

Introduction

1 What is your name?

Name:
Dr Vincent Holyoak

2 What is your email address?

Email:

3 What is your contact telephone number?

All:

4 If you are responding as an organisation, are you:

All:
Other type of organisation not listed above

5 What is the name of your organisation (if applicable)?

Organisation:
Historic England

6 What is your position in the organisation (if applicable)?

All:
Head of Environmental Management, Policy Development

Development and Nature Working Paper

7 Do you consider the approach set out in the working paper would be likely to provide tangible improvements to the developer experience while supporting nature recovery?

Yes

All:

We recognise the benefits of this approach in speeding up delivery and making the planning system more outcome focussed. The proposal to deal with issues at a strategic scale rather than on a project by project basis represents a major shift, however, with potential for unintended consequences. We are keen to assist in developing solutions that will enable any unintended consequences to be mitigated (for example, by ensuring that agencies work together to agree offsetting proposals without slowing up planning decisions).

Clearly, the provision of funding to achieve strategic environmental obligations could result in also creating wider, off-site impacts. It is important not only that the impacts of strategic mitigation are adequately assessed, but also that there is clarity about how these proposals will function in relation to existing mechanisms (eg. Community Infrastructure Levy, BNG).

We similarly support a more collaborative, holistic approach. The reference to the MRF, however, underlines the ambiguity of conflating nature and environment. The MRF pays for measures to compensate for adverse environmental effects - but its scope is restricted to those related to protected sites - defined as natural habitats or species habitats. We would urge that heritage is instead included within the MRF and considered for inclusion within any strategic approach. To do otherwise might foster a twin-track approach detrimental to the intention of speeding up delivery.

8 Which environmental obligations do you feel are most suited to the model set out in the working paper, and at what geographic scale?

All:

Noting again paragraph 31, in general, and because of its site-specific, geographically discrete, finite and irreplaceable nature, heritage might be more challenging to incorporate in this approach. There are, however, exceptions. In the marine sphere, strategic approaches to assessing and mitigating impacts on heritage have been successful in relation to aggregate extraction, with developers collaborating at a regional scale where they are seeking consents in proximity to each other. We could envisage opportunities for developers to take a similar approach in relation to other aspects of marine and terrestrial development, such as offshore wind or on infrastructure.

9 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?

All:

We have no comments to offer.

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

All:

Under paragraph 10, f “establish a robust and transparent framework to monitor delivery of environmental outcomes”, we would welcome inclusion of a commitment to also monitor (and, if required, to mitigate) long term impacts (eg. sustainability).

Under paragraph 10, g “create a lasting legacy of environmental improvement that will promote better public health through increased access to high quality green spaces”, we’d note that increased access to green spaces does not automatically support environmental improvements. The Green Infrastructure Framework provides principles and standards for green infrastructure in England to support quality green infrastructure that delivers multifunctional benefits for the environment and people, including access to green space. Using the Green Infrastructure Framework to guide environmental improvement, including in new development, could help to ensure multiple benefits are secured and maintained.

Under paragraph 34 a financial payment, rather than assessment of the scheme is being proposed. The extent to which there is an ability to assess an application and what information is required to assist that assessment are crucial to decisions around sustainability. In relation to heritage assessments, primarily for archaeology, a key role is to provide a better understanding of what as yet unknown material may be impacted and to make provision for mitigation. In this context, the proposal for developers to potentially pay fixed mitigation costs up front without assessment raises the risk that these will subsequently prove to be insufficient. This might lead to delays and additional costs. Again, we therefore think that it is important that both legislation and guidance are very clear about how the Fund would operate in relation to the wider planning framework, so that it is also plain what development is and what is not within scope for the Fund and associated processes.

11 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

All:

This would be desirable. Given the number of mechanisms already in place, however, their involvement would require careful coordination. More specifically, how would sites already identified in the off-site Biodiversity Net Gain register be dealt with if they are not included in the Delivery Plan?

12 How could we use new tools like Environmental Outcomes Reports to support the Model set out in the working paper?

All:

We note that the Government’s response to the EOR consultation has not yet been published. Given the consequent lack of information on the intended coverage and functioning of Environmental Outcomes Reports – and other than supporting the principle of outcomes rather than constraints - it is difficult to offer informed views. It would also be helpful to have clarification on whether it is envisaged that the more strategic approach to Delivery Plans would replace or sit alongside SEAs and SAs.

13 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.

All:

There are some further issues on which we feel that additional detail would be useful:

We think that it would be helpful for Historic England and local authority historic environment services to be involved in the development of Delivery Plans.

What would be the mechanisms for subsequent monitoring and enforcement and how would these be suitably resourced?

How could such an approach ensure that the communities impacted by the loss of local nature or other elements of their environment through a development are compensated?