

Written evidence from the Institute of Environmental Management and Assessment on Department for Environment, Food and Rural Affairs' Nature Recovery Green Paper

About IEMA

IEMA is the professional body for those people working in environmental management and in corporate sustainability roles. IEMA's growing membership of over 18,000 professionals work at the interface between organisations, the environment and society in a range of critical roles (for example from sustainability directors through to climate change leads and in consultancy and advisory roles). We also work with a range of corporate partners. Our professional members are active across all sectors in the UK, for example from construction and manufacturing through to logistics, facilities, and across financial, retail, food, consultancy and the wider service and public sector.

Executive summary

IEMA undertook a series of workshops that were attended by representatives of sectors including local authority, consulting, house building, pharmaceuticals, and marine, to discuss this Green Paper alongside the proposed long-term targets in the Environmental Targets consultation that is running in parallel.

IEMA are concerned that amending the titles of, and specifying what constitutes, a protected site along with reorganising the arms-length bodies (ALBs) which might manage/report on them, as well as central government decision-making, will take the focus away from acting to restore and enhance nature. Ultimately, this will slow down and perhaps even stop urgent actions necessary to put the nature-related aspects of this Green Paper and the future long-term environmental targets into force. Changing the framework of site and species protections is irrelevant unless the management regimes required to get sites in a favourable condition are properly enforced and resourced.

IEMA agrees with the need for an emphasis on following science and enhancing nature as well as restoring nature, along with relevant upskilling for professionals where required.

IEMA found that, in certain places, detail and reasoning for the proposals was missing which made putting forward clear answers difficult. Alongside this, there was little indication of how these proposals fitted with other policy initiatives put forward in recent months (e.g. biodiversity net gain proposals, long-term environmental targets, wider governance issues stemming from the Environment Act etc.).

IEMA's submission is restricted to addressing the questions that we have the most relevant insights on and recommends that:

- Changing the current regime for sites and species protection is irrelevant without having sites in a favourable condition, with relevant resources and enforcement to achieve this. Before any decision is made to reorganise the current regime for sites and species protection, the Government must consider the best outcomes for nature recovery and

then identify what, and how, existing structures do not meet their current role in achieving this. IEMA would be happy to support this.

- The focus of 30/30 should be on bringing protected sites up to a good standard including the creation of enhancement targets. 30/30 should focus on enhancing biodiversity and nature i.e. it must go beyond protection.
- Investors will not invest in non-protected sites without assurances and so a mechanism of time-bounded protection should be set up to encourage private capital into nature (Conservation Covenants provide a lifetime guarantee but there is no options for shorter timescales.).
- Any reorganisations must not reduce the protection of sites or species, or the capacity (and resources) to achieve the necessary actions by ALBs to support business to restore and enhance nature.
- Investment in resources and skills is essential to the development of an effective site protection and enhancement regime and should be prioritised as part of any reorganisation that goes ahead.
- Environmental impact assessment reform should be guided by the principles set down in key IEMA analysis:
 - Proportionate EIA – A Collaborate Strategy For Enhancing UK Environmental Impact Assessment Practice, IEMA 2017¹
 - Levelling up EIA to Build Back Better, IEMA, 2020²
 - The Future of Environmental Assessment, 2020

Question 1. What is your correspondence address?

policy@iema.net

Question 2. Would you like your response to be confidential?

No.

Question 3. Please tell us in what capacity you are responding to the consultation by selecting from the following

Other – Professional Body for Environment and Sustainability.

¹ [IEMA - Delivering Proportionate EIA](#)

² [IEMA - IEMA Paper: Levelling up EIA to Build Back Better](#)

Question 4. If responding on behalf of an organisation, please provide the name of the organisation you are responding for.

Institute of Environmental Management and Assessment (IEMA).

Question 5. Please indicate your specific areas of interest in responding to this consultation

All.

Question 6. Please indicate which location your response relates to, selecting from the following...

England (because the focus of the paper is on England).

Question 7. What degree of reform do we need to ensure a simpler and more ecologically coherent network of terrestrial protected sites?

The information contained within the three options for terrestrial protected sites is not sufficient for robust decision making (for example, it doesn't explain how the reason for protection of any site might be taken into account and what 'highly protected' might mean in option 1).

Overlapping site designations on some sites is potentially confusing and, subject to appropriate safeguards being in place and analysis being done, a more coherent framework of protections could be useful. Changing the names of protected sites might result in improved understanding of the function of the site especially for the public although it also risks moving away from names that are recognised and currently across the UK by professionals. However, a complete reorganisation/renaming of protected sites will slow down the process of protecting and improving nature – an activity which is recognised as urgent by the Government itself. (For example, revisiting each terrestrial and marine SPA, SCA and SSSI site to identify state of health, characteristics, taking measurements and creating a designation is a lengthy process.)

Furthermore, if it is the Government's intention to encourage investment, then this needs certainty, evidence and consistency rather than change.

For these reasons, IEMA recommend that a wholesale reorganisation is not carried out without further consideration of what currently does and doesn't work within protected sites followed by careful consideration of what kind of changes might be needed in the short, medium and long term. To do this, it might be more useful to understand what outcomes for nature recovery are needed and identify what, and how, existing structures do not meet their current role. IEMA recommends that further work is initiated to identify outcomes for nature recovery and to pinpoint in what way current structures do not meet their current role – IEMA would be happy to take part in this.

Such an exercise could include examining the extent to which each option resonates with different stakeholders by type i.e. developers, planners, other consultants and the like (so, with more detail on proposals and more focus than contained in this consultation).

Further considerations would include that historical designations may no longer be fit for purpose and must be managed and improved, and that some sites, eg. those that may be damaged by climate change, will not be able to be improved. Consideration should be given to the ability to

capture other opportunities such as climate change mitigation and adaptation in planning/activities. There must be investment in any skills gap created as a result of any reorganisation (see IEMA's Blueprint for a Green Workforce Transformation³).

If there is to be a reorganization as a result of this consultation, then at this point and with limited information, IEMA would recommend Option 3 with no more than 3 types/levels of protection beneath. It would also be beneficial to have the same designations for terrestrial and marine. Any guidance on a new designation regime must include a golden thread to local policy development and perspectives and that the insights of ecologists are fed through to development managers and decision makers and vice versa, including taking into account local activities so that the skills piece is joined-up right across the value chain to ensure best outcomes.

It is essential that the current level of protection must remain or be improved in all outcomes of reorganisation and not be reduced.

Question 8. What degree of reform for the marine protected area network do we need to meet our biodiversity objectives and commitments?

See all comments for question 7.

Question 12. Do you see a potential role for additional designations? Please provide detail in the free text box.

IEMA notes that investment in nature requires certainty e.g. why would an investor support an unprotected wildflower meadow when it might be removed or become degraded and has no fixed time period for being in a good state. IEMA recommends that unprotected sites could receive some kind of designation e.g. a 'pre-protection' designation as this will allow investment. This is also relevant to Section 6.2 on Financing Nature Recovery.

Question 18. Do you have suggestions for improving the EIA scope and process for the Defra EIA regimes?

- Yes – Marine Works EIA regime
- Yes – Forestry EIA regime
- Yes – Agriculture EIA regime
- Yes – Land Drainage EIA regime
- Yes – Water Resources EIA regime

IEMA has already responded to Defra's survey on the post implementation review (PIR) of EIA regulations for which it is responsible, namely: The Forestry EIA Regulations; The Agriculture EIA Regulations; The Water Resources EIA Regulations; and The Marine Works EIA Regulations. The PIR

³ [Greening your organisation for a green workforce transformation \(iema.net\)](https://www.iema.net/greening-your-organisation-for-a-green-workforce-transformation)

also sought to ask specific questions about the effectiveness of these regulations, and IEMA has responded to Defra with a summary of our previous positions.

However, we also know through this Green Paper that Defra is “seeking broader suggestions for improving the EIA scope and process of Defra regimes to help reduce environmental pressures, deliver the objectives in the Environment Act, and facilitate sustainable development” and on this basis IEMA have included below our recommendations for environmental impact assessment (EIA).

Having left the auspices of the EU Directive in EIA there is an opportunity to retain the best aspects of the existing policy and practice, as well as introducing changes to improve these instruments to secure better outcomes for the environment and society. IEMA is committed to aiding policymakers in making evidence-based decisions using sound science and professional experience from competent experts. IEMA has been publishing good practice guidance on EIA since 1993 and continues to advocate for advances in the field of impact assessment to support the objective of living within environmental limits and supporting a just transition to a sustainable economy.

Our experience over the past 35 years is that EIA and strategic environmental assessment (SEA) remain vital policy tools and offer the following key benefits:

- Enhances the environmental quality of plans, policies and developments
- Avoids and minimises potential negative impacts on people and the environment
- Engages those who might be affected as a consequence of developments, plans and policy proposals
- Provides stakeholders and authorities with a full and clear understanding of the likely environmental effects, prior to making a consenting or approval decision

In terms of suggestions for improving the EIA scope and process for the Defra Regimes, IEMA would like to reiterate the following key recommendations and point Defra towards already published advice on this topic. We have below summarised the key recommendations from three previous reports:

- Proportionate EIA – A Collaborate Strategy For Enhancing UK Environmental Impact Assessment Practice, IEMA 2017⁴
- Levelling up EIA to Build Back Better, IEMA, 2020⁵
- The Future of Environmental Assessment, 2020 (a report to MHCLG and DEFRA)

IEMA would like to highlight to Defra the four recommendations in IEMA’s 2017 ‘Proportionate EIA Strategy’ on:

- **Enhancing People** - So that those involved in EIA have the skills, knowledge and confidence to avoid an overly precautionary approach
- **Improving Scoping** - To generate a more consistently focussed-approach to this critical activity throughout the EIA process
- **Sharing Responsibility** - Recognising that disproportionate EIA is driven by many factors and that enabling proportionate assessment will require collaborative actions that work towards a shared goal

⁴ <https://www.iema.net/resources/reading-room/2017/07/18/delivering-proportionate-eia>

⁵ [IEMA - IEMA Paper: Levelling up EIA to Build Back Better](#)

- **Embracing Innovation and Digital-** Modernising EIA to deliver effective and efficient assessment and reporting that adds value to projects and their interaction with the environment

In addition, IEMA provided Defra, MHCLG and HCLGC with six priorities for EIA reform in September 2020 in our report 'IEMA – Levelling up EIA to Build Back Better'. These were the need to:

- Improve governance on 'scoping' non-EIA development
- Publish clear requirements and standards for EIA and SEA
- Ensure environmental management plans are central to the EIA process and provide certainty on implementation
- Appraise the role of a national impact assessment unit
- Embrace innovation and digital impact assessment
- Continue to prioritise competence in EIA and SEA

In addition to the public reports and consultations provided above, IEMA provided a private briefing to MHCLG and Defra in late 2020 on 'The Future of Environmental Assessment' which contained the following ten recommendations:

- Adopt a Tiered Assessment Regime
- Embed the Mitigation Hierarchy
- Promote Evidence-based Practice
- Mandate the use of Competent Experts
- Support an Integrated Assessment of Effects
- Adopt Receptor-led Assessment
- Improve Public Participation and Stakeholder Engagement
- Promote Better Informed Decisions
- Renewed Focus on Monitoring and Management
- Measure Sustainable Development and Environmental Net Gain

Question 20. What are your views on our proposed criteria to achieving our 30 by 30 commitment?

It's not clear from the Green Paper what is included in the 30/30 targets and what criteria would count towards the 30/30 target. Without this clarity it is difficult to determine the extent to which the target is ambitious or not.

IEMA believes that the focus should be on bringing protected sites up to a good standard including enhancement targets. 30 by 30 should focus on enhancing biodiversity and nature i.e. it must go beyond protection.

There are some ways in which more sites could be created. Current protected sites could be expanded where there are opportunities and reasons to do so. There could be an inclusion of sites of biological importance.

It is essential that any new sites must be considered through Local Nature Recovery Strategies and support ambition by cities or regions in order to maximise potential and take advantage of synergies.

IEMA notes that the Government is hoping to have private investment to support improved nature. Investment in nature requires certainty e.g. why would an investor support an unprotected

wildflower meadow when it might be removed or become degraded and has no fixed time period for being in a good state. Identified unprotected sites could receive some kind of designation e.g. ‘pre-protection’ designation to allow investment and be given a timescale of 30 years as per the Biodiversity Net Gain Regulations and Implementation consultation. (This is also relevant to section 6.2 on Financing Nature Recovery.)

It is currently not clear, and the Government should clarify, the definition of land in relation to high/low watermarks and intertidal areas and IEMA recommends using the low water mark including the intertidal zone which aligns with the proposal of Defra’s Biodiversity Net Gain Regulations and Implementation Consultation in 2022.

27. What proposals should we look at to improve our current licensing regime?

Again, sufficient detail has not been provided to help stakeholders understand - greater explanation of what is in each of the tiers on species designation is required. There needs to be some specific examples of the types of living organisms that would exist within each tier so that the ambition and appropriateness of the proposals can be better understood.

That said, a three-tiered approach to species protection could support the ‘polluter pays’ principle and help to ensure that impacts on rarer species are avoided. It provides a good framework for legislation and also potential for creating more laws around less protected species such as rabbits or foxes.

Sufficient resources must be put in place/made available to strengthen enforcement, such as the reporting of infringements being followed up and where necessary penalties imposed.

Finally, any change must not weaken current (previously EU) protections.

Question 31. What are the benefits and risks of bringing all environmental regulation into a single body?

IEMA recommends that policy and decisions around designations should not be made at a government Level. It is not outlined what the ‘distractions’ mentioned in the Green Paper are that have held back progress in recent decades which makes it difficult to understand the reasoning behind the suggestion. Further, it is possible that changes in government will, for political reasons, create changes in policy, decisions and targets whereas longer-term stability is better for delivering nature positive outcomes and investment. It is also possible that political influence will affect any government’s choices on policy and decisions around designations .

Again, to tackle who needs to make the decisions, it might be more useful to understand what outcomes for nature recovery are needed, with further work to identify outcomes for nature recovery and how existing structures might be changed to be undertaken.

Question 32. What are the opportunities for consolidating environmental delivery functions into a single body? Which programmes and activities would this include?

IEMA recognises that there are both benefits and disadvantages to consolidating environmental delivery functions into a single body. Positives include: consolidation may reduce overlapping functions, it can facilitate knowledge-sharing across departments, there could be one advisory team rather than many, it could create an easy-to-find knowledge hub, it could speed things up when trying to deliver a project to have a single body to talk to, departments could work independently.

The negatives: there is loss of local knowledge in a centralised system, different bodies can provide different perspectives. Communication between ALBs could be improved without reorganisation. Most importantly, the same issues may carry over into the new body and ‘working independently’ for departments might be the same as the current system of ALBs so why change.

IEMA has concerns that the time taken to merge or reorganise environmental regulators into a single body would slow down, and possibly even halt, the process of improving nature that is urgent.

IEMA recommends that there is no change in ALBs at this point in time and instead Defra undertake a mapping of responsibilities and accountabilities with a view to creating a better system to help organisations to interpret what the different bodies do and the appropriate routes in for interacting with them. Defra should also consider a wider review of environmental regulation in the context of achieving the long-term targets being set through the Environment Act and consider any regulator-reorganisation in this wider context. IEMA will set out thoughts in a separate paper in this regard.

In any outcome, it is essential to not reduce resources across ALBs as a result of any reorganisation (as has happened in the past) at this important time for nature recovery.

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