

Landscape Institute Response **to Planning Reform Working Paper: [Development and Nature Recovery](#)**

The Landscape Institute welcomes the opportunity to respond to the Government's proposals relating to development and nature recovery.

Our Members apply a wide range of skills and expertise to deliver nature-based solutions in the planning, design and management of change and development, in both urban and rural landscapes. They are therefore well-suited to make significant contributions to many of the issues raised in the Government's proposals.

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

Developers may well find this approach attractive due to its relative simplicity and certainty of cost commitment. However, there is a risk that nature recovery will be compartmentalised into discrete designated areas, rather than natural assets and systems being integrated as essential elements within areas of development-based change. This may well result in benefits for nature recovery in cases of dense development with relatively small footprints, eg. urban high rise apartments with limited open space, and to address the cumulative impact of incremental, small-scale development. It is less well-suited to larger-scale low-rise housing with associated public, communal and private open space and access provision.

There is further risk of uncertain delivery outcomes from Delivery Bodies lacking adequate resources, including multi-disciplinary expertise and reliable survey data and analysis. Furthermore, areas of nature value might be proposed in a Delivery Plan and created through initial capital investment, but will also require the resources and funding for long term (in perpetuity?) monitoring and management.

The proposal for developers to make financial contributions rather than resolving the practical implications of development impact fails to address the well-established mitigation hierarchy, where avoidance followed by minimisation of impact are given precedence over restoration, offsetting and enhancement. The proposals place the potentially uncertain offsetting of impact as the new norm. There is a potential disconnect between the impact on affected communities (of people and wildlife) and the mitigation or benefits of a Nature Restoration Delivery Plan. There would need to be clear justification of overall environmental net gain and related Quality of Life assurances to set against the impact of any new development that relies on offsetting contributions.

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

Identified strategic-scale objectives would be most-suited and could include developer contributions based on:

- Carbon footprint offset over whole design life of development, including construction, occupation and use and demolition.
- Air and water pollution, management and treatment costs associated with whole design life.
- Impact (direct and indirect) on biodiversity.
- Loss of biomass, including soil, from area of built development.

However, the provision of appropriate landscape quality, including recognition of contextual character, access to adequate open space, active and passive recreation, the public realm and visual amenity should remain a requirement for all new development to incorporate within the site, as this cannot realistically be provided elsewhere. Provision of good quality landscape space and treatment as part of the development process can be designed to make a significant and positive contribution to the environmental obligations listed above, thus reducing the need for and cost of offsetting.

Scale of impact should include area of development, volume of built forms, areas beyond development site of indirect impacts, cumulative and in combination effects. Scale of mitigation should be based on relevant landscape character and catchment area assessments and may well cross political boundaries. Protected Landscapes have a significant role to play as potential Delivery Plan area locations, as do areas or sites designated in Local Nature Recovery Strategies.

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?

Local authorities or other responsible organisations would need adequate expert resources, including landscape, ecology, engineering, land management, planning and environmental economy skills. They would ideally work in partnership with Natural England, Environment Agency, Forestry Commission, Protected Landscapes and landowners and managers.

There would need to be a formal process to allocate and designate areas for nature restoration with provision for their establishment, statutory protection, and management in perpetuity with ongoing monitoring and regular reviews. Strategic allocations and sites would need to be integrated with local development plans and Local Nature Recovery Strategies.

Funding for management in perpetuity would need to be assured through commuted sums paid by developers. However, initial funding for Delivery Plan establishment is likely to require funding from central government to ensure that appropriate measures are in place prior to any negative development-related impacts. Planning, timing and balancing of Delivery Plan outcomes against anticipated and actual development impacts will entail expert assessment, guidance and monitoring.

There would need to be public scrutiny of ongoing delivery and outcomes and a performance review system in place, ideally overseen by an independent body with powers to intervene if necessary.

Delivery Plans should be subject to formal Strategic Environmental / Sustainability Assessment.

Multi-disciplinary expertise might be made available via regional centres of excellence, supported by panels of expert consultant advisors employed as needed on daily rates. If the responsibility for delivery outcomes is to be placed upon state / public sector actors, such hubs would provide an efficient, cost-effective mechanism to provide experienced and specialist expert resources on an as-needed basis to Delivery Bodies.

MHCLG's emerging College of Experts might usefully be adapted and expanded to carry out this role.

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

Nature Recovery Areas, which may be the locations for Delivery Plans implementation, would need to be designated in statutory development plans and have their own fully-costed management plans setting out multi-functional objectives, means and timescales for delivery. Delivery Plan locations and extents should be identified at a landscape scale and be ecologically based rather than based on political boundaries. This may well require cross-organisation collaboration and cooperation.

Delivery Plans will need to be in place and adopted prior to their application to speed development and prior to developer payments. This will require a significant resource investment from public bodies in gathering and assessing data, analysing potential development impacts and implementing practical measures, potentially including land acquisition and new management regimes. In shifting responsibility from developer to delivery body, there will need to be assurances that the latter have the capacity to act in a competent and timely manner.

Delivery Plans should have relevance to the communities affected by development. Whilst benefits to nature may be identified by designating new strategic nature restoration areas, there should be

opportunities taken to connect existing and incoming communities with the mitigation proposals. This should not be in the form of financial compensation which only provides for an unrelated benefit to existing occupiers, rather than the wider and long-term public interest.

Residential developer contributions could be made on the basis of a regional / sub-regional amount per planned bedroom or simply on an area of development site (including access and incidental external space or simply gross area). Other forms of development might contribute on the basis of area of redlined development site in square metres. Contributions might be reduced if direct provision for suitable natural or semi-natural landscape areas (other than private space) such as Suitable Alternative Natural Green Spaces (SANGs) are included in the development. Contributions might be multiplied to allow for multi-storey development above 2 storeys.

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, but there will need to be oversight from independent bodies acting in the public interest. Appropriate third parties may provide essential expertise, resources and local knowledge but should not be in a position to either delay or expedite development through any conflicts of interest.

There must be mechanisms for regulatory and remedial intervention if third parties fail to deliver expected outcomes.

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

The Landscape Institute remains strongly supportive of the well-established SEA and EIA procedures, with SEA being particularly relevant in assessing potential impacts of plans and projects at a very early stage, when modifications and strategic decisions can be made before more significant costs are incurred.

EIA is likely to remain relevant to guide Delivery Plans, and address site-related matters that are not within the scope of a Delivery Plan. It is not clear at this stage how EORs might be applied to support Delivery Plans, but they may prove to be a useful additional tool to produce desired outcomes.

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?

Advance funding and implementation of Delivery Plans will require expectation that development will proceed and repay costs. This places a burden on public funding commitments and must be set against an incentive for developers to delay payments as late as possible. This disconnect will need to be addressed, with safeguards in place for all interested parties.

It seems likely that preparation of viable Delivery Plans may well be complex and time-consuming, particularly if land acquisition is required. It is not clear that there are adequate resources in place for Delivery Bodies to produce and implement effective, coherent Delivery Plans that will enable the Government's ambitious programme of housing and infrastructure to progress speedily. Successful outcomes will rely on sufficient resources, including professional environmental expertise, recruitment and training and appropriate funding, being allocated to support the policy and legislative initiatives.

Members of the Landscape Institute are able to deliver a range of relevant skills to public, private and not-for-profit organisations that would be key actors in producing and implementing Delivery Plans. The Landscape Institute would welcome opportunities to meet with MHCLG and Defra to discuss these proposals in more detail. Please contact Andrew Rylah at policy@landscapeinstitute.org.