

# Environmental Outcomes Report: a new approach to environmental assessment

A response from the Landscape Institute to the Department for Levelling Up, Housing and Communities consultation.

## 1 Introduction

**1.1** The Landscape Institute is pleased to respond to the Government's consultation on proposals for a new system of environmental assessment ('Environmental Outcomes Reports') intended to replace the current EU-derived environmental assessment processes of Strategic Environmental Assessment (SEA) and Environmental Impact Assessment (EIA).

**1.2** The Institute is a charitable professional membership body working to protect, conserve and enhance the natural and built environment for public benefit. Our 6,000 Members are 'subject matter experts' for landscapes, townscapes and seascapes. They have considerable working experience of environmental assessment and can provide valuable insights into what's working well within the existing systems and how these might usefully be improved.

**1.3 We acknowledge the Government's ambition to reform the system and, in principle, agree that an outcomes-based approach to assessment could provide the basis for a more streamlined and expeditious system.** We support the Government's stated aspirations of better environmental outcomes and better community engagement and understanding. However, much of the detail that will be required to define and support a suitable outcomes-based system, is missing from these proposals, and will require further expert input and consultation.

**1.4** We would welcome the opportunity to work with the Government and other qualified professionals to help ensure the creation of a viable and robust EOR system, one which protects, conserves and enhances the natural and built environment for public benefit.

## 2. Landscape defined

**2.1** Landscape is defined as “an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors” in the European Landscape Convention<sup>1</sup> (ELC). **We welcome the fact that the UK is a long-standing signatory to the ELC and would wish to see the Government maintain and fulfil its obligations under the Convention.**

**2.2 Landscape is everywhere and comprises rural landscapes, seascapes and townscape, all of which deserve full consideration in policy terms.** Landscape incorporates all forms of landscape, from rural landscapes, high mountains and wild countryside to urban fringe farmland (rural landscapes), to marine and coastal landscapes (seascapes) and to the landscapes of villages, towns, and cities (townscapes).

**2.3 Presently, the Government’s Environmental Improvement Plan (EIP) does not recognise this definition of landscape.** In the EIP, the use of the term landscape is restricted to designated landscapes, such as National Parks, Areas of Outstanding Natural Beauty (AONBs), SSSIs, National Nature Reserves and proposed Landscape Recovery Areas. This limited scope, which underpins the EOR proposals, is not at all suited to defining how EORs might be applied in relation to development and infrastructure proposals. The purpose of the EIP as produced by DEFRA is to update and support the Government’s 25-year plan to improve the natural environment. It does not refer substantively to development and infrastructure as defined by the planning system or on urban or peri-urban environments. We therefore have serious concerns on the use of the EIP as establishing standards or indicators to be applied in the environmental assessment of plans and projects.

**2.4 We strongly urge the Government to revise and formally adopt a definition of landscape which recognises the content and obligations of the ELC to encompass all landscape rather than simply designated or sensitive areas.** This will be particularly important if the Government implements its stated ambition to apply the outcomes and indicators currently in development for the EIP<sup>2</sup>, the so-called ‘DEFRA 66’, to the new EOR system.

## 3. Working towards a new outcomes-based system of environmental assessment

**3.1** We recognise some of the criticisms levelled at the existing SEA and EIA. The consultation document clearly states the proposed EOR system will ‘replace’ both EIA and SEA. However, it is not clear whether the Government intends to scrap the existing requirement for EIA and SEA completely. Development proposals will still

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<sup>1</sup> <https://www.coe.int/en/web/landscape>

<sup>2</sup> <https://oifdata.defra.gov.uk/>

need to retain and include some level of assessment. Has the Government considered how the introduction of EOR might usefully retain some aspects of the existing environmental assessment processes, which will presumably still be required, as part of the planning system?

**3.2** Increased divergence of practice across the ‘home’ nations adds another level of complexity for developers and decision-makers. Although presently these EOR proposals apply to England only, there is clearly merit in opening or extending the conversation with administrations in the devolved nations. This would be of particular relevance when dealing with plans or projects with cross-boundary implications.

**3.3** EOR can hugely benefit from some of the positive and valued aspects of the existing system of environmental assessment whilst reducing unnecessary complexity and delay. **We have concerns that a ‘starting from scratch’ approach will fail.** Also, that the body of experience and case law that has emerged to inform assessments over the past 40 years would effectively be lost, potentially resulting in uncertainty and legal challenge. **Accordingly, we would wish to see elements of SEA and EIA retained.**

**3.4** There is scope for more efficient delivery and certainty of outcomes through more realistic and early-stage detailed environmental design relating to environmental issues and the mitigation of impacts.

#### **4. The role of landscape and landscape design**

**4.1** Landscape plays a vital role in our lives providing multiple amenities and benefits including potential to improve quality of life, health and well-being, opportunities for placemaking, recreation, nature recovery, and tackling climate change.

**4.2** Well-informed landscape planning and design can play an increasing role in helping to identify, at an early stage, the right site for the right development, in accordance with the principles of sustainable development. EOR can potentially reframe how development is conceived and how protection of the environment may be strengthened.

#### **5. Standards and guidance for EOR**

**5.1** Assessing against outcomes can achieve more for landscape than measuring change against existing baselines, provided there is clear and practical published guidance to assist users. Landscape and visual impact assessment (LVIA) form an important part of the existing SEA and EIA systems and could, in part, be updated and revised to support EOR.

**5.2** The Landscape Institute and the Institute of Environmental Management and Assessment (IEMA) have developed a robust methodology for assessing landscape and visual effects. *Guidelines for Landscape and Visual Impact Assessments* (often referred to as ‘the GLVIA’), created in 1995 and now in its third edition, is a trusted and established reference source on how the character, sensitivity, value, and quality of the landscape and public amenity can be assessed when considering development schemes.

**5.3** We are constantly finding ways to improve evidence gathering and assessment methods for the Guide. This knowledge could usefully inform and be incorporated within guidance created to assist all parties involved in EOR.

**5.4** Whilst we recognise the Government’s ambition to move away from subjective professional judgement, some environmental outcomes of a proposed project or plan may not be easy to quantify. Reliable measurement of environmental outcomes will be challenging especially when determining indicators for landscape character and quality, views and visual amenity.

**5.5** Current techniques of assessing change to landscape and views (based on the GLVIA) ‘measure’ change using professional judgement within a systematic, criteria-based framework and have been developed over time to become accepted by all stakeholders as a reliable and trusted system to deal with a complex topic.

## **6. EOR consultation questions and answers**

**Q1 Do you support the principles that will guide the development of outcomes?**

**A1** No. The level of detail provided in the consultation document is insufficient to enable the Institute to determine its response, at this time. That said, we understand that outcomes will be high level, largely qualitative and reflect the government’s environmental ambitions. We believe the principles should [a] streamline and focus on key issues and [b] encourage beneficial outcomes and enhancements that contribute to wider strategies and environment improvement initiatives, not just mitigation. We welcome the fact that landscape and seascape outcomes will form part of the mix and that the Government will also consider how EORs may be used to achieve health related outcomes. The Landscape Institute would welcome the opportunity to engage with Government to help find ways in which these different issues might best be addressed.

**Q2 Do you support the principles that indicators will have to meet?**

**A2** No, given the lack of detail. We understand that indicators will be largely quantitative. That does not sit well with the need to assess qualitative subjective

topics such as landscape and visual impact. But decision-makers would need clarity on outcomes and the skills to assess whether they had been met. The application of professional expert judgement can support objective assessment.

There are different types of indicators. It may be possible to develop useful quantitative indicators for some aspects of landscape but these will inevitably provide only contextual information to decision-makers who will need to also consider those aspects that cannot be measured.

**Q3 Are there any other criteria we should consider?**

**A3** Yes, we understand from the consultation document that criteria for outcomes would be EIP-driven, measurable, designed by experts, owner-attributable, regularly reviewed and policy non-duplicating. We are very concerned that this fails to address Landscape and Visual Assessments. We would wish to ensure that an EOR system also effectively addresses the landscape and visual impacts that may arise from larger or more sensitive developments in all landscapes, rather than focussing solely on the effects on identified sensitive locations.

**Q4 Would you welcome proportionate reporting against all outcomes as the default position?**

**A4** Yes.

**Q5 Would proportionate reporting be effective in reducing bureaucratic process, or could this simply result in more documentation?**

**A5** Yes, in principle. Proportionate reporting has been a long-term goal of the EIA process but it is not clear whether a separate assessment process and report would be needed that addresses compliance with environmental policy. This could potentially entail further duplication.

**Q6 Given the issues set out above, and our desire to consider issues where they are most effectively addressed, how can government ensure that EORs support our efforts to adapt to the effects of climate change across all systems?**

**A6** We take the view that mitigation is as important as adaptation when focusing action on climate change. Both are important and should be considered as essential items for EOR.

The planning, design and management of landscape can make a very significant contribution to both mitigation and adaptation. For example, new upland forestry reducing and attenuating water runoff, urban street trees providing biodiversity

and shade. Natural greenspace providing for biodiversity, permeability and urban heat island mitigation, green roofs and walls making buildings more climate resilient and nature friendly.

Consider how different EOR indicators will be weighted. It is likely that most projects and plans will report a mix of positive and negative outcomes against different EOR indicators. Making decisions will require a balancing of those factors, which will inevitably lead to some weighing more heavily in the balance. There is the opportunity for the Government to declare from the outset that climate mitigation and adaptation should always carry ‘substantial’ or even ‘great’ weight in the decision-making process.

**Q7 Do you consider there is value in clarifying requirements regarding the consideration of reasonable alternatives?**

**A7** Yes. We support greater clarity on how alternatives can be considered at an early stage and would wish to see EOR applied in a form which will incorporate evidence that demonstrates clearly to the public, stakeholders and decision-makers how alternatives have been considered through good practice and sound decision-making.

The Landscape Institute assumes that the Habitats Directive<sup>3</sup> legislative requirements for alternatives would remain in place.

There needs to be a clear process which sets out at what stages alternatives should be considered and in what detail.

**Q8 How can the government ensure that the consideration of alternatives is built into the early design stages of the development and design process?**

**A8** Consideration of alternatives should ideally occur at the plan-making stage and, for projects, at the inception or feasibility stage. Multiple benefits are often lost because such assessment takes place after the site has been selected or a plan or project prepared for approval. It is important that the principle of demonstrating that reasonable and proportionate alternative proposals (including ‘do nothing’) are properly considered before promoting a preferred approach or outcome.

We urge the Government through EOR to encourage the involvement of qualified landscape practitioners in the assessment of both plans and projects, and ensure early design input to inform locations for development. Landscape architects can play an important part in the site selection. The principle of requiring developers

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<sup>3</sup> [https://environment.ec.europa.eu/topics/nature-and-biodiversity/habitats-directive\\_en](https://environment.ec.europa.eu/topics/nature-and-biodiversity/habitats-directive_en)

to consider positive environmental outcomes at the outset could usefully be enshrined within EOR.

Consideration of alternatives is not only needed at an early stage and should not end at application stage. Sometimes relatively small interventions which would count as alternatives can make a positive difference, especially to local people. In any case they need to continue to be tested where cases for compulsory acquisition or temporary possession exist on Nationally Significant Infrastructure Projects (NSIPs).

In considering alternatives for NSIPs, the National Policy Statements (eg NPS EN-1, Section 4.4) set out the need for decision-makers, in considering reasonable alternatives, to adopt a proportionate approach, and for a realistic prospect of an alternative to be taken forward before it should be considered by the decision-maker. This sort of clarity can be helpful for decision-makers.

**Q9 Do you support the principle of strengthening the screening process to minimise ambiguity?**

**A9** On the topic of ‘screening’, under EOR “clear criteria for what requires assessment will remove the need for screening in the vast majority of cases” (Table 2, consultation document).

It may be difficult to standardise this process to take account of the potential impact of existing Schedule 2 projects (e.g., housing) particularly as the need for EOR may vary with details such as scale of development, as well as indirect impacts which may go beyond a site, or cumulative interactions which are specific to a geographical situation. These potential variations will need to be built into the criteria used for the screening process, if it is to be successful. We would be very concerned if the ‘strengthening’ of the screening process excluded or reduced the opportunity to assess the impact or outcomes related to developments whose effects would be exacerbated by their nature, scale or location.

We would therefore question whether ‘the principle of strengthening the screening process’ actually means reducing the need or resource for screening and potentially obviate the present requirement for a Local Planning Authority (LPA) or the Secretary of State (in the case of NSIPs) to respond to a screening request. This would not appear to be well-aligned with the Government’s vision of promoting better environmental outcomes.

We would support the need for setting out robust rationale for ‘scoping out’ at the time of screening.



**Q10 Do you consider that proximity or impact pathway to a sensitive area or a protected species could be a better starting point for determining whether a plan or project might require an environmental assessment under Category 2 than simple size thresholds?**

**A10** No. EOR should apply to all types of landscape whether ‘designated’ or not, including urban and peri-urban areas. We refer again here to the obligations of the European Landscape Convention and the need to consider environmental impacts wherever they may be significant. The starting point should be the nature and scale of a plan or project rather than its proximity to a sensitive area or protected species.

**Q11 If yes, how could this work in practice? What sort of initial information would be required?**

**A11** No comment.

**Q12 How can we address issues of ineffective mitigation?**

**A12** Focus on good, well-informed design and high-quality implementation, supported by effective monitoring and long-term management and maintenance in the case of planning. All proposals should be able to demonstrate how the landscape (or townscape or seascape) and visual context of the development has influenced the design of the development and what design changes have been made to mitigate adverse landscape and visual effects as well as provide landscape and visual enhancements.

There is an important role for the design review process in making recommendations that ensures good design, which addresses mitigation. At present design review outputs are advisory, not mandatory. A stronger recognition and endorsement of the role of design review would assist in this point.

There should be clarity on embedded mitigation and additional mitigation. EOR should go beyond mitigation to seeking opportunities for enhancement as well.

Decision-making bodies must have appropriate resources, skills and expertise to competently assess mitigation proposals. The mitigation proposals need to be sufficiently detailed to provide a high level of assurance that they will deliver as intended, whether they are integrated within the plan or project or to be implemented over an extended post project timespan. Also, LPA resources and roles in monitoring delivery of outcomes are important. This is an area where planning performance agreements (PPAs) with developers/ applicants can assist in funding the roles required.



The requirement for a certified mitigation measures schedule (or similar) which sets out what mitigation is needed to deliver against which outcome and how it is secured would be one way of reducing the likelihood of ineffective mitigation.

**Q13 Is an adaptive approach a good way of dealing with uncertainty?**

**A13** No. Ideally, the assessment and decision-making processes should seek to deliver certainty of outcome (and cost implications) as far as possible and identify any areas of uncertainty with measures to address these contingencies. Adaptive approaches may well be appropriate in responding to unexpected consequences or changed circumstances, but the objective for achieving desirable environmental outcomes should be to realistically identify significant risks and take a precautionary approach in addressing these. Greater certainty of outcome would be beneficial to both the project owner / sponsor and the public interest in the environment.

**Q14 Could it work in practice? What would be the challenges in implementation?**

**A14** There is insufficient detail on the proposed process to give an answer to this question. Challenges could include insufficient or ineffective scrutiny of mitigation proposals, establishing appropriate monitoring procedures and resources, identifying responsibilities for monitoring, review and implementation of any adaptive measures and regulating the procedures for such measures.

Resource costs relating to all aspects of adaptation measures would need to be identified and allocated – with the default responsibility falling to the project owner or sponsor. A further potential challenge would relate to timescale setting for results to be reviewed and for ongoing maintenance costs, which could extend over very substantial periods.

**Q15 Would you support a more formal and robust approach to monitoring?**

**A15** Yes. This will require clarity of management outcomes over time and adequate resourcing. Associated costs would need to be met by the owner of change, as in ‘the polluter pays’ principle. Resourcing could be embedded within a project budget or would need to make allowance, e.g. via a planning agreement, bond or commuted sum, to provide funding for a third party, such as a local planning authority or a competent independent organisation, to undertake the monitoring.

**Q16 How can the government use monitoring to incentivise better assessment practice?**

**A16** Subject to adequate funding and expertise, effective monitoring will be an important tool in providing certainty around those outcomes being delivered.

**Q17 How can the government best ensure the ongoing costs of monitoring are met?**

**A17** See response to **Q15**

**Q18 How should the government address issues such as post-decision costs and liabilities?**

**A18** Public bodies with regulatory roles relating to post-decision costs would need to be adequately resourced and funded to exercise their roles competently. Project owners or sponsors might be held legally responsible for post development costs through the use of planning agreements (e.g., Section 106 and planning performance agreements (PPAs) or bonds). Decision-makers could give weight to the existence of such agreements in reaching their decision.

**Q19 Do you support the principle of environmental data being made publicly available for future use?**

**A19** Yes. Greater use and application of digital technology will enable greater transparency and efficiency. With specific reference to Landscape Character Assessment (LCA), the Landscape Institute has recently brought together an online database of LCAs covering the UK<sup>4</sup>. At the moment much of the material is only available in a PDF format, but it is hoped that the underlying data will be available in future, to provide ready access to landscape character information.

The provision of large-scale and detailed Ordnance Survey data, free of charge to the public, providing a consistent map base layer for other data, would be of invaluable assistance.

**Q20 What are the current barriers to sharing data more easily?**

**A20** Lack of commonly used and freely available technical platforms, data format standards, IT systems, staff training and resource.

**Q21 What data would you prioritise for the creation of standards to support environmental assessment?**

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<sup>4</sup> <https://www.landscapeinstitute.org/news/the-landscape-character-database-for-the-uk-and-ireland-is-now-available/>

**A21** From a landscape perspective, there is a wealth of environmental data that can be used to inform and guide decision-making, but relevant datasets are not always available in compatible formats to enable GIS based layering and analysis and many are subject to significant paywalls. Furthermore, whereas the software tools used by the owners / sponsors of plans and projects are increasingly sophisticated, this is not reflected in the resources available to decision-makers or the public to enable better interrogation, understanding and engagement. We would therefore like to see government interventions to encourage and promote standards that enable public access to interactive mapped data layers, such as Natural England's recently published Green Infrastructure map, and to 3D visualisations, including fly throughs and user selected views.

We would suggest the following datasets as being particularly relevant to landscape and visual impact assessment: [a] Landscape and Townscape Character Assessment data [b] Protected Landscapes Management Plans [c] National Park Development Plans [d] local landscape designations [e] Historic Landscape Characterisation [f] Public Rights of Way [g] long distance recreational routes [h] recreational space and publicly accessible space, [i]. designated nature conservation areas,

There are many other data sets to consider, from environmental designations, biodiversity data, and agricultural land quality, to landscape assessments, established significant viewpoints referred to in local plans. It would be advantageous to open a dialogue amongst subject experts as to which combination of data sets would provide the most useful insights.

The availability, assimilation and application of suitable data to enable EOR is a major challenge and may take some time to bring together. Under these circumstances, it is difficult to see how an EOR approach can be pursued before the data science to support it has been assessed. Adobe's PDF format has long been established as a freely available and accessible model for static documents. It would be highly desirable for the government to promote the use of freely available and accessible standard formats for map data, 3D visualisations and animations to be produced by project sponsors.

**Q22 Would you support reporting on the performance of a plan or project against the achievement of outcomes?**

**A22** Yes, provided the outcomes are relevant and applicable.

**Q23 What are the opportunities and challenges in reporting on the achievement of outcomes?**

**A23** Opportunities would include building confidence in decision-making and securing delivery of outcomes, especially where complex issues require adaptation. Challenges would include quality of outcome, the selection and relevance of indicators used for assessment, resources, consistency and application of appropriate skills.

**Q24 Once regulations are laid, what length of transition do you consider is appropriate for your system? i) 6 months ii) 1 year iii) 2 years Please state system.**

**A24** We have significant concerns regarding the uncertainties that may emerge from introducing a completely new system. We would welcome the opportunity to update our standard reference work GLVIA alongside a national programme of training courses to equip developers, practitioners and decision-makers with relevant knowledge and insights, subject to securing funding to do so.

However, given the lack of detail and the number of variables, which are as yet unresolved, it is not possible to predict how long the transition would take. In addition, time may need to be factored in to adjust other relevant guidance impacting Protected Landscapes, such as Landscape, Seascape and Townscape Character Assessments, Duty of Regard, Designation of AONBS and National Parks, and for Natural England's Guidance of Landscape Character Assessment.

**Q25 What new skills or additional support would be required to support the implementation of Environmental Outcomes Reports?**

**A25** A greater number of specialist landscape officers, spatial analysts and environmental economists employed by LPAs or other relevant decision-making bodies will be required. This will help all concerned to enable greater consistency and improve outcomes.

Greater use of presentation technology such as 3D animation, fly throughs and augmented reality will help in the interpretation and understanding of proposals and their outcomes for all concerned, including the public. This will require significant advances in the application and deployment of appropriate technology with accompanying investment costs. However, visual rather than text-based presentation of information will begin to replace the current reliance on voluminous paper-based documents, reduce timescales, and might help speed up the process of assessment and decision-making.

The Landscape Institute's recent Skills for Greener Places research findings<sup>5</sup> identified significant skills gaps across the landscape sector with 50% of businesses surveyed reporting hard to fill vacancies, with most struggling to recruit mid-level roles. The survey also revealed that the number one challenge for businesses was changing to digital practice and the skills development to deliver it.

Improved skills are needed in the landscape sector in the use of GIS and spatial analysis to both develop and use suitable national data to provide focussed reporting which is informed by an information-rich evidence base.

As set out in the consultation document, guidance will be developed to support practice. We understand this is likely to be developed by system owners. As authors of the current best practice guidance on LVIA (jointly with IEMA), the Institute would be very keen to work with DLUHC in developing guidance relating to landscape, seascape and townscape related aspects of EOR.

Into the future, EORs may well be dependent upon information provided by AI and machine learning techniques which mine remote sensing data to provide national datasets on land cover, condition, landscape change and other datasets. Public bodies and others will need to be able to interrogate and understand these techniques

**Q26 The government would be grateful for your comments on any impacts of the proposals in this document and how they might impact on eliminating discrimination, advancing equality and fostering good relations.**

**A26** We would be in favour of measures to increase public and community engagement in the environmental assessment process. Landscape professionals will be well placed to contribute to the discussion and determination of outcomes especially with regard to ecosystems, goods and services delivered via change. Overall, we feel there is considerable scope for advancing equality not least in securing what is often referred to as 'environmental justice'.

## **5 About the Landscape Institute**

The Landscape Institute is an educational charity and a Chartered professional body working to protect, conserve and enhance the natural and built environment for public benefit.

We are members of a multi-skilled profession that stands at the forefront of climate action. We are concerned about the lives of future generations, about

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<sup>5</sup> Landscape Institute skills survey [https://landscapewpstorage01.blob.core.windows.net/www-landscapeinstitute-org/2022/12/773450-Landscape-Institute\\_INTERACTIVE.pdf](https://landscapewpstorage01.blob.core.windows.net/www-landscapeinstitute-org/2022/12/773450-Landscape-Institute_INTERACTIVE.pdf)

species extinctions, about deteriorating environmental quality. We seek to make ethical choices to ensure that our work projects will benefit society and reduce adverse environmental impacts.

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