

The Planning and Infrastructure Bill:

Further Comments from Civic Voice The national federation of civic societies

Planning and Infrastructure Bill Part 3: Development and Nature Recovery

Executive Summary

- 1.1 Civic Voice support the concerns of the Office for Environmental Protection and others on the potential for this Bill to undermine or circumnavigate current environmental protection measures in the planning system. This is not acceptable.
- 1.2 However, we do think that there is potential for the development of landscape and nature-led strategies at a district and sub-regional level that could allow for the integration of major urban expansion and infrastructure projects whilst providing for 'nature recovery'. This could be a facet of the 'Spatial Development Strategies' proposed by the Bill. We are not aware that these processes have been successfully implemented in the UK before.
- 1.3 As civic champions we believe that democratic inclusion of local communities must be central to such planning processes. We believe this would be best delivered by well-resourced local planning authorities. We are doubtful that Natural England, by themselves, would be the best organisation to lead a transparent and democratic planning process even if they were furnished with the resources to take on this role.
- 1.4 Civic Voice conclude that to implement the large-scale strategic planning required there is no alternative but for the provision of substantial public investment to develop the skills and systems that can manage the process for the long-term.

Introduction

- 2.1 Civic Voice submitted a response on the emerging Planning and Infrastructure Bill when it was at Committee Stage in April 2025. Whilst supportive of many aspects of the Bill, notably the proposal to introduce Spatial Development Strategies, we outlined our serious concerns about other proposals. These included the disapplication of heritage protection on some projects and the likelihood that the Bill could undermine local democratic process in planning matters.
- 2.2 Our response in April was relatively light touch on matters relating to Part 3 of the Bill, 'Development and Nature Recovery'. We expressed our view that local authorities should continue to maintain existing protections and environmental standards.
- 2.3 At that time we also flagged up our concerns that the introduction of *Environmental Delivery Plans*, to be prepared by Natural England, could result in institutional conflict between different national, regional and local bodies that have a remit to safeguard nature

conservation resources and promote biodiversity enhancement. We felt that the proposals might actually complicate the planning system (in respect of the NPPF goal of conserving and enhancing the natural environment), whilst also further distancing local groups and communities from decision-making on these matters.

- 2.4 We have subsequently followed the progress of the Bill and the submissions made by various groups in relation to part 3 of the Bill. In particular, we have noted the position taken by Office for Environmental Protection (OEP) in May, where they stated categorically that they felt the Bill represented regression for environmental protection in this country.
- 2.5 At a time when the overwhelming scientific evidence shows that we have unprecedented levels of habitat and biodiversity loss in the UK, and that a variety of climate change factors are exacerbating the issues that ecosystems are facing, we feel that the planning system must remain robust in protecting the natural environment, especially if government also wish to see substantial urban expansion and infrastructure development.
- 2.6 In addition, we are concerned that over simplified rhetoric by politicians on these matters can and has undermined more thoughtful discourse at a national and local level. Considered planning, especially in relation to the protection of natural and historic assets, is always likely to take time and could result in additional costs to any given project. In our view that careful consideration of the site-specific issues must not be bypassed.
- 2.7 There is plenty of evidence that the majority of people in the UK would list nature conservation as an extremely important element of 'good planning'. This is continually reflected in the number of people who are members of conservation bodies, the typical responses to many local planning applications and the weekly recreational choices of millions of UK residents.

Planning Context

- 3.1 The Civic Voice Planning Panel have agreed to submit a further response in relation to the proposals for 'Development and Nature Recovery' in the Planning and Infrastructure Bill. This follows some debate about whether nature conservation constitutes part of a 'civic' remit. We have concluded that it must, because it is well established that natural settings and proximity to 'nature' are essential for human health and mental wellbeing; they are an important element of successful, high quality urban and rural design; and, they are essential for the durability and continuation of essential 'eco-services'.
- 3.3 There can be no doubt that protection of the natural environment is a prominent aspect of many planning applications and has become a central tenet of the UK planning system. Our member Civic Societies can report that communities generally feel strongly about nature conservation matters – reflected by relatively common planning disputes relating to tree

removals, loss of habitats that support local wildlife, or concerns about local drainage and water quality.

3.4 The planning context within which the impact to the natural environment is assessed can be quite complex. Nevertheless, it is our view that the principal elements of assessment are well established and understood by planning professionals, developers and the general public. This includes legislation in relation to sites of nature conservation importance (Ramsar sites, SACs, SPAs SSSI's, LNRs, County Wildlife Sites etc); protection of endangered species and the protocols relating to them in the planning and construction process (badgers, bats, newts etc); and, more general protections for natural features (e.g. TPO legislation, the Hedgerow regulations and regulations in relation to the protection of water quality).

3.5 However it could also be argued that by any objective measurement, our environmental protection legislation over the last 50 years has failed to achieve principal goals – as illustrated by some sobering statistics:

Since 1980, one out of every six birds has been lost. That adds up to the loss of 600 million breeding birds over 40 years. 2021 study from the RSPB

42% (of nearly 400 surveyed bee and hoverfly species) have become less widespread since 1980. Long-running studies show that 80% of butterfly species in the UK have declined since the 1970s. Half of butterfly species are now either threatened, or near threatened, with extinction. (UK government data)

Already classified as one of the world's most nature-depleted countries, nearly one in six (16%) of the more than ten thousand species assessed are at risk of being lost from Great Britain. The study also shows that the species studied have, on average, declined in abundance by 19% in the UK since monitoring began in 1970. Most of the important habitats for the UK's nature are also in poor condition. (State of Nature Report - 2023)

3.6 Therefore we write in support of responses to the Bill by groups including CIEEM, the Wildlife Trusts, RSPB and other campaigning groups, urging that the Planning and Infrastructure Bill is strengthened – especially in relation to:

- safeguarding irreplaceable habitats
- ensuring that adequate resources are provided to deliver coordination and delivery of the agreed scheme
- ensuring that local democracy is not significantly undermined.

Even with these provisions we feel that the proposals have a high likelihood of not achieving the stated goals of streamlining the planning system, speeding up the delivery of development and reducing costs and 'red tape' for developers.

3.7 Despite the evident shortfalls of existing nature conservation legislation, Civic Voice would be alarmed if any new planning legislation was considered to be reducing the protections

that exist. The OEP, CIEEM, Wildlife Trust and others conclude that that would be the case with the Planning and Infrastructure Bill.

- 3.8 Any changes to the planning system that removed or circumnavigated the ‘known knowns’ of existing environmental legislation is likely to hamper, at least for a period, efficient administration of the planning process. This can be expected to slow projects and increase costs for developers (as has been outlined by CIEEM in their briefing paper to developers published in August)¹.
- 3.9 If anything, we need more far-reaching legislation to protect the natural environment, especially from large-scale development. The process of introducing that legislation is underway with the introduction of the Biodiversity Net Gain legislation (BNG) in 2024 and the current development of sub-regional *Local Nature Restoration Strategies*. These are both products of the 2021 Environment Act.
- 3.10 The Environmental Delivery Plans (EDPs) and Nature Restoration Levy proposed in the Planning and Infrastructure Bill, will, we understand, replace or act as alternative to these initiatives. We recognise that one of the objectives of these proposals is to provide the ‘far reaching legislation’ we note above. But we think a whole alternative system for some specific areas will itself further complicate the roll-out of nature restoration (certainly at a district or sub-regional level), at a time when there are already issues to resolve around the existing schemes.
- 3.11 Civic Voice members (who include planning and design professionals and committees that regularly review planning applications) have noted a number of issues and concerns that have arisen with BNG legislation and could arise from LNRS legislation, which we outline below.

Existing planning requirements - environmental supporting information.
Some observations

- 4.1 Biodiversity Net Gain legislation (BNG) became mandatory for most planning applications in 2024 and has quickly become a central issue for the speed and delivery of both plan preparation and planning application determination. The overriding premise is laudable (that every planning application site should deliver more biodiversity benefit after development than it did before), but in practice this can be very difficult to achieve, especially on small development sites. (For most planning authorities the majority of housing delivery is likely to be from small allocations and windfall sites of less than 10 dwellings).
- 4.2 The metric used to calculate existing habitat value and opportunities for biodiversity enhancement requires specialist knowledge – both by the ecological consultants preparing

CIEEM Briefing Paper: What Part 3 of the Planning and Infrastructure Bill means for Developers and Constructors (4 August 2025)

the reports and by planning staff charged with assessing the proposals. Anecdotal evidence from the first 18 months of BNG usage is that this has produced protracted negotiation and therefore delays to applications in many cases (although it might be hoped that this constitutes ‘teething problems’ of the scheme). Many ecology consultancies have been swamped with BNG related work leading to project delays.

- 4.3 A greater practical concern is that the BNG metric appears to favour the introduction of habitats that may not be sustainable on many housing sites – including species-rich grassland, scrub, large numbers of trees and permanent water bodies. These features must be sustained for at least 30 years. Whereas the project developer, architect, landscape architect and ecologist may be willing and able to prepare a scheme that includes these elements, there are many other statutory consultees that raise issues that may prevent it.
- 4.5 These include utilities companies who want service easements to be free of tree planting; highways authorities who want clear sight lines at junctions and no responsibilities for future tree management; water companies who do not want tree and shrub planting in drainage easements and ‘Secure by Design’ officers who promote open landscapes that supposedly diminish anti-social behaviour and allow for CCTV coverage. In addition, insurance companies influence housebuilders who in turn restrict the proximity of trees to building foundations. All of these factors diminish the potential to deliver BNG enhancement on development sites, especially small ones. (They also reduce the potential to deliver high-quality site design in general).
- 4.6 The result is that ‘off-site mitigation’ is now becoming an option for many developers to consider, and a whole industry of landowners wishing to offer opportunities for habitat creation is quickly evolving. This may have some potential for landscape and biodiversity enhancement in general, but fundamental issues need further review.
- Can the habitat/biodiversity lost at the development site be sustainably replaced at the mitigation site?
 - Is the replacement site near or far away. Will it benefit the local populations affected at the development site (including the human residents)?
 - How will the mitigation work impact on the existing habitat at the off-site location?
 - Can long-term management and maintenance of the site be guaranteed?
 - Will functional, beneficial green infrastructure networks result from this approach?
 - Most importantly, can the mitigation work be delivered at a cost that is affordable for the developer?
- 4.7 Local Nature Restoration Strategies (LNRS’s) We understand that it is the intention to have 48 separate LNR Strategies published by the end of 2025, that will cover the whole of England. These County-wide plans will identify existing sites of biodiversity value and propose policies to restore and expand them into a connected network of green

infrastructure. They will identify specific nature conservation priorities for the relevant strategy area.

- 4.8 The LNRS's will obviously have the potential to assist in delivering the long-awaited Environmental Land Management (ELM) schemes that are required to replace the EU Common Agricultural Policy payments. They could also help to provide guidance on what, where and how suitable habitat enhancement can be provided through off-site BNG provision (summarised above).
- 4.9 In addition, the LNRS's could provide a wide range of other landscape and biodiversity benefits including offsetting the impact of modern agriculture, assisting wider ecosystem improvements (flood management/air quality), and potentially they could and should offer recreational benefits.
- 4.10 We think this 'nature-led planning' is not new. Ian McHarg, the Scottish/American planning scholar proposed such an approach in the 1950s. But we are not clear that it has been successfully implemented in the UK before. It would be appropriate now but must be properly resourced and fully considered at a sub-regional and perhaps regional level. Whilst government agencies would need to be involved we are not clear that they should be solely responsible for leading and implementing the plans. Local communities must be involved and local and regional authorities would seem to be best placed to provide that inclusivity. However the necessary long-term nature of the plans must also be protected from the vagaries of short-term political cycles.
- 4.11 LNRS's therefore seem like a very good idea, but our members have raised some concerns over the draft documents that have been circulated for consultation in recent months. These include:
- The accuracy of mapping shown on the local habitat maps.
 - The practicalities of implementing nature recovery schemes over large areas with multiple landowners where some of those landowners may, for various reasons, may not be fully supportive of the scheme or long-term goals.
 - The apparent lack of any incentive schemes for landowners (notwithstanding the potential for that through ELMs or BNG mitigation).
 - Resource allocation for the 'next stage' (i.e. employing sufficient staff to coordinate the roll-out of the schemes, and especially to monitor the management and maintenance of land and to show that the biodiversity enhancement is actually being achieved. This monitoring will presumably be required over many decades and will also need to accommodate changes in circumstance e.g. due to the effects of climate change).

4.12 Changing Backdrop: Notwithstanding that the imperative to implement these initiatives is enshrined in the Environment Act of 2021, we also have many concerns about a range of ‘independent variables’ that could, and are perhaps likely to, affect these schemes. These would include:

- Imminent local government reorganisation and devolution in many areas, which will relocate officers and councillors who have been overseeing the processes to date. (It seems likely to take some years to recalibrate the projects and the coordination of these wide-reaching programmes).
- Resource allocation at a national and local scale (where local authorities and national agencies have been and continue to be affected by funding reduction and staff losses).
- Factors affecting agriculture – including commodity prices, international trade, food policy, energy policy and climate change. (These issues consistently influence rural land policy).
- Climate change in general (including matters such as sea level rise, flood management, drought periods and fire).
- Political support – which has been variable to date and could alter markedly with a change of government.

Conclusions

- 5.1 Civic Voice believe that the NPPF goal of conserving and enhancing the natural environment must be upheld. Protecting existing natural assets and working to reverse the steady loss of habitat and biodiversity in the UK should be a key part of the planning system – especially in the face of changes accelerated by climate change.
- 5.2 We are informed by the conclusions of the OEP, CIEEM, Wildlife Trust and others who have commented on the Planning and Infrastructure Bill and we support them in objecting to any type of policy that could dilute or remove protection of the natural environment, especially where large-scale development is being considered.
- 5.3 We also note the CIEEM case that the legislation may not actually streamline planning policy and decision making or reduce costs for developers. In the experience of our members, the introduction of the new BNG legislation has already slowed down planning processes as practitioners learn how to implement it. Introducing an additional alternative scheme for specific projects seems unlikely to result in faster outcomes.
- 5.4 We do however recognise that there is great potential for district and sub-regional plans that assist well considered delivery of green infrastructure. This could be an element of the Spatial Development Strategies that are proposed in this Bill. Major

infrastructure planning (or medium and large scale urban expansion) would need to fit into these 'nature recovery networks' (and might help deliver them)

- 5.5 The potential for such wide-scale consideration of landscape-led planning is not new, but it could be argued that, in the face of climate change and biodiversity collapse in the UK, there has never been a more important or appropriate time to invest the resources that could now implement it.
- 5.6 It is our view, as civic champions, that such policy must not remove local communities from democratic input into the planning (and delivery) processes. This is especially the case as the process of implementation of 'nature recovery programmes' will be so long-term. Communities will literally be living within the project over generational periods. To this end we would favour the continuation of planning to be led by well-resourced local planning authorities, rather than through a national government body without a clear democratic remit, such as Natural England.
- 5.7 To ensure timely delivery of large-scale development we therefore do not see any alternative than for the provision of substantial public investment to ensure the provision of the staff, training, coordination, consultation and long-term monitoring and management of the resulting landscapes.