

# What the government's Environment Improvement Plan will mean for councils and developers

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**A new government strategy setting out its intended environmental improvements includes new targets and promises for planners and developers. But observers point out that the standards are voluntary and express concerns about the resource implications for both the public and private sectors.**

The end of last month saw the publication by Defra (the Department for Environment, Food and Rural Affairs) of the government's [Environment Improvement Plan \(EIP\)](#). The EIP, which represents the first five yearly review of [Defra's Environment Plan](#), which was published in 2018 and aims to improve the environment over the course of a generation. The EIP is designed to set out how the 25-year blueprint's goals will be achieved.

Two days later, government conservation advisor Natural England published its Green Infrastructure Framework (GIF). This suite of guidance documents seeks to help planners and developers plan the development of new green and "blue" (meaning water) infrastructure, particularly where the provision of such space is poor.

The EIP contains much restatement of the government's existing policies but sheds some light on targets and timelines for its initiatives (see panel below). The most attention-grabbing element for planners in the EIP is a new target to ensure that everyone lives within 15 minutes of green or blue space.

This is a "significant" move, according to Doug McNab, an associate director of environmental planning at consultancy Land Use Consultants and a former environment and planning team leader at Defra. "It's interesting that they're going that far and actually trying to set up a national target to track progress," he said.

Emma Clarke, a policy officer at the Wildlife and Countryside Link (WCL) umbrella group of nature conservation bodies, said she was "really pleased" to see the setting of a target for access to nature, which was flagged up in the 2021 Environment Act. The standards set out in the GIF could provide the strategic planning and policy tools for delivering the 15-minute access ambition, she suggested.

But, Clarke added, the 15-minute target and other standards in the GIF are not "legally binding" on local planning authorities, meaning that adherence to its provisions are voluntary. And there are question marks over how the provision of open space to meet the new target will be resourced.

Claire Petricca-Riding, head of planning and environment at solicitors Irwin Mitchell, expressed concern that the 15-minute target will be "another layer of

infrastructure spend” to factor into developers’ calculations when assessing the viability of schemes. Pointing out there is unlikely to be funding for such new infrastructure spending from the Treasury or cash-strapped councils, she said: “There’s going to come a point where the private sector is not going to be able to bring forward developments.”

Given these resource constraints, the WCL is pushing for an amendment to the Levelling Up and Regeneration Bill that would enshrine the GIF standards as legal duties on local authorities, meaning they would have to be taken into account when shaping local plans and making planning decisions. Clarke said: “Especially with local planning authorities being already stretched, we want to see additional duties on local authorities to implement these (standards) and funding to resource those additional burdens so that the green infrastructure framework and standards actually get put into practice.”

The EIP also provides further details on how other key provisions of the new post-Brexit environmental planning regime will work. It said secondary legislation and statutory guidance on the local nature recovery strategies (LNSRs) - new spatial documents that will map precious natural habitats introduced under the 2021 Environment Act - will be published ahead of their nation-wide roll-out in April.

The EIP also said the LNSRs will have “weight and meaning across a range of government policies” and that the guidance will set out how the new strategies will be reflected in local plans, helping the planning system to play a more “proactive role for nature and environment”.

The “weight” that will be given to the LNSRs means they will play a similar role in planning to other types of strategies that local authorities are required to prepare, like those for health and wellbeing and flood risk management, said Duncan Field, a partner at specialist planning solicitors Town Legal. Combined with the EIP’s proposal for a national land use framework, McNab said he viewed the LNSRs as forming part of a series of “nested levels” of strategic plans that could not only identify key existing habitats but also areas providing opportunities for enhancing biodiversity.

However, embedding LNSRs into the local plan process will be complicated because the government has said the strategies will operate at a county-wide level, said Bob Pritchard, a legal director in the planning team of solicitors Shoosmiths. “The trick is to make sure that local authorities work together to incorporate those into their plans, which have been produced at different times,” he said. “It doesn’t necessarily fit neatly into the timetable for local plan production.”

Another significant proposal in the EIP is the emphasis it puts on the role that councils can play in improving air quality, including through the exercise of their planning powers, said Field. “Where the government is toughening things up is emphasising that local authorities are the key delivery partners for reaching those targets and that it’s not just the national government,” he said.

“It’s making it absolutely clear to local authorities that they have to use all the powers available to them, including planning,” Field added. But getting neighbouring authorities to work together on a cross-boundary basis to improve air quality will be challenging, he predicted.

One of the tools councils will be able to use to identify and minimise as far as possible the impact of development on air quality will be the new “environmental outcome reports” (EORs), according to the EIP. These are due to replace the existing EU-based system of environmental impact assessments (EIAs) and strategic environmental assessments.

The 66 indicators in the [25-year Environment Plan’s “outcome indicator framework”](#) - which are grouped into ten broad categories of environmental change such as air, water, wildlife and natural resources - shed a “chink of light” on what will be included in these EORs, noted Field. But he admitted it is “frustrating” that the EIP does not contain more detail on the EORs, given that the EIAs may no longer have legal foundation by the end of this year if the government pushes ahead with its plan to scrap all EU regulations.

*Six key new measures in the EIP that planners need to be aware of*

- A new target to ensure everyone lives within 15 minutes of “blue” (i.e. water) or green space. Progress on this goal will be tracked via the new Green Infrastructure Framework.
- A promise of impending secondary legislation and guidance to bring forward the roll out of spatial local nature recovery strategies (LNRs). This will include guidance on how the LNRs will be incorporated into local development plans.
- A new government air quality strategy will set out clear guidance to local authorities on how they should embed action to tackle this issue into their wider functions, including the exercise of their planning powers. The EIP also says air quality will be considered a “key consideration” in the planning process.
- New “environmental outcome reports”, due to replace environmental impact assessments, will be used as a tool for helping to identify and minimise “as far as possible” the impact of development on air quality.
- A new national environmental land use framework will be published this year, setting out how to balance competing demands on land, including measures to mitigate and adapt to climate change.
- A new duty on local authorities to consult the secretary of state before granting permission for development proposals that would affect ancient woodlands.