

Why the Environment Bill must enable a strategic approach to environmental planning

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The missing piece

The UK government has committed to leaving our environment in a better state. It has taken steps towards achieving this objective by publishing the first part of a draft Environment Bill which provides for establishing a new Office for Environmental Protection (OEP), enshrining environmental principles in law and placing Environmental Improvement Plans on a statutory footing. An accompanying policy statement promises to consider including new targets in the bill, noting that “well-designed targets could offer greater certainty on the strength of the government’s ambition and drive action by businesses and wider society”.¹

The second part of the Environment Bill will be crucial in establishing a strong legal basis for these ambitions and should be consulted on widely. With legally binding targets, a robust governance system and fundamental underlying principles, the Environment Bill would have the makings of a comprehensive policy framework for turning around the alarming trends of environmental decline. However, it would be missing a mechanism for translating national objectives into real change on the ground.²

This is a problem because environmental policy needs to be spatially coherent: the actions that will make a difference will need to be delivered at a local level, and geography matters to environmental processes. In 2010, the Lawton Review (*Making space for nature*) concluded that England’s designated nature sites were too small and isolated to prevent disastrous wildlife decline. It called for “more, bigger, better and joined up” sites, and acknowledged that action would “deliver a range of benefits for people”.³

The government’s 25 year environment plan has since recognised the fundamental importance of this for the future of wildlife and people, noting the need to improve access to a high quality natural environment close to where people live. This is of particular importance for those living in the most disadvantaged communities, which typically suffer from the lowest levels of physical and mental health and also have the least access to nature or the poorest natural environment.⁴ Furthermore, the current land management system is not working to deliver wider objectives for the natural and historic environment, such as carbon sequestration, flood management and enhancement of landscape character.

What is needed

Natural places where wildlife is abundant and where ecological processes function well, such as intact peatlands that accumulate and store carbon, urban woodlands that help to improve air quality and public health, or floodplain meadows and wetlands that reduce flood risk, are vitally important for both the wildlife they sustain and the practical value they provide to society. An effective Nature Recovery Network would enhance landscape character and offer wider opportunities to restore, improve and expand habitats and connecting corridors, such as wildflower meadows or hedgerows. This would conserve natural and cultural heritage, improve people's understanding of and connection to nature and help to meet the government's ambition to leave the environment in a better state.

The Environment Bill must, therefore, include provisions to ensure a long term and strategic approach to environmental planning, with the creation of a Nature Recovery Network that extends well beyond existing protected sites and drives improved ecological functioning and ecosystem restoration across England. This requires effective sub-national governance and delivery mechanisms to translate national ambition into local delivery on the ground.

Nature Recovery Mapping and Planning is required to target broad environmental enhancement in a strategic manner. The process of creating these maps and plans should bring together relevant public authorities, local stakeholders and experts, along with the necessary resources, in a co-ordinated and effective way. All public bodies should then be obliged to take these maps and plans into account in planning and spending decisions.

New duties in the bill

The Environment Bill must include provision for understanding and guiding where and how to improve the environment. It should, therefore, create duties on:

- **The secretary of state to prepare and maintain national strategic guidance on the creation and implementation of Nature Recovery Maps and Plans throughout England.** This guidance would set out the scope, scale and purpose of the maps and plans and their relationship to other parts of England's statutory environmental improvement arrangements. It would guide how all the organisations involved in the creation and maintenance of maps, and in the preparation and implementation of plans (as required by the duties below), should perform their duties.
- **Appropriate nominated public authorities to convene and collaborate with a wide group of relevant stakeholders (local and national, from across government and across sectors) to create and maintain local Nature Recovery Maps.** These maps should collectively mark out an ecologically coherent Nature Recovery Network by identifying the location and extent of areas where we must protect, enhance and restore habitats, as well as other environmental benefits

associated with improved ecological function. They should be developed collaboratively, drawing on the best available data, including from already mapped sources, and interlink with neighbouring maps to provide complete England-wide coverage. They should be a dynamic, digital tool that is actively contributed to and used by a range of public authorities and other bodies.

- **Appropriate nominated public authorities to convene and collaborate with a wide group of relevant stakeholders (local and national, from across government and across sectors) to prepare and implement local Nature Recovery Plans.** These plans would set out specific policies, initiatives and actions intended to achieve an ecologically coherent Nature Recovery Network through the protection, enhancement and restoration of habitats and ecological processes, as set out in the Local Nature Recovery Maps. They would be prepared at an appropriate sub-national scale to secure meaningful stakeholder engagement and democratic legitimacy, to integrate relevant local and national funding and delivery mechanisms (such as the Environmental Land Management system and biodiversity net gain arrangements), and to achieve effective delivery. They would relate to and complement neighbouring plans to achieve coherent England-wide coverage.
- **Relevant public authorities (including local or combined authorities and those responsible for delivering the new Environmental Land Management system) to ensure that policies relating to and decisions about land use, land management, infrastructure and other planning and development explicitly take account of these Nature Recovery Maps and Plans.** It should require them to integrate Nature Recovery Maps and Plans into their own strategies and plans across all areas of operation – including putting them into Local Plans.

As part of its role in holding public authorities to account on the implementation of environmental law, the planned Office for Environmental Protection (OEP) should ensure that local authorities and national bodies fulfil their duties relating to Nature Recovery Maps, including fully integrating them into plan-making processes. The government should clarify that land use planning falls within the scope of the OEP's remit as this is currently a grey area.

Why does this need to be established in law?

A statutory basis is necessary because:

- delivering environmental enhancement and nature's recovery will require action and investment by a range of stakeholders in both the public and private spheres; the necessary co-ordination and collaboration is unlikely to be achieved without legislative underpinning, and clear statutory mechanisms to translate these ambitions into delivery on the ground;

- stakeholders in nature’s recovery, particularly commercial businesses and private investors, need the long term certainty provided by primary legislation before they will invest for the long term;
- stakeholders need to be confident that they are not proceeding alone, taking on responsibilities that others are not required to share with them; and
- arrangements to hold the UK government to account for environmental progress will need to be informed by sound evidence of changes happening within landscapes across England; this will require mapping to take place across the whole country.

This would achieve:

- **better implementation of environmental policy goals**, through spatially coherent decision making, effective local governance of practical delivery, and incorporating nature’s recovery and environmental improvement into the planning system;
- **more effective public and private investment**, targeted and tailored to the needs of specific locations; and
- **improved public engagement**, with processes to secure the support of local communities, businesses and other organisations and their sustained participation in delivery.

Better implementation of environmental policy goals

Local physical geography needs to be understood to guide delivery. Maps, such as those in local Landscape Character Assessments, are often produced and used as part of the development planning system to influence where and how development is carried out. But these are not, and currently cannot be, used proactively to plan and deliver environmental improvement and nature’s recovery as an integral part of the plan-making process. Such maps are intended to reduce any negative environmental impacts associated with development, with varying degrees of success, but currently do not have influence on other land use beyond that within the remit of the planning system.

A nationally coherent, locally practicable, spatial approach to environmental planning would translate broad ambitions and national targets into effective, efficient, targeted delivery, giving clarity about what environmental improvement and nature’s recovery means in practice.

More effective public and private investment

Nature Recovery Mapping and Planning would enable a strategic approach to environmental investment and decision making by all parts of government, commercial businesses and voluntary organisations.

Agri-environment schemes currently pay millions of pounds each year to support farmers in protecting and enhancing the environmental features of the landscape. However, this is not effectively integrated and co-ordinated with other funding. A strategic approach is needed to establish priorities and identify opportunities that would enable the new Environmental Land Management system to contribute to nature's recovery and ecosystem restoration most effectively, and make best use of spending to deliver landscape scale, catchment scale or whole farm improvements.

Through its integration in the planning system, Nature Recovery Planning and Mapping would also ensure new development minimises harm to the environment, as well as guiding the location of compensatory habitats and spending from a biodiversity net gain tariff. This should focus in particular on opportunities to improve biodiversity on-site or locally, to ensure that functioning ecological systems and networks of wildlife habitat extend into and around the places where people live and work. There is currently no mechanism to achieve this.⁵

Improved local engagement

To leave the environment in a better state there will need to be changes to landscapes and people's everyday lives, and so there needs to be local support for environmental policies and the planning system, which is currently too often seen as something that is done 'to' people not 'by' or 'with' communities. If done well, the creation, adoption and delivery of Nature Recovery Maps and Plans would be achieved through partnership arrangements centred on the participation of local stakeholders and would provide opportunities for meaningful local engagement and participation. It is important that, at this moment of reform and 'taking back control', all those affected have a sense of ownership over these changes. This can be built through effective engagement in decision making.

How would this work?

First, the secretary of state would develop national guidance based on broad public consultation. This would set out the framework for delivering the network at a local level. The guidance should identify the habitats, assets and landscape features that should be included in Nature Recovery Maps and Plans, and establish a common system and format. The guidance should also set out how the maps and plans should contribute towards national environmental targets and facilitate monitoring and reporting.

Central government should provide additional financial and practical resources that the relevant authorities would need to develop their maps and plans. This would include: access to ecological expertise; tools for effective public engagement; and a baseline map of the current natural environment, covering the whole of England, including estuaries, the coast, urban, suburban and rural areas.

In line with national guidance, the appropriate nominated public authorities, in collaboration with relevant national and local stakeholders, would then create future facing Nature Recovery Maps and Plans. Key partners, such as landowners, farming groups, local and combined authorities and conservation organisations, would be brought together to identify opportunities and priorities for nature's recovery and to strengthen natural infrastructure. They would collaborate to create and implement plans for delivery, resourced through the Environmental Land Management system, biodiversity net gain investment and other arrangements.

We envisage that the deadline for producing the maps and plans would be a few years after the duties pass into law, as it would need to follow the setting of national targets and creation of national guidance. They would need to be in place before the new Environmental Land Management system starts to operate (expected to be in 2024-25). The expertise to undertake this strategic approach to mapping and planning, based on the best available data, already exists in voluntary and charitable environmental organisations, Local Environmental Record Centres, statutory agencies, commercial environmental consultancies, universities and other bodies.

Relevant authorities should be required by law to adopt Nature Recovery Maps and Plans and embed them in their own relevant plans, to guide local and national decisions on housing and development and ensure they make a positive contribution to the environment, landscape and nature's recovery. The maps and plans would also inform national policy to identify the amount of land required and available for different uses, such as livestock and arable farming, habitat restoration, forestry, carbon sequestration, recreation, infrastructure and housing development.

Nature Recovery Maps and Plans need to be part of a unified system operating within a national framework, to ensure:

- local maps and plans join up seamlessly at boundaries, to enable delivery of a coherent national Nature Recovery Network;
- national infrastructure programmes and local plans can take these into account;
- the effective integration of national and local priorities and actions;
- complementarity with the National Planning Policy Framework's focus on sustainable development and planning for greater density of new homes in urban areas;
- a level playing field across the country with a transparent, accessible and accountable process, that gives clarity and confidence to national and local stakeholders; and
- effective monitoring, evaluation and reporting of progress, both locally and nationally, leading to improved delivery and greater accountability.

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Endnotes

- ¹ www.gov.uk/government/publications/draft-environment-principles-and-governance-bill-2018/environment-bill-policy-paper
- ² https://greeneruk.org/sites/default/files/download/2018-10/Greener_UK_Headlines_for_Westminster_Environment_Bill_Oct2018.pdf
- ³ <https://webarchive.nationalarchives.gov.uk/20130402170324/http://archive.defra.gov.uk/environment/biodiversity/documents/201009space-for-nature.pdf>
- ⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf
- ⁵ https://consult.defra.gov.uk/land-use/net-gain/supporting_documents/netgainconsultationdocument.pdf

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