

4 March 2020

### The Royal Town Planning Institute

1. The Royal Town Planning Institute (RTPI) champions the power of planning in creating prosperous places and vibrant communities. Our 25,000 members are from the private, public and voluntary sectors. Using our expertise and research we bring evidence and thought leadership to shape public policy and thinking, putting the profession at the heart of society's big debates. We set the standards of planning education and professional behaviour that give our members, wherever they work in the world, a unique ability to meet complex economic, social and environmental challenges. We are the only body in the United Kingdom that confers chartered status to urban planners – the highest professional qualification sought by employers.
2. The RTPI is a member of the Broadway Initiative and we endorse their interventions in the Bill. This evidence goes further in relation to specific issues of relevance to the remit of the RTPI.

### General Comments

3. The RTPI supports many of the aspects of the Bill such as having environmental targets by October 2022; having a set of environmental improvement plans; ensuring England has a set of environmental principles; creating an Office for Environmental Protection and creation of a role for local government in environmental planning. However we do also have some reservations regarding how some of these commendable general principles will work in practice.
4. In particular, we call for an independent UK-wide OEP with a strong remit to hold Government to account on targets. We also make a strong call for more attention to how environmental planning will align with other land use planning at a local level. We relate this specifically to Biodiversity Net Gain, and the need to consider BNG within the broader local environmental strategies.

### National Environmental Governance

4. Leaving the European Union provides a once in a lifetime opportunity to create mechanisms for environmental planning and protection which are tailored to the needs of the UK and its single market. However we regard it as a missed opportunity that Whitehall and the other UK governments do not have a single oversight body to coordinate and hold them all to account. Apart from the difficulties created by potentially having 4 different environmental regimes in one former member state, we consider that a UK-wide body appointed by and answerable to the UK Parliament would be preferable to having an oversight body in each UK country. Such a body (akin to the Committee on Climate Change) would be more demonstrably free from any

political influence and would be able to secure consistency in environmental principles and governance across the UK, such as been achieved from 1999 until now.

5. Even if the OEP is England-only, we consider that more needs to be done to ensure a perception of independence. Its chair should be appointed by Parliament, not the Secretary of State, to ensure the continuity of the office's work in the event of any Cabinet changes. And the OEP should have a role in overseeing governance arrangements for Environmental Improvement Plans.

## Targets

6. The RTPI welcomes plans to introduce national targets. However it is not sufficient to call the Government to account only when a long term target has been missed. Action should be taken to prevent this happening. Therefore annual and five-yearly reviews should check whether we are still on track to meet targets and the Secretary of State should have to account if an interim target is missed.

## Local Environment Planning

7. The EU left us with an unconnected bundle of different obligations on local environment planning which arose from a series of individual directives on separate subjects – water, waste, rivers, soil, coasts and seas. Not only did many of these directives require separate plans at local level, but such plans are often not aligned with local planning for housing, employment and minerals extraction (“local plans”) or local transport plans. This limits their effectiveness in securing environmental outcomes. Moreover we consider they are lacking in democratic accountability and difficult for the public to engage with. Even our own members in local authorities are obliged to keep track of a multiplicity of environmental plans which add to their workloads. We consider that the Government should be required in the Bill to set out a programme to gradually synthesise and improve this local environmental planning process over the next few years and ensure its alignment with other planning processes in local areas.

## Biodiversity Net Gain (BNG)

8. The RTPI is following closely the proposals to statutorily require biodiversity net gain (BNG) into spatial planning. Our response to DEFRA's 2019 consultation<sup>1</sup> stressed that legislation is only one of a variety of ways to achieve BNG and that pressure needs to be kept up regarding all of the others. In addition we are concerned that the focus on BNG via statute risks distorting the purpose of planning in much the same direction as EU Directives have, by placing statutory obligations in respect of one topic but not others. We consider that BNG needs to be set within the wider issue of how local environmental planning happens (see 7 above) and that whilst some of the arrangements in the Bill for it can be useful temporary measures, in the long term a more holistic approach is needed.

<sup>1</sup> <https://www.rtpi.org.uk/knowledge/consultations/2019-responses/rtpi-response-to-defra-consultation-on-biodiversity-net-gain/>

9. We are concerned that the Bill appears in Schedule 14 to contain fairly onerous requirements for the production and approval (and appeals regarding) biodiversity plans which seem to run against frequently articulated concerns about resources and delays in the planning system.
10. Many of the details of how BNG will operate will be the subject of regulations and guidance. However it is necessary to flag at this stage that arrangements for how credits are spent need to follow certain clear principles:
  - Democratic accountability (eventually through local environment plans)
  - Proximity to the origin of the credits
  - Strategic approach e.g. combined authorities

A strategic approach could also prioritise spend according to an local environment strategy which addresses access to green space by public and active transport, and moves away from defining local compensation according to political and administrative boundaries, or crow-flies proximity.

## Contact the RTPI

14. If you require more detailed information please contact the RTPI.

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