governance, oversight and safeguards in place to maintain impartiality and objectivity.

QUESTION 13: TO WHAT EXTENT DO YOU AGREE THAT IT WOULD LEAD TO AN IMPROVEMENT IN THE PROCESS IF MORE DETAIL WAS REQUIRED TO BE SUBMITTED AT THE RELEVANT REPRESENTATION STAGE?

PLEASE PROVIDE YOUR REASONS

In principle IEMA has no objection, and can see the benefits that may arise from this change. In practice this will require the appropriate training and resourcing to be addressed with the key statutory stakeholders, although this is a wider and cross-cutting issue. In addition, as mentioned in the consultation there should be some caveats in place regarding support and exemptions for specific cases (very small or under-resourced organisation) or under special circumstances, where a reasonable case can be made. In general though, the proposal is supported.

QUESTION 14: TO WHAT EXTENT DO YOU AGREE THAT PROVIDING THE EXAMINING AUTHORITY WITH THE DISCRETION TO SET SHORTER NOTIFICATION PERIODS WILL ENABLE THE DELIVERY OF EXAMINATIONS THAT ARE PROPORTIONATE TO THE COMPLEXITY AND NATURE OF THE PROJECT BUT MAINTAIN THE SAME QUALITY OF WRITTEN EVIDENCE DURING EXAMINATION?

PLEASE PROVIDE YOUR REASONS

IEMA believes the Planning Inspectorate should have the discretion, where reasonable, to manage their examinations in a manner that is proportionate to the complexity of the project, whilst maintaining standards.

QUESTION 15: TO WHAT EXTENT DO YOU AGREE THAT MOVING TO DIGITAL HANDLING OF EXAMINATION MATERIALS BY DEFAULT WILL IMPROVE THE ABILITY FOR ALL PARTIES TO BE MORE EFFICIENT AND RESPONSIVE TO EXAMINATION DEADLINES?

IEMA supports the proposal and welcomes this move to digital submissions, which are more accessible, more sustainable, more efficient, and also cheaper for applicants. IEMA would go further however and would welcome guidance and standards on digital submission and impact assessment. In particular, IEMA advocates for data to be submitted using meta data standards in formats that enable and encourage re-use and dissemination of data to inform future projects, post project reviews, research and improvements of knowledge.

IEMA welcomes engagement with DLUHC and the Planning Inspectorate on developing digital impact assessment guidance, standards and systems to enable the benefits of digital enhancements to planning and impact assessment.

IEMA has already published guidance on these topics and is developing new guidance at present. Closer engagement with DLUHC and the Planning Inspectorate would enable a more coordinated approach to this fast-developing area.

QUESTION 16: TO WHAT EXTENT DO YOU AGREE THAT THE SUBMISSION OF 'PLANNING DATA' WILL PROVIDE A VALUABLE ADDITION AS A MEANS OF SUBMITTING INFORMATION TO THE PLANNING INSPECTORATE?

PLEASE PROVIDE YOUR REASONS

As above for Q.15, IEMA supports the proposal. Submission of planning data is a prerequisite for moving to digital planning and digital impact assessment. Without the data, we cannot analyze and feed into future projects, monitoring, scoping refinement, and research. Ultimately data capture, collation, analysis and re-use will enable better, faster and more accurate assessment and planning. The capture of planning data is an essential first step. This will require development and adoption of data standards and data management, IEMA has already published in this area and has an active Digital Impact Assessment working group of leading practitioners. IEMA would happily assist DLUHC with assembling leading digital EIA professionals to assist DLUHC and the Planning Inspectorate to review and produce updated guidance on digital impact assessment.

QUESTION 17: ARE THERE ANY OTHER AREAS IN THE APPLICATION PROCESS WHICH YOU CONSIDER WOULD BENEFIT FROM BECOMING 'DIGITALISED'?

IEMA strongly support exploration of digital approaches. Open digital and live mitigation and monitoring schedules, commitment registers, CEMPs, etc, can be more transparent and more easily updated and tracked by all parties. Use of remote monitoring, tracking and automated surveillance for monitoring conditions should be explored to assist statutory consultees, regulators and LPAs to ensure mitigation is carried out, especially given capacity and resource constraints on these public bodies. A national database of planning data, and aggregated data sets would aid all parties in the impact assessment and planning process. An enhanced planning portal and Planning Inspectorate website and database would aid the public, regulators, statutory bodies and researchers to access and review data from multiple projects to better improve our understanding of impacts and improve the accuracy of future scoping, assessment, mitigation and monitoring.

QUESTION 18: TO WHAT EXTENT DO YOU AGREE THAT PROJECTS WISHING TO PROCEED THROUGH THE FAST TRACK ROUTE TO CONSENT SHOULD BE REQUIRED TO USE THE ENHANCED PRE-APPLICATION SERVICE, WHICH IS DESIGNED TO SUPPORT APPLICANTS TO MEET THE FAST TRACK QUALITY STANDARD?

PLEASE PROVIDE YOUR REASONS

IEMA supports the proposal as this will increase the chances of success of the scheme and maximise the chances of meeting a fast, yet high quality, assessment.

QUESTION 19: TO WHAT EXTENT DO YOU CONSIDER THE PROPOSED FAST TRACK QUALITY STANDARD WILL BE EFFECTIVE IN IDENTIFYING APPLICATIONS THAT ARE CAPABLE OF BEING ASSESSED IN A SHORTER TIMESCALE?

PLEASE PROVIDE YOUR REASONS

IEMA supports the proposals for fast tracking where the standards on environmental and social assessment, and public participation are not compromised. This can be achieved through use of competent experts, high quality guidance, and appropriately trained and resourced consultees and officers. Fast track can be used successfully where these conditions are met. Fast track should not be used to cut corners on legal requirements, policies or standards.

QUESTION 20: ON EACH CRITERIA WITHIN THE FAST TRACK QUALITY STANDARD, PLEASE SELECT FROM THE OPTIONS SET OUT IN THE TABLE BELOW AND GIVE YOUR REASONING AND ADDITIONAL COMMENTS IN THE ACCOMPANYING TEXT BOXES. PLEASE ALSO INCLUDE ANY ADDITIONAL CRITERIA THAT YOU WOULD PROPOSE INCLUDING WITHIN THE FAST TRACK QUALITY STANDARD?

Quality standard specific criteria	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Reasons
1. Principal areas of disagreement		x				
Procedure						
2a. Fast track programme document		x				
2b(i). Include fast track intention in consultation material		x				
2b(ii). Formal agreement to use enhanced pre-application		x				
2b(iii). Publicise fast track programme		x				
2b(iv). Provide evidence at submission of 2a-2c		x				
3. Regard to advice		x				

QUESTION 21: TO WHAT EXTENT DO YOU AGREE THAT THE PROPOSALS FOR SETTING THE FAST TRACK EXAMINATION TIMETABLE STRIKE THE RIGHT BALANCE BETWEEN CERTAINTY AND FLEXIBILITY TO HANDLE A CHANGE IN CIRCUMSTANCE?

PLEASE PROVIDE YOUR REASONS

IEMA supports the proposal on the basis that DLUHC and the Planning Inspectorate has completed an ‘Early Adopters’ programme to test the benefits and downsides of the approach and has amended based on this evidence. Furthermore, IEMA supports the proposals on the basis that a series of ‘Fast Track Pilot’s’ will be undertaken to test the proposals and amend them based on those results. This evidence-led process is essential to ensure the proposals are workable and beneficial, improving the speed of planning whilst meeting standards and quality requirements. This contrasts to DLUHC’s proposal for EOR reforms to the EIA and SEA assessment regimes, where no early adopter schemes, or pilots, have been carried out.

This evidence-lead approach that we advocate echoes our response to the EOR consultation, where we raised a number of concerns with the planned reforms of the environmental assessment regime. Our view is that any reforms should be based on evidence review, and research and engagement with expert professionals, with the aim of improving the environmental assessment regime to increase environmental protection and outcomes for people and nature. However, the current EOR proposals and the process leading up to the proposals lacks evidence-based research, and has not been properly consulted with the professionals, experts and academics that work within the environmental assessment field.

Therefore, the proposals for these NSIP reforms, to learn from early adopters and pilots, is commendable and in IEMA's view essential to learn from practice and practitioners.

QUESTION 22: TO WHAT EXTENT DO YOU AGREE THAT THERE IS A NEED FOR NEW GUIDANCE ON WHICH APPLICATION ROUTE PROPOSED CHANGES SHOULD UNDERGO?

PLEASE PROVIDE YOUR REASONS.

IEMA supports the proposal in principle, but stresses the need for environmental and social considerations. Materiality of changes or amendments should be reviewed against environmental and social assessment to ensure that any potential significant impacts are identified prior to approval. The materiality of the change must include some form of analysis or assessment with regard to environmental and social impact.

QUESTION 23: IN ADDITION, WHAT TOPICS SHOULD NEW GUIDANCE COVER THAT WOULD HELP TO INFORM DECISIONS ON WHETHER A PROPOSED CHANGE SHOULD BE CONSIDERED AS MATERIAL OR NON-MATERIAL?

As above for Q.22. As part of the materiality determination, any proposed change should be reviewed by a competent expert in environmental and social assessment. Using the EIA as a baseline, the proposed change should be reviewed in the context of up-to-date information to determine the risk of any significant environmental or social impacts. This analysis should be carried out by a qualified environmental and social impact assessment expert.

QUESTION 24: TO WHAT EXTENT DO YOU SUPPORT THE PROPOSAL TO INTRODUCE A STATUTORY TIMEFRAME FOR NON-MATERIAL CHANGE APPLICATIONS?

WHAT DO YOU CONSIDER IS A REASONABLE TIMEFRAME FOR DETERMINING NON-MATERIAL APPLICATIONS? PLEASE NOTE, DETERMINATION IS REFERRED TO AS THE TIME IT TAKES FOR THE RELEVANT DEPARTMENT TO MAKE A DECISION ON AN APPLICATION ONCE THE APPROPRIATE CONSULTATION HAS BEEN UNDERTAKEN. ANY TIMEFRAME INCLUDED IN LEGISLATION WOULD NEED TO PROVIDE A SPECIFIC TIMESCALE FOR DETERMINATION.

6-8 WEEKS

8-10 WEEKS

10-12 WEEKS

OTHER - PLEASE JUSTIFY YOUR SELECTION

This should be driven by the available resources of the parties involved. The Planning Inspectorate should have discretion based on contextual circumstances and adequacy of information provided by the applicant.

QUESTION 25: TAKING ACCOUNT OF THE DESCRIPTION OF THE SERVICES IN SECTION 2.2.1 TO WHAT EXTENT DO YOU BELIEVE A COST-RECOVERABLE PRE-APPLICATION SERVICE WILL REPRESENT VALUE FOR MONEY IN SUPPORTING APPLICANTS TO DELIVER HIGHER QUALITY APPLICATIONS WITH MINIMAL RESIDUAL ISSUES AT SUBMISSION?

PLEASE PROVIDE YOUR REASONS

IEMA supports the proposal. Ultimately applicants will come to their own conclusions on value for money.

QUESTION 26: TO WHAT EXTENT DO YOU AGREE WITH THE PROPOSAL TO CHARGE AN OVERALL FEE (APPROPRIATE TO THE TIER OF SERVICE THAT WILL COVER THE PROVISION OF THE SERVICE) FOR A FIXED PERIOD?

PLEASE PROVIDE YOUR REASONS

IEMA supports the proposal in principle if the fees are needed to provide sufficient resources to carry out appropriate and proportionate assessment against policies and regulations to the required standard.

QUESTION 27: THE GOVERNMENT HAS SET OUT AN OBJECTIVE TO MOVE TO FULL COST RECOVERY FOR THE PLANNING ACT 2008 CONSENTING PROCESS. TO WHAT EXTENT DO YOU SUPPORT THE PROPOSAL TO SUPPORT THE PLANNING INSPECTORATE TO BETTER RESOURCE THEIR STATUTORY WORK ON CONSENTING BY REVIEWING AND UPDATING EXISTING FEES, AND INTRODUCING ADDITIONAL FEE POINTS?

PLEASE PROVIDE YOUR REASONS

Please see IEMA response to Q.26.

QUESTION 28: TO WHAT EXTENT DO YOU SUPPORT THE PROPOSAL TO REVIEW AND UPDATE EXISTING FEES IN RELATION TO APPLICATIONS FOR NON-MATERIAL CHANGES TO ACHIEVE COST RECOVERY AND SUPPORT CONSENTING DEPARTMENTS IN HANDLING THESE APPLICATIONS?

PLEASE PROVIDE YOUR REASONS

Please see IEMA response to Q.26.

QUESTION 29: TO WHAT EXTENT DO YOU AGREE THAT THE PROPOSED REVIEW AND UPDATE OF EXISTING FEES AND INTRODUCTION OF ADDITIONAL FEE POINTS WILL SUPPORT THE PLANNING INSPECTORATE TO BETTER RESOURCE THEIR STATUTORY WORK ON CONSENTING?

PLEASE PROVIDE YOUR REASONS. IF DO NOT AGREE, ARE THERE ANY OTHER WAYS TO SUPPORT THE PLANNING INSPECTORATE TO BETTER RESOURCE THEIR STATUTORY WORK?

Please see IEMA response to Q.26.

QUESTION 30: TO WHAT EXTENT DO YOU AGREE THAT DEFINING KEY PERFORMANCE MEASURES WILL HELP MEET THE POLICY OBJECTIVE OF ENSURING THE DELIVERY OF CREDIBLE COST-RECOVERABLE SERVICES?

PLEASE PROVIDE YOUR REASONS. IF DO NOT AGREE, ARE THERE ANY OTHER MECHANISMS YOU WOULD LIKE TO SEE TO ENSURE PERFORMANCE?

KPIs would need to be very carefully designed and thought through. IEMA would be concerned with the application of KPIs if they incentivize the Planning Inspectorate or other bodies to make decisions purely to meet targets. KPIs can sometimes drive counterproductive behaviors and lead to perverse outcomes. The statutory bodies, consultees and Planning Inspectorate should be adequately resourced and trained to perform their function and KPIs must not conflict with the ability of any organization to carry out any governance or environmental or social safeguard function.

QUESTION 31: DO YOU AGREE WITH THE PRINCIPLES WE EXPECT TO BASE PERFORMANCE MONITORING ARRANGEMENT ON? PLEASE SELECT FROM THE OPTIONS SET OUT IN THE TABLE BELOW AND GIVE YOUR REASONING AND ADDITIONAL COMMENTS IN THE ACCOMPANYING TEXT BOXES:

IEMA supports the proposal.

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Be outcome and not output focused to ensure better planning outcomes					
Please give reasons:					
Consider quality of customer service provision					
Please give reasons:					

Cover the provision of statutory and non-statutory advice provided by the specific prescribed bodies (outlined in section 7.2.2) through pre-application, pre-examination, Examination and Decision					
Please give reasons:					
Monitoring should be tailored to the context of each organisation	x				
Please give reasons:					
Reporting should be timely, transparent, simple to understand, easily accessible and evolved over time	x				
Please give reasons:					

QUESTION 32: WE WOULD LIKE TO MONITOR THE QUALITY OF CUSTOMER SERVICE PROVIDED, AND THE OUTCOMES OF THAT ADVICE ON APPLICANT’S PROGRESSION THROUGH THE SYSTEM WHERE PRACTICABLE. DO YOU HAVE ANY VIEWS ON THE MOST EFFECTIVE AND EFFICIENT WAY TO DO THIS?

IEMA believes the biggest impact on customer service will be through providing adequate staffing levels, improved guidance, adequate training of the public bodies. In a tight labor market, salaries and benefits may need to be increased within the planning and environmental professions to compete with the private sector. Greater investment could also be directed at supporting entry into planning and the environmental professions. Centrally funded training of LPA officers, and statutory consultees on EIA and planning would also improve outcomes.

QUESTION 33: TO WHAT EXTENT DO YOU SUPPORT THE PROPOSAL TO ENABLE SPECIFIC STATUTORY CONSULTEES TO CHARGE FOR THE PLANNING SERVICES THEY PROVIDE TO APPLICANTS ACROSS THE DEVELOPMENT CONSENT ORDER APPLICATION PROCESS?

PLEASE PROVIDE YOUR REASONS

IEMA supports the proposal in principle if the fees are needed to provide sufficient resources to carry out appropriate and proportionate assessment against policies and regulations to the required standard.

QUESTION 34: TO WHAT EXTENT DO YOU AGREE WITH THE KEY PRINCIPLES OF THE PROPOSED CHARGING SYSTEM? PLEASE SELECT FROM THE OPTIONS LISTED IN THE TABLE BELOW AND GIVE REASONS IN THE 'COMMENT' TEXT BOX.

IEMA recommends consultation directly with these bodies.

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Initially limit the ability to charge to the organisations listed in table 7.1					
Please give reasons:					
Recover costs for non-statutory and statutory services provided throughout pre-application, pre-examination, Examination and Post-Decision					
Please give reasons:					
Setting charging schemes					
Please give reasons:					

QUESTION 35: DO YOU HAVE ANY COMMENTS ON THE SCOPE AND INTENDED EFFECT OF THE PRINCIPLES OF THE CHARGING SYSTEM?

For larger applicants the fees should not be a barrier, although they are unlikely to be welcome. For smaller applicants (and under TCPA) the costs may be prohibitive. The costs will need to be matched by the quality of service. As set out in Q32, the fees alone will not improve outcomes. The fees will need to be converted into training budgets, guidance development, and competitive salaries to attract highly skilled and qualified environmental and planning experts to carryout these complex and demanding roles. There will also need to be wider support for encouraging new entrants into these careers, and salaries benchmarked against the private sector to encourage talent to public sector roles.

The capacity building set out in 8.2.1 is commendable, but will have limited effect. The fund will be short lived (in the long run) and is not a sustainable solution. Competitive funds will largely be won by the most organized councils, and the ones that need support the most are likely not applying or aware of its existence. A more strategic, comprehensive and long-term solution should provide capacity building across all regions. Wales, Scotland and Northern Ireland have all put more funds into longer term initiatives and training around environmental impact assessment for LPAs and public workers. England has not invested in comprehensive training on EIA, planning and stakeholder engagement.

QUESTION 36: DO YOU SUPPORT THE PROPOSAL TO SET OUT PRINCIPLES FOR PLANNING PERFORMANCE AGREEMENTS IN GUIDANCE?

IEMA supports the proposal, with the caveats set out in Q32 and Q35.

QUESTION 37: DO YOU HAVE ANY FURTHER VIEWS ON WHAT THE PROPOSED PRINCIPLES SHOULD INCLUDE?

Any principles should emphasize the importance of using competent experts and having access to sufficient expertise to assess environmental and social assessments and the adequacy of public engagement.

QUESTION 38: TO WHAT EXTENT DO YOU AGREE THAT THESE PROPOSALS WILL RESULT IN MORE EFFECTIVE ENGAGEMENT BETWEEN APPLICANTS AND LOCAL COMMUNITIES FOR ALL APPLICATIONS?

PLEASE PROVIDE YOUR REASONS

See IEMA’s proposals to improve effective engagement in Q8 to Q11. Better guidance is needed for both applicants and local authorities. Best practices from academic and practitioner experts should be reviewed. Standards should be raised, and additional training provided to LPAs to assist communities. Competent experts in public participation and stakeholder engagement should be consulted and used to guide projects.

QUESTION 39: DO YOU FACE ANY CHALLENGES IN RECRUITING THE FOLLOWING PROFESSIONS? PLEASE COMPLETE THE TABLE BELOW AND GIVE REASONS.

Standard Occupation Classification (SOC) 2020	Profession	Yes/No	Reasons
SOC2452	Town Planning Officers		
SOC2455	Transport Planners		
SOC3581	Planning Inspectors		
SOC3120	Administrators		
SOC4112	Local government administrative occupations		
SOC2451	Architects		
SOC2453	Quantity Surveyors		
SOC2455	Construction project managers and related professions		

SOC2481	Planning engineers (including windfarm)		
SOC2151	Conservation professionals	x	There is a shortage of qualified Environmental and Sustainability Professionals. ⁶ In addition, pay levels in the public sector are well below the private sector. Pay is also often below other professionals such as engineers and architects working in the same sector, despite similar educational and experience requirements.
SOC2152	Environmental professionals	x	There is a shortage of qualified Environmental and Sustainability Professionals. ⁷ In addition, pay levels in the public sector are well below the private sector. Pay is also often below other professionals such as engineers and architects working in the same sector despite similar educational and experience requirements.
SOC2483	Environmental health professionals		
SOC2121	Water engineers		
SOC3520	Legal associate professionals		
SOC3544	Data analysts		

QUESTION 40: ARE THERE ANY OTHER SPECIFIC SECTORS (AS IDENTIFIED ABOVE) THAT CURRENTLY FACE CHALLENGES IN RECRUITING? IF SO, PLEASE STAT WHICH ONES AND GIVE REASONS WHY

Sustainability Professionals – as with Environmental Professionals (see Q39).

QUESTION 41: DO YOU HAVE ANY IDEAS FOR OR EXAMPLES OF SUCCESSFUL PROGRAMMES TO DEVELOP NEW SKILLS IN A SPECIFIC SECTOR THAT THE GOVERNMENT SHOULD CONSIDER IN DEVELOPING FURTHER INTERVENTIONS?

IEMA has a range of initiatives on green skills and jobs,⁸⁹ as well as a wide training programme,¹⁰ and corporate programs that have assisted organisations in developing and enhancing environmental and sustainability skills.

⁶ [The UK environment and sustainability consultancy sector needs an extra 7,200 professionals by 2025 just to keep pace with rising demand for ESG, net zero and other sustainability services, according to research by Environment Analyst.](#) See also [Shortage of Sustainability Professionals – EY 2023](#)

⁷ Ibid.

⁸ [Green skills for the green economy | Report | Deloitte UK](#)

⁹ [Home - Green Careers Hub](#)

¹⁰ [IEMA - Find a training course](#)

IEMA would welcome further discussion with DLUHC on these matters and advise on lessons learnt and recommendations.

QUESTION 42: TO WHAT EXTENT DO YOU AGREE THAT UPDATED GUIDANCE ON THE MATTERS OUTLINED IN THIS CONSULTATION WILL SUPPORT THE NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT REFORMS?

PLEASE PROVIDE YOUR REASONS

IEMA supports the proposal to update and produce new guidance. However, IEMA recommends that our members and the member of other relevant professional bodies are properly consulted as our members work directly on all NSIP projects and have deep knowledge and firsthand experience of the planning and environmental assessment process.

QUESTION 43: DO YOU SUPPORT A MOVE TOWARDS A FORMAT FOR GUIDANCE THAT HAS A SIMILAR FORMAT TO THE NATIONAL PLANNING PRACTICE GUIDANCE?

PLEASE PROVIDE YOUR REASONS

As above, IEMA are not opposed in principle, however we recommend further consultation with our members on the merits of specific guidance needs and formats.

QUESTION 44: ARE THERE ANY OTHER GUIDANCE UPDATES YOU THINK ARE NEEDED TO SUPPORT THE NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT REFORMS?

IEMA believes there are numerous areas that would benefit from improved and additional guidance, particularly on environmental assessment and stakeholder engagement topics. IEMA would welcome the opportunity to assemble leading environmental, planning and sustainability professionals to assist DLUHC and the Planning Inspectorate to review and produce updated guidance.

PREVIOUS IEMA SUBMISSIONS

In preparing this consultation response we have considered IEMA's previous advice, submissions, consultation responses and positions on EIA and SEA (the IEMA recommendations) against the latest information provided within this NSIP consultation. The IEMA position is based on our previous stated and published recommendations contained in the following documents:

1. IEMAs 'Proportionate EIA Strategy'¹¹ (July 2017);
2. IEMA 'Levelling up EIA to Build Back Better' report (September 2020) to Defra and MHCLG in September 2020 setting out key recommendations for improvements to EIA¹²;
3. IEMA response (October 2020) to the Ministry of Housing, Communities & Local Government (MHCLG) Consultation on 'Planning for the Future'¹³;
4. IEMA response (March 2021) to the Housing, Communities and Local Government Committee (HCLGC) inquiry: The future of the planning system in England¹⁴;
5. IEMA response (April 2022) to Defra's Environmental Impact Assessment (EIA) Regulations: Post Implementation Review - Impact Evaluation Survey;
6. IEMA response (May 2022) to Defra's Nature Recovery Green Paper;
7. IEMA response (July 2022) to the Public Bill Committee: Levelling Up & Regeneration Bill (LURB); and
8. IEMA response (June 2023) to Environmental Outcomes Report: A new approach to environmental assessment.¹⁵

FURTHER INFORMATION

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¹¹ Proportionate EIA – A Collaborate Strategy For Enhancing UK Environmental Impact Assessment Practice, IEMA 2017
<https://www.iema.net/resources/reading-room/2017/07/18/delivering-proportionate-eia>.

¹² See IEMA's paper on Levelling Up EIA to Build Back Better ([bit.ly/34Hfikt](https://www.iema.net/resources/reading-room/2017/07/18/delivering-proportionate-eia)).

¹³ See IEMA's formal response to the MHCLG consultation here ([bit.ly/34Hfikt](https://www.iema.net/resources/reading-room/2017/07/18/delivering-proportionate-eia)).

¹⁴ See IEMA's written evidence to HCLGC here <https://committees.parliament.uk/writtenevidence/23564/html/>.

¹⁵ See IEMA's response on EOR here (<https://s3.eu-west-2.amazonaws.com/iema.net/documents/IEMA-Response-to-Environmental-Outcomes-Report-08-06-23.pdf>).