



Friends of Carrington Moss Response

Response to Lords Built Environment Committee

Inquiry: The impact of environmental regulations on development

Given the UK is described as “*one of the most nature depleted countries in the world and despite nature struggling against all odds to survive, more than one in seven native species face extinction and more than 40% are in decline*”¹, it would be more appropriate to ask how development impacts the environment and how we can update the regulations to better protect our environment and support nature’s recovery.

The questions in this Inquiry are centred around the impact of essential (and very limited) environmental regulations on developers and landowners and are worded in a way that appears to suggest the regulations are inconvenient and damaging to development. In fact, the reality is that the impact of development on our natural capital is typically significantly understated. Insufficient evidence is required (or provided) and there is inadequate guidance to ensure appraisals and assessments are undertaken at an appropriate time and to an appropriate level of detail. We cover this in more detail in our responses below.

Please can you explicitly mention citizens when you are requesting inputs to future Inquiries. Many will assume you are not interested in their views, given the way you list the stakeholders you state you would like to hear from.

Questions:

What environmental regulations need to be considered when undertaking development?

It seems only the National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG), along with the Climate Change Act 2008 (CC Act) need to be taken into consideration when plan-making or decision-taking (planning application submissions).

Because these documents are not always updated when new Government guidance is issued, public money has been spent creating (for example) a 25 Year Environment Plan², which includes a number of policies, principles and action points that do not have to be considered by developers or planners in determining whether a plan is sound or whether a planning application will deliver appropriate benefits.

The [England Peat Action Plan](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf#page=128&zoom=100.72.76)³ is another good example. It sets out the Government's vision to reverse the decline of our peatmosses. The Government's aim is to prevent further loss of peatland habitats, to restore more peatland landscapes to their natural state and the document recognises that rewetting peatland areas and returning them to their natural state could make a significant contribution to achieving our targets on reducing carbon emissions, as well as having other benefits for water quality, nature and flood mitigation.

Despite those admirable aims, because there is no specific planning regulation to prevent development on our peatmosses, they continue to be under threat of significant development as can be seen in the Greater Manchester Places for Everyone Spatial Plan⁴, which allocates several peatlands for development, rather than for protection.

¹ <https://www.wwf.org.uk/future-of-uk-nature#:~:text=The%20UK%20is%20one%20of,than%2040%25%20are%20in%20decline.>

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf#page=128&zoom=100.72.76

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1010786/england-peat-action-plan.pdf

⁴ <https://www.greatermanchester-ca.gov.uk/what-we-do/planning-and-housing/places-for-everyone/submission-documents/>

When during the development process are they most likely to be encountered?

The above-mentioned regulations (NPPF, PPG and CC Act) are considered during both the plan-making and the decision-taking (planning application submissions) phases.

What is the single biggest challenge for developers and promoters in fulfilling environmental requirements? How could this be resolved?

N/a

Are changes in environmental regulations governing development clearly communicated?

There is always room for improvement of communication techniques. Consideration should be given to how communities are informed, especially as they provide a key role in monitoring what is (or is not) being implemented in their locality, given local planning authorities have very limited resources.

Utilising groups such as the Better Planning Coalition⁵, the Community Planning Alliance⁶ and other organisations that engage regularly with citizens (such as the CPRE⁷) will support the achievement of communication and stakeholder engagement objectives.

Is sufficient support available to help developers and promoters fulfil their responsibilities? What are the costs of meeting environmental regulations for developers? How does this vary for types of developer or promoter and in different locations?

N/a

Is there sufficient coherence between different environmental regulations?

There is a huge disconnect between planning regulations, environmental aspirations and, for example, the implementation of sustainable passenger and freight transport options.

As mentioned above, a number of Government strategies and policies have been funded but no associated requirements have made their way into planning regulations. Developers and land promoters do not even have to demonstrate that their plans will not impact achievement of local net zero aims. Neither do they have to provide detailed information that confirms the development will not impact achievement of the specific targets within the Environment Act⁸, such as those relating to air pollution.

This is important because local plans and applications for homes and businesses (including warehouses) are approved but provision of sustainable transport infrastructure is not mandatory, which means that air quality, for example, can be severely impacted. There is no requirement to provide evidence of land set aside for new schools or hospitals, even when a Plan, like GM's Places for Everyone (mentioned above), aims to deliver sufficient homes for 400,000 additional residents, the equivalent of two new boroughs in Greater Manchester. This lack of access to public services, together with a lack of investment in sustainable passenger transport, means many parents have to drive their children to school, every day, causing yet more congestion, more air pollution and more carbon emissions, severely impacting our local environments.

In addition, developer contributions to sustainable transport and other environmental requirements are limited and are frequently withdrawn as a consequence of "viability" issues identified later in the process.

⁵ <https://betterplanningcoalition.com/>

⁶ <https://www.communityplanningalliance.org/>

⁷ <https://www.cpre.org.uk/>

⁸ <https://www.gov.uk/government/news/new-legally-binding-environment-targets-set-out>



How could regulations be administered in a more systematic and coherent way?

Local Nature Recovery Strategy regulations and guidance have recently been published. Planning regulations now need to be updated to fully integrate those LNRS requirements. In fact, each time the Government produces a strategy, policy or principles document, the potential impact on planning should be considered and the National Planning Policy Framework should be updated accordingly within 3 months.

In addition, public bodies and developers should be held to the same standards in relation to environmental claims as those commercial organisations must adhere to. The Green Claims Code⁹ requires organisations to adhere to the following principles:

- claims must be truthful and accurate
- claims must be clear and unambiguous
- claims must not omit or hide important relevant information
- comparisons must be fair and meaningful
- claims must consider the full life cycle of the product or service
- claims must be substantiated.

There is absolutely no reason why these very same principles cannot be applied to environmental claims that are made in relation to the planning system. It is wholly unacceptable that organisations can publish documents which contain biased, inaccurate or misleading information, about which significant decisions will be made¹⁰, including those that will negatively impact local residents.

What impact do Government bodies such as the Environment Agency and Natural England have on planning and development decisions?

It is clear that local planning authorities ignore advice from Natural England. Trafford Borough Council has, for example, been notified on a number of occasions that Natural England does not support development on peat mosses (giving the reasons why).

In responding to Trafford's option appraisal about the Carrington Relief Road, Natural England stated *"We are disappointed that the findings of the environmental desktop study are not fully reflected in the appraisal of the route options. Appendix D contains slightly more information on the environmental constraints but is not an accurate representation"* and that *"We think this presents an inaccurate and unbalanced view of the environmental constraints and it is Natural England's view that Option F would be considerably more damaging than Option A"* (my emphasis). To receive such damning commentary from a Government agency should have resulted in a review of the option appraisal process – but this did not happen.

The letter also contained advice about the environmental assessment, stating *"Natural England acknowledge that a full Environmental Scoping Report will be produced and we advise that this is done to help inform the decision of the preferred route for the relief road"* (my emphasis). Yet, this advice was ignored and the decision about the preferred route was made **without** the full Environmental Scoping Report being completed. The route chosen was Option F, despite Natural England making it clear that this would be the more environmentally damaging option.

We find it astonishing that the advice of a Government agency, with the specialist skills that Natural England possess, can be summarily dismissed by LPAs.

How effectively do these bodies work together? How does the Environment Agency interact with development as both regulator and owner of land and other assets? What role does Natural England play in monitoring and implementing these regulations?

⁹ <https://www.gov.uk/government/publications/green-claims-code-making-environmental-claims>

¹⁰ <https://friendsofcarringtonmoss.com/2022/03/04/a-biased-and-misleading-option-appraisal/>

N/a

How does Natural England's involvement affect the delivery of new development?

As set out above, not at all! Their inputs are ignored by Local Authorities. This must change.

To what extent are the information needs of the planning system proportionate?

There is a huge lack of balance in relation to the information needs of the planning system when comparing requirements for environmental data to, for example, those relating to housing need. The Government has a methodology (albeit using out of date input data) for calculating housing need but there is no such methodology for calculating the carbon emissions implications of development, for example. There are no requirements to assess the natural capital of the site to be developed and the associated value of the ecosystem services provided.

Despite planning to remove 2,430 hectares of Green Belt across Greater Manchester, for example, the Places for Everyone Spatial Plan has presented little ecological evidence, nothing on natural capital and no assessment of the impact on the rural economy (much of the Green Belt land is best and most versatile agricultural land).

In addition, there is inadequate guidance to ensure appraisals and assessments are undertaken at an appropriate time and to an appropriate level of detail. There are problems at both the plan-making and decision-taking stages. This can lead to, for example, bat surveys being done in November (when the bats are in hibernation), no HGV traffic assessments for warehousing developments which have no sustainable freight transport options and insufficient information to determine the impact of the development on the health and wellbeing of communities.

Using Places for Everyone as an example again, the Strategic Environmental Assessment (called the Integrated Assessment, under the heading Sustainability Appraisal)¹¹ was produced in an unreadable format, with no page numbers, no headers, no footers, just hundreds of pages that were illegible even when printed at A3 size (which, as an aside, most citizens do not have access to). The Integrated Assessment reported, for many data items, that "*Scoring has been increased from neutral / no effect to very positive for consistency between allocation policies*". This suggests a rather biased approach, which influenced the overall assessment and distorted the results. Community involvement in such assessments would improve the evaluation significantly.

How far do the key actors in implementing environmental regulations have sufficient resources to carry out their responsibilities?

We recognise that Local Planning Authorities have very limited resources and, on occasion, find it very challenging to monitor delivery of planning obligations, including those relating to the environment.

Communities are an important, unpaid asset, often monitoring and reporting environmental aspects, providing time and talent to help protect the climate and the environment.

The proposed changes set out in the NPPF consultation, recognising communities as key stakeholders in the planning process, are very welcome. Our responses have stressed the need for a more transparently sustainable approach, one which gives equal weight to the environmental and social objectives as that given to economic benefits.

Are there further significant changes which would improve this system?

We believe that there should be greater incentives for developers to construct on brownfield sites, rather than greenfield/Green Belt. Strong financial incentives are likely to accelerate change. Making it tax efficient to build on brownfield and more costly to build in other areas would be a

¹¹ See SD9 and SD10 at this link: <https://www.greatermanchester-ca.gov.uk/what-we-do/planning-and-housing/places-for-everyone/submission-documents/>



great start. Currently, we understand there are more tax benefits for building on Green Belt than brownfield land.

Making it tax efficient to protect and enhance land of ecological and environmental value would also stimulate changes in behaviour.

Given the climate and biodiversity emergencies, the primacy of the Government's environmental aspirations should be acknowledged within the planning system, with specific regulations to support nature's recovery.

The NPPF needs to make it clearer that sustainable development is a balance between the economic, the social and the environmental benefits and disadvantages of each plan or development. Typically, economic growth is considered to be more important than nature's recovery. A developer in Trafford, for example, wishes to fell a complete woodland site of biological importance and replace it with a warehouse. We are astounded that this is even being contemplated but, clearly, our environmental assets are significantly undervalued.

Recognition of the role of communities as key stakeholders in the process should be much more explicit. Communities should be leading the plan-making for their areas and developers/landowners should be addressing the needs identified by those communities.