

IEMA response to the Housing, Communities and Local Government Committee inquiry: The future of the planning system in England

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About IEMA

IEMA (Institute of Environmental Management Assessment) 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 17,000 members. IEMA is an authoritative voice on Impact Assessment and for the past 30 years has been 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.

In this response we have provided a bespoke submission to the Housing, Communities and Local Government Committee (HCLGC) inquiry: The future of the planning system in England. It should be noted that we have already reviewed and responded to the Ministry of Housing, Communities & Local Government (MHCLG) Consultation on 'Planning for the Future' hereafter referred to as the 'Planning White Paper'¹.

Focus on Impact Assessment

The focus of many stakeholders in response to the Planning White Paper has been on the proposed changes to the overarching plan making and the proposals to move to more zonal based planning. However, the Planning White Paper also proposed significant reforms to Environmental Impact Assessment (EIA), Sustainability Appraisal (SA) and the Strategic Environmental Assessment (SEA) regime, collectively we can refer to this as Impact Assessment (IA).

As the leading professional institute for IA, IEMA have therefore focused this response on this aspect of the planning system reforms. IEMA agrees with the need for impact assessment reform, however a quicker and simpler system must not reduce the existing protection IA provides to valued assets and people. Furthermore, IEMA is concerned that the proposals are quite focused on ecological aspects of IA alone. Protecting and enhancing the most valuable and important habitats and species in England is important but is only one of many natural and social 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.

¹ See IEMA's paper on Levelling Up EIA to Build Back Better and IEMAs formal response to the MHCLG consultation here (bit.ly/34Hfikt)

The strength and value of IA is that it provides a holistic and integrated assessment on all aspects of plans and projects including population (social and economic), human health, biodiversity, species, habitats, land, soil, water, air, climate, material assets, cultural heritage, landscape and the interaction between these factors².

It is unclear from the Planning White Paper what this quicker framework will involve and the relationship between SEA at the plan level and EIA at the project level. The proposed follow up consultation on Impact Assessment in the Autumn of 2020 has not materialised and therefore many questions are left unanswered with respect to the fate of the IA regime and the shape of the reforms on these critical matters.

IEMA Recommendations

In the absence of firm proposals, IEMA's key recommendations to guide the IA reforms are to focus on the following 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 99.8% of planning applications.³As 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 and SEA:** 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 SEA and 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/delivery 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.

²As required for example under 4(2) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (<https://www.legislation.gov.uk/ukxi/2017/571/regulation/4>)

³ Based on 432,200 planning applications in England in 2019 (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/875032/Planning_Application_Statistics_October_to_December_2019.pdf) compared to IEMA estimates of annual UK ES submissions ranging between 600 to 900 gives a conservative total of 0.2%.

- **Appraise the role of a national IA unit:** Revisit previous consideration of a national IA unit to deliver a uniform approach in determining the requirement for EIA and SEA 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 challenge⁴. 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 IA:** 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, EIAs and SEAs), a permanent move to digital submissions and improved use of interactive mapping to provide clarity on whom or what is impacted. Any national data hub needs to deliver better accessibility and can also be used to share industry intelligence⁵.
- **Competence in EIA and SEA:** Acknowledge IA 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).

For comments or questions relating to IEMA's Response please contact:

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

⁵ 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.