RESPONSE TO THE PLANNING REFORM WORKING PAPER[1], DEVELOPMENT AND NATURE RECOVERY

Submit here https://www.gov.uk/government/publications/planning-reform-working-paper-development-and-nature-recovery

Thank you for the opportunity to respond to this working paper, and we would be delighted to discuss our comments.

We respond in sections:

- Answers to working paper questions
- Concerns about the proposals set out in the working paper
- Case studies

The starting point should not be that nature is in the way of development. Nature is not only essential for our existence, but brings many benefits, too, as set out in the Dasgupta Review. There is a risk with the proposals in the working paper that developers will manipulate the system to use it as a 'pay to harm' approach to obtaining consent for inappropriate projects in the wrong place. It would be preferable to take Costa Rica's approach, which is to place nature at the heart of everything, enshrining biodiversity principles in law.

Answers to working paper questions

a. Do you consider this approach would be likely to provide tangible improvements to the developer experience while supporting nature recovery?

While we agree that the benefits of shifting to strategic action, managed by the state, *might* include those listed in the working paper[2], we do have concerns, which we set out in this paper, under 'Concerns'.

b. Which environmental obligations do you feel are most suited to this proposed model, and at what geographic scale?

Those that fall into the 'Offset' category of the mitigation hierarchy, remembering that the hierarchy must be adhered to fully, and that these proposals must not replace it.

The document does not refer to irreplaceable habitats and other environmental assets that cannot be mitigated, yet these are frequently considered for development. It is not credible to suggest developments on such sites is sustainable. It would provide certainty for developers if such sites

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1 https://assets.publishing.service.gov.uk/media/675db3f7cfbf84c3b2bcf9f3/Planning_Reform_Working_Paper_-_Development_and_Nature_Recovery.pdf

2 a. *take a holistic view of nature recovery to secure better environmental outcomes; b. go beyond offsetting environmental impacts and instead use development to deliver positive outcomes for nature recovery; c. improve efficiency and reduce duplication to ensure every pound spent helps deliver our environmental goals; d. make it far easier for developers to discharge a range of environmental obligations, and provide the legal certainty necessary to underpin substantial capital investment; e. give delivery partners the tools they need to generate positive outcomes for nature, empowering them to make the right choices to deliver nature recovery; f. establish a robust and transparent framework to monitor delivery of environmental outcomes; and g. create a lasting legacy of environmental improvement that will promote better public health through increased access to high quality green spaces*

were totally protected at a national level (a complete moratorium on development on restorable peatmosses, for example, with a Delivery Plan that sets out how such sites can be restored and improved).

c. 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?

An evidence-based approach is essential. Delivery Plans should draw on a robust baseline of hard and soft data and should be supported by ongoing monitoring and evaluation. Input from experts such as the Wildlife Trusts, the RSPB and others. Recognition of the huge value of local knowledge from local communities and local authorities. Other opportunities can also be explored, such as delivery covenants; land held in perpetuity; independent ecologists (as opposed to developer or developer-funded ecologists).

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

Yes. See our 'Concerns' below.

e. 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, including farm clusters

f. How could we use new tools like Environmental Outcomes Reports to support this model?

The Environmental Outcomes Reports must be subject to the principles of the Green Claims Code[3] to ensure environmental/ecological issues are not diluted for the benefit of development. The Delivery Plans must also be underpinned by detailed evidence, such as robust Natural Capital Assessments and Preliminary Ecological Assessments that meet CIEEM requirements[4]. To have credibility, such assessments must be carried out by independent experts, not those employed by developers.

g. 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?

See 'Case studies', below

Concerns about the approach set out in the working paper

Our concerns that that must be addressed before the approach outlined in the working paper is implemented include:

1. Consideration of alternatives

In the absence of Environmental Impact Assessments (EIAs), the introduction of Environmental Outcomes Reports (EORs) raises questions about how alternative proposals will be appraised. Without rigorous analysis of options, there is a risk that suboptimal plans will be approved, undermining environmental objectives and public trust.

[3] https://www.gov.uk/government/publications/green-claims-code-making-environmental-claims/environmental-claims-on-goods-and-services

[4] https://cieem.net/wp-content/uploads/2019/02/Guidelines-for-Preliminary-Ecological-Appraisal-Jan2018-1.pdf

Any new framework must mandate a robust consideration of reasonable alternatives, aligning with established best practice under EU-derived Environmental Assessment principles.

2. Treasury Green Book compliance

The Treasury Green Book must be adhered to, as it provides mandatory guidance for the appraisal and evaluation of projects and policies. Ensuring its application will deliver a range of benefits, including:

- Comprehensive assessment of alternatives;
- Quantitative analysis of harms and benefits, including natural capital, biodiversity, and socio-economic impacts;
- Greater transparency and accountability for decision-makers and project promoters.

The Government's proposed greater involvement in strategic delivery makes adherence to Green Book principles essential. Developers and project promoters should also be held to these standards.

3. Precautionary principle and Mitigation Hierarchy

The precautionary principle must remain central to decision-making to avoid irreversible damage where evidence is incomplete or uncertain.

The mitigation hierarchy (avoid, mitigate, compensate) should be strictly applied to ensure harm is minimised before compensatory measures are considered.

Sometimes, mitigation measures must be in the same catchment or location as the created harm. There is no point mitigating for loss of landing/feeds sites due to development for migrating Brent Geese in the Solent by creating habitat in the Norfolk Broads.

4. Length of time new habitat will receive protection

The duration of protection for newly created habitats is critical. There must be long-term (ideally perpetuity) legal and financial mechanisms to safeguard these areas, ensuring their ecological benefits are sustained.

5. Evidence, research, and peer review

Strategic delivery must be grounded in rigorous, evidence-based assessments. To ensure credibility:

- All decisions and plans should be underpinned by peer-reviewed research;
- Independent oversight and input from ecological experts and academic institutions should be required.

6. Species surveys

It is of huge concern that the paper proposes removing the need for species surveys (as with newt licensing).

Baseline surveys of species (e.g., through iRecord, iNaturalist, and local records centres) must be incorporated into any Delivery Plans, along with on-the-ground surveys.

There is a risk that the new holistic view of nature recovery misses out important detail ‘on the ground’. Without surveys how can the effectiveness of the plan be monitored? Surveys should be completed at various stages and on an ongoing basis.

7. Alignment with local strategies

It is not clear on the relationship and/or overlap with Local Nature Recovery Strategies, 48 of which currently cover the country. How will competing aspirations be handled? Will the responsible authority for the LNRS be the same as those for Delivery Plans? In any event, Delivery Plans must align with LNRS and all other local plans, ensuring:

- Contributions to designated green/blue corridors;
- Avoidance of conflicts with local environmental priorities.

8. Cumulative impact

While Delivery Plans may provide a better framework for mitigating harm and creating new habitats, cumulative impacts must be addressed comprehensively. This includes, for example, the impact on red listed birds and endangered wildlife and plants. It would be irresponsible to suggest that the eradication of a local population of skylarks, for example, is acceptable and can be sacrificed because a Delivery Plan exists that aspires to grow a skylark population elsewhere.

It must also be recognised that regions such as the East of England, Wales, and Scotland are disproportionately affected by energy and infrastructure projects. Without safeguards, these areas risk becoming unfairly industrialised ("two-tier countryside"), with cumulative impacts overlooked.

A strategic, cross-boundary approach is essential to ensure fairness and environmental resilience.

9. Land Use Framework and food security

The interaction between land use for nature's recovery, climate mitigation, food production and development must be carefully managed.

A national Land Use Framework is essential to balance competing priorities and ensure future food security alongside environmental objectives.

10. Community input

The success of this new approach depends on meaningful community engagement. Local communities must have a say in the development and implementation of Delivery Plans to ensure they reflect local priorities and needs.

11. Funding and responsibility

Shifting responsibility for planning and implementing strategic actions onto the state raises questions about funding. Adequate, ring-fenced funding must be provided to ensure long-term delivery and monitoring.

Reliance on subjective developer-led approaches or ecological assessments without independent scrutiny could undermine environmental outcomes and public trust.

Developers must not be able to wriggle out of funding responsibilities through "viability" clauses within planning policy.

Delivery bodies must have clear responsibilities and accountabilities, including for updating baseline data, for agreeing the strategic aspirations and for ongoing measurement and monitoring.

Case studies

It is not unusual, overseas, to see national-level environmental assessment and implementation processes, driven by government, rather than solely relying on project-specific evaluations by

developers. In the UK we already have an interesting case study in Crown Estate's strategic mapping work. It is imperative that the government takes a close look at the case studies below and elsewhere.

UK, Crown Estate

In the UK, Crown Estate[5] is well advanced in strategic environmental mapping to inform development. The aim is to enable the "*delivery of multiple priorities including net zero and nature recovery, as well as the enhanced co-ordination of future activities out to 2050*." Those conflicting priorities include offshore wind, carbon capture, fisheries, habitats, tourism.

The Crown Estate platform will model how future demands could be accommodated and integrated in a co-ordinated way, help ensure the seabed is proactively managed and help inform interactions between offshore and onshore infrastructure planning, such as the development of electricity networks.

This case study indicates how important technology and evidence are in understanding priorities to plan ahead.

Costa Rica

Costa Rica is an international success story that the UK should learn from. It has taken a cross-government approach to a rigorous legal framework (63 conservation-related laws and policies) and has a pioneering Programme of Payments for Environmental Services[6]. Costa Rica employs a comprehensive approach to ensure that biodiversity is preserved during development activities, integrating legal frameworks, assessment procedures, and conservation incentives. This began in 1998, with Biodiversity Law (Law No. 7788). This law aligns with the objectives of the UN Convention on Biological Diversity, focusing on conservation, sustainable use of resources, and equitable sharing of benefits from genetic resources. It emphasises respect for all forms of life and incorporates traditional knowledge into biodiversity management.

Crucially, the country integrates environmental considerations into its development policies, promoting sustainable tourism, organic farming, and eco-friendly business practices. These efforts aim to balance economic growth with environmental preservation.

As Greenpeace[7] points out, "*At the heart of Costa Rica's success has been collaborative thinking across government departments that has prevented conflict and ensured a cohesive policy strategy for sustainability.*" This was "*greatly helped by an institutional framework in which Costa Rica's environmental efforts came under a unified Ministry of Environment and Energy which brought together everything relating to natural resources, from energy and mines to water and the ocean*."

Recent biodiversity actions in Costa Rica include[8]:

[5] The Crown Estate to digitally map scenarios to inform co-ordinated approach to future seabed use
[6] Initiated in 1997, the PES program provides financial incentives to landowners for conserving forests, reforesting, and adopting sustainable land-use practices. This initiative has been instrumental in reversing deforestation trends and promoting biodiversity conservation.
[7] Biodiversity: Costa Rica's Remarkable Journey - Greenpeace International
[8] Costa Rica's Biodiversity Law - futurepolicy.org

- National Biodiversity Policy 2015–2030 made official using Executive Decree No. 39118-MINAE. Focus on improving the sustainable use of biodiversity as well as equitable sharing and distribution of resources. 2015
- Second national biodiversity strategy covering the duration from 2016-2025 approved.
- Marine protected area increased from 2% to 30% (2021). Cocos Island National Park expanded to more than 54,800 km2 and the Bicentennial Marine Management Area to more than 106,000 km2.
- Protected areas now cover 25% of land and 30% of marine areas, well above OECD averages.

The Netherlands

The Dutch government has implemented a rigorous, centralised strategy for offshore wind development, designating specific zones in the North Sea for wind farms. This method includes conducting Strategic Environmental Assessments (SEAs) and other ecological studies to evaluate the potential impacts on the marine ecosystem. By assessing environmental factors at a strategic level, the government ensures that considerations such as biodiversity, sediment dynamics, and ecological interactions are integrated into the planning process. This approach streamlines the planning process and provides developers with comprehensive environmental data, reducing the need for individual project assessments.

Research has included:

- The Wageningen University research programme[9] has been financed by the Dutch Ministry of Economic Affairs and Climate since 2016.
- A paper published by Deltares[10] (financed by Netherlands Organisation for Scientific Research) in November looks at the "North Sea Renewable Energy: Gaining the Required Ecological Knowledge for the Transition (NO-REGRETS)" project. This investigates the impact of the energy transition on the vulnerable North Sea ecosystem, with a particular focus on wind turbine effects. The aim is to support policymakers and stakeholders in developing the North Sea in a way that accommodates both ecological conservation and economic activities responsibly.
- The KNMI North Sea Wind[11] (KNW) Atlas, which the Dutch government helped to develop. It provides wind climatology for the North Sea and the Netherlands. This resource offers valuable data on wind patterns, aiding in the optimal placement and design of wind farms.

Arguably this is a more efficient and environmentally responsible development of offshore wind energy, which in turn minimises the need for developers to undertake individual project-based environmental studies.

It is worth noting that the approach is not without challenges. Issues such as noise and vibration during installation and operation can affect marine life, including fish and marine mammals. Additionally, offshore wind turbines may cause collisions and alter migratory paths of seabirds and bats. The Netherlands does, however, have some of the most stringent environmental regulations

[9] Offshore wind in a healthy North Sea system - WUR
[10] Researching the ecological impact of offshore wind farms in the North Sea | Deltares
[11] KNMI Research - Observations & Data Technology - KNW Atlas

for offshore wind farm construction in the world[12] and we should ensure that we learn from their best practice and mistakes.

Canada

In 1990, Canada introduced a Cabinet Directive[13] establishing a parallel system to the project-based Environmental Assessment and Review Process initiated in 1973. This directive requires federal departments and agencies to conduct environmental assessments for policies, plans, and programs, ensuring environmental considerations are integrated at the strategic decision-making level.

While this differs from the intent set out in the working paper, it is worth noting potential pitfalls, learning from Canada, which will apply in any new system in the UK:

- A 2004 report[14] highlighted that while SEA is an effective planning tool supporting sustainable development, its application across government departments requires consistent guidance, interdepartmental coordination, and training. Monitoring and assessing the overall implementation of SEA also pose challenges.
- The Canadian Environmental Assessment Act (CEAA) has undergone changes that have impacted the timeliness and effectiveness of environmental assessments. For instance, the introduction of mandatory timelines for assessments of large projects has raised concerns about the adequacy of environmental reviews. Rushed assessments may overlook critical environmental impacts, leading to potential long-term issues.

These examples demonstrate a proactive approach by governments to assess environmental impacts at broader strategic levels, promoting sustainable development and informed decision-making.

Conclusion

While we recognise the ambition to accelerate development and deliver nature recovery at scale, it is essential that the new approach is underpinned by robust evidence, adherence to established best practices (e.g., Green Book, mitigation hierarchy), and long-term protections for nature. By addressing the concerns outlined above, the Government can ensure this framework delivers a true "win-win" for development and the environment.

The Community Planning Alliance was founded in 2021 to support grassroots campaign groups operating in the planning system. Our map lists over 600 campaigns, all over the UK. We lobby for better community participation in planning, greater environmental protections and the right houses and infrastructure in the right places.

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[12] Environmental Impact Assessments - Wind & water works
[13] Issue 18.PDF
[14] Fisheries and Oceans Canada