

Parliamentary briefing

The Planning & Infrastructure Bill: Initial response from The Wildlife Trusts

Legislation that needs to do more for nature

The planning system matters for nature. It decides the development proposals that, done badly, can cause further damage to natural habitats already in decline. It applies the designations that protect our most precious remaining habitats. It has the potential to deliver new designations, to underpin the restoration of more habitats to wildlife-supporting, carbon-storing health. As the Government seeks to recover nature and to progress targets set under the Environment Act, the planning system can contribute towards delivery.

The achievement of these environmental goals is not a nice-to-do aspiration, rather it is a prerequisite for delivering the Government's political priorities. Environmental recovery is needed to secure future food production, safeguard communities from flooding and extreme weather, provide clean water and preserve the natural beauty that enriches human existence.¹ Planning for nature's recovery is planning for passing on a habitable, healthy home for future generations.

Planning reforms should then seek to boost nature's recovery, as well as enabling development. We recognise that there is a housing crisis and that we need to build new, particularly social, housing, and that to address the climate crisis we need more clean, green energy. But there's no point delivering new homes or energy infrastructure without protecting the health of nature, and the security that health provides.

It is therefore disappointing to see only limited measures intended to boost nature recovery in the Government's Planning & Infrastructure Bill. This briefing, published on the publication of the bill, sets out how amendments to the legislation would better align the planning system behind the achievement of critical environmental goals. Along with stronger safeguards for the proposed Nature Restoration Fund system and other existing parts of the bill, we propose additions to:

- Introduce a Wildbelt protection for recovering habitats.
- Strengthen protection for Local Wildlife Sites.
- Protect chalk streams from development impacts.
- Deliver nature friendly design and energy efficient housing on all developments.

The bill's current development focus can and should be complemented by measures to further nature restoration, to deliver more thriving wild spaces alongside homes and infrastructure, to the benefit of all.

¹ [Briefing](#) on nature & Government priorities

Environmental goals

The Environment Act 2021 commits the Government to a target to halt the decline in species abundance by 2030. Further legally binding targets set under the Act include a target to reduce the risk of species extinction and a target to create or restore 500,000 hectares of wildlife-rich habitats outside protected sites by 2042.

The Government is also committed to protecting and effectively managing at least 30% of land and sea for nature by 2030 (known as the 30x30 commitment). This target, along with other environmental measures, also forms part of the Government's international obligations under the Kunming-Montreal Global Biodiversity Framework (GBF).

The achievement of Environment Act biodiversity targets and 30x30 would also help to deliver the Government's goal of achieving net zero by 2050. Healthy natural habitats [can store and sequester carbon](#), taking carbon out of the atmosphere to compensate for the residual emissions from the sectors where total elimination of carbon emissions will be impossible to achieve by 2050.

Stronger safeguards in the bill: Improving the Nature Restoration Fund

The Planning and Infrastructure Bill does contain one set of measures concerning nature. Part 3 proposes Environmental Delivery Plans (EDPs), supported by a Nature Restoration Fund, as an option for developers to satisfy their obligations when pursuing developments that would impact on features protected by the Habitats Regulations, Wildlife and Countryside Act or the Protection of Badgers Act.

These proposals must be progressed with particular care. Part 3, and schedules 4 and 6, allow for key aspects of the Habitats Regulations to be disregarded when an EDP is in place and the developer has paid a levy to the Nature Restoration Fund to fund EDP actions. The Government argues that these payments, and the EDP actions they will further, will address harm to features protected by the Habitats Regulations from development.

Nature laws underpin an effective system of protections for our most precious nature sites and species, and any substitution should offer environmental protections that are just as strong. We welcome the Government's detailed engagement on this point over recent months, and the subsequent inclusion of several safeguards in the bill including an 'overall improvement test' in clause 55 (4). The test requires the Secretary of State only to pass an EDP if *'the conservation measures are likely to be sufficient to outweigh the negative effect, caused by environmental impact caused by development, on the conservation status of each identified environmental feature'*.

This test is a good start but needs to be strengthened to match the rigour of existing nature laws. The test should be amended to clarify that the EDP should only be passed if the Secretary of State is convinced on the basis of all available scientific evidence that the conservation benefits from the EDP will be in excess of harms from development, and that this outweighing of negative effects will be achieved quickly. Nature needs our help now: it is no use saying that things might be better in 100 years.

If this strengthening of the overall improvement test can be made, we can see the potential for the Nature Restoration Fund proposals to positively contribute to nature's recovery. Further strong safeguards should be applied to achieve this, to ensure that the Nature Restoration Fund:

- Is applied in a modular way. Instead of a blanket implementation, the approach needs to be applied to specific Habitats Regulation obligations, only when there is a strong ecological case that doing so will lead to better outcomes for nature. This is likely to be the case for obligations relating to pollution and for some species, but not for site-loyal species like bats and hazel dormice. We urge the Government to take these and other site-loyal species off the table for NRF from an early stage.
- Supports the application of the mitigation hierarchy, such that developers seek to avoid harm to nature first. The EDP must be clear on the expected timeline for the delivery of conservation measures to ensure nature sites and species which have already suffered declines are not deteriorated further.
- Incorporates regular monitoring requirements. Successful nature restoration depends on sustained monitoring to track how conservation measures work in practice. Natural England, as the body tasked with developing and running EDPs, should be explicitly required to carry out annual monitoring of every EDP, with an accompanying reporting duty to regularly publish monitoring results for scrutiny. This will ensure that the overall improvement test continues to be met during the lifetime of the EDP, and provide data to inform and improve other EDPs.
- Secures sufficient funding to further local nature recovery priorities. We welcome a requirement in clause 53 (3) for EDPs to consider the Local Nature Recovery Strategy (LNRS). However Clause 53 is currently unclear as to whether conservation measures should always take place in the area the development happened. This local link should be established, through a stipulation that levy payments should usually fund conservation measures in the LNRS area where the development occurred.
- Is underpinned by the best scientific evidence. Natural England should have a duty in the bill to report on how evidence on conservation needs has driven the EDP preparation and application. Clause 50 should be amended to add a requirement for EDPs to include an evidenced based assessment of the appropriateness of using the EDP approach for the environmental impact in the geographic area covered - including the evidence of the likely success of strategic mitigation measures.

Stronger safeguards in other parts of the bill

Two further parts of the existing bill will also have impacts on efforts to recover nature.

Part 1 proposes cuts to assessment, consultation and challenge processes for National Significant Infrastructure Projects (NSIP). The major projects progressed by the NSIP regime have the potential to cause significant damage to nature. The changes in Part 1 must not lead to damage to protected sites being overlooked or disregarded or corners being cut in terms of environmental assessment and stakeholder participation. The Wildlife Trusts are asking Government for assurances on this, and for clarification on when Biodiversity Net Gain for NSIP projects, promised for 2025, will be applied.

A potentially environmentally harmful democratic deficit can also be observed in clause 47, which will bring local planning authorities together to plan for shared needs, through Spatial Development Strategies. The strategies themselves are welcome; joined-up planning is needed to manage competing land-use needs and a greater degree of co-operation should ensure better management. It is encouraging that the clause (12D 11) requires the strategies to take account of Local Nature Recovery Strategies, however 12H proposes only limited consultation requirements, with 12I specifying that ‘no person is to have a right to be heard at an examination’ of a Spatial Development Strategy. We encourage Ministers to enable more stakeholders to inform and improve environmental measures within strategies.

Adding nature recovery to the bill: Wildbelt

England needs nature’s recovery to be designed into the planning system, so that development can work in harmony and contribute to net gains for wildlife. The revised National Planning Policy Framework (NPPF), published in December, failed to include significant measures to do this. This absence of nature measures should be addressed by a holistic review of the NPPF, looking to fill the environmental gaps in the current document.

The Planning and Infrastructure Bill also needs to deliver essential planning changes for nature, including better protection of habitats which are being actively restored to better health for nature.

Too many habitats are currently in poor health, threatening nature’s recovery. Of the habitats important for wildlife surveyed by State of Nature 2023, just one in seven of those assessed were in good condition.² A range of policies, including Environmental Land Management Schemes (ELMS), seek to turn this around by funding the restoration of degraded habitats. To complement these efforts, planning measures are needed to protect recovering sites from damaging changes in land use during their restoration.

None of the conservation and landscape designations in England exist for this explicit purpose. The Site of Special Scientific Interest (SSSI) designation is critical for protecting those areas of land that have been identified as a representative sample of those sites most important for wildlife, but this does not cover sites that are currently not important for wildlife but would be once restored.

A new nature recovery designation – the ‘Wildbelt’ – is needed to fill this protections gap. The Wildlife Trusts envision the Wildbelt functioning as follows:

- It would be a robust and permanent designation to enable land that is currently of low or degraded biodiversity value to be protected for nature’s recovery.
- The designation would be defined in law in the Planning & Infrastructure Bill and applied as a tool by local planning authorities.
- Local planning authorities would apply Wildbelt status to selected sites in their local plan. This would be informed by considering the agreed priorities and potential

² State of nature [report](#), 2023

measures identified within Local Nature Recovery Strategy (LNRS) along with the mapped areas that ‘could become of particular importance for biodiversity’.³

- Specified land use activities would be generally prohibited in sites protected by the Wildbelt designation, including residential development and intensive farming.
- The clauses defining the Wildbelt in the Planning & Infrastructure Bill would include a duty on the Secretary of State to work to ensure that landowners and managers on Wildbelt sites can benefit from funding, designed to support nature’s recovery on the site. This would include ELMS, the Nature Restoration Fund and access funding could also play a role.

A Wildbelt in this form would turbo-charge efforts to achieve the 2030 environment targets.

The designation would protect public, charity and private investment in habitat restoration at key sites, ensuring that the good done by these funds is not upended and overturned by a change in land use. Thus, safeguarded by the planning system, good habitat management would then restore Wildbelt sites to good condition for nature, providing more movement, feeding and shelter opportunities for wild species. These are the conditions necessary to meet the target to halt the decline in species abundance by 2030.

Wildbelt sites would also help achieve the commitment to protect and effectively manage 30% of land for nature by 2030. Wildbelt would not automatically qualify for inclusion in 30x30 but would form a reservoir of sites that could in time qualify – when they meet the protection and management criteria. Critically Wildbelt could also boost sites closer to 30x30 status, both through connecting sites together and providing buffers for them, improving their condition and enabling inclusion in 30x30.⁴

Wildbelt would also further other Government priorities. The natural environment should be able to store carbon, but degraded habitats can start to release carbon, worsening the climate crisis and putting net zero out of reach. The Wildbelt would help arrest this, healing habitats to enable them to store rather than emit carbon, and in time restoring some to the point where they could sequester carbon, shortening the road to net zero.⁵ It would also help deliver better health outcomes for people, creating more places for people to exercise and enjoy nature right on their doorstep, boosting health and wellbeing and reducing demands on the NHS.⁶

The manifesto on which the Government was elected promised that planning reforms would ‘*create places that increase climate resilience and promote nature recovery*’. Amending the Planning and Infrastructure Bill to legislate for Wildbelt would deliver on this promise, ensuring that new homes are progressed alongside protected and flourishing new spaces for wildlife, that contribute to net zero efforts and provide residents with a wealth of local nature. Wildbelt is a win-win-win, for nature, climate and people.

³ [Local nature recovery strategy statutory guidance](#)

⁴ This would further key recommendations from the [2010 Lawton Review](#) into the larger ecological network

⁵ The Wildlife Trusts’ [report](#) on nature for climate

⁶ The Wildlife Trusts’ health and wellbeing [research and case studies](#)

Adding nature recovery to the bill: Other measures for nature

Improving protections for Local Wildlife Sites

As well as creating the Wildbelt designation, the Government can take another step towards environmental target achievement by legislating to make the Local Wildlife Site (LWS) designation fit for purpose.

The LWS network has been evolving since the 1980s, as a comprehensive network of sites with existing value for biodiversity. In 2006 Defra published a national guidance framework for the identification, selection and management of LWS, to help develop and protect the network further.⁷

Progress has been limited since then and Local Wildlife Sites have now become something of a Cinderella network. A report by The Wildlife Trusts in 2018 found that most of the partnerships tasked with looking after LWS felt they did not have the resources to do this. The report also concluded that, due in part to this lack of resources, more than 2% of Local Wildlife Sites had been lost or damaged over the preceding five years.⁸

Things have not improved since 2018 and the weakness of what is meant to be the most comprehensive system of protection for wildlife rich-sites is holding back nature's recovery. The bill provides an opportunity to address this. We propose that a Local Wildlife Site new clause is added, to provide LWS' with stronger protections in the planning system.

Currently, LWS are only mentioned in the NPPF in the document's glossary, as a type of 'locally designated sites of importance for biodiversity'. This categorisation applies no specific protection against development, with local authorities just required to '*identify, map and safeguard*' all sites of importance for biodiversity.⁹ This weak and generalised injunction is not sufficient to protect LWS and leads to the limited resourcing and damage identified in the 2018 The Wildlife Trusts report.

A LWS new clause could set out that development on LWS should not be permitted unless under exceptional circumstances when strict criteria are met, and require authorities to support the regular monitoring of LWS condition by LWS partnerships. The cost of this regular monitoring could be recouped by authorities from developments, potentially by using the proposed Nature Restoration Fund system.

By protecting LWS against damaging development, and by improving our understanding of these sites and their condition, the network could assume the function it was meant to – as the designation that protects locally, regionally and nationally important, distinctive and threatened species and habitats on a comprehensive basis. These strengthened protections would help more LWS count towards 30x30.

⁷ Defra local sites [guidance](#), 2006

⁸ The Wildlife Trusts' Local Wildlife Sites [report](#), 2018

⁹ [National Planning Policy Framework](#)

A strengthened LWS network would also complement Wildbelt. Wildbelt sites that improve for nature could in time qualify for Local Wildlife Site status, providing a designation journey that secures habitat restoration gains for nature into the long term.

Protecting chalk streams

85% of the world's chalk streams are located in England. Their crystal-clear waters support precious habitats and iconic species, and are enjoyed by walkers, anglers and paddlers alike.

These rare freshwaters are, in many places, under threat from poor planning decisions. Chalk streams and the chalk aquifer that supports them have been used to provide a significant proportion of the drinking water in the south and east of England as well as acting as a convenient disposal route for our wastewater and for urban run-off. This leads to over-abstraction and pollution, which can be fatal for already struggling chalk streams and the habitats and species they support.¹⁰

With chalk streams running dry, chalk stream water voles declining faster than any other UK mammal and chalk stream salmon perilously close to extinction, planning reforms to halt adverse development impacts are essential.

A chalk stream amendment to the Planning & Infrastructure Bill could classify chalk streams as irreplaceable habitats, introduce a buffer zone alongside streams and require planning authorities to consider and mitigate the impact of new development near over-abstracted streams. Nature Restoration Fund finance could also be used to provide targeted support for chalk stream species near the brink, before they are lost forever.

Building nature-friendly design into all residential developments

The design of new residential developments makes all the difference for wildlife - and people. Studies show that residents living in developments dominated by concrete and artificial surfaces report higher-than-usual levels of ill health and that, those who live in 'greener' developments with more wildlife report higher quality of life and improved wellbeing.¹¹ This greenery boost for residents is further demonstrated by research showing a consistent willingness to pay more for homes nearer green space.¹²

Measures such as nature-rich open spaces, grassed gardens, bird boxes and hedgehog highways in developments demonstrably lead to happier, healthier residents, as well as more opportunities for local wildlife.

Requirements to deliver these nature friendly design measures are limited to general policy encouragement in the NPPF and on-site actions for habitat restoration and creation under the Biodiversity Net Gain (BNG) system. University of Sheffield and Wild Justice survey work in 2024 found that, even when commitments made in response to these requirements were

¹⁰ Wildlife Trusts chalk stream [campaign](#)

¹¹ See [research](#) from University of Sheffield IWUN project

¹² Section 2.2.2 of Forest Research Green Infrastructure [report](#)

secured by planning condition, less than half of the nature friendly design measures promised for studied new developments had failed to materialise during the construction process.¹³

Stronger measures are needed to ensure that all residents of new homes, and the surrounding wildlife, benefit from nature friendly design features. The Wildlife Trusts encourages the Government to examine how BNG commitments, and other planning conditions, could be more strictly enforced.

We also support proposals from the 'Wilder by Design' campaign led by Wildlife & Countryside Link to amend the bill to require the Secretary of State to pass building regulations to mandate nature friendly design for all developments. More details on this and other Wilder by Design policy asks can be found [here](#). These policy asks would complement the Wildbelt, LWS and chalk stream amendment proposals set out the above and, together, form a package that would improve the Planning and Infrastructure Bill for nature.

Case studies of development being delivered alongside new space for wildlife can be found in The Wildlife Trusts' 2024 report: [Swift and wild - How to build houses and restore nature together](#). They are also discussed in the February 2025 Wildlive episode '[How can we build 1.5 million homes and solve the climate, nature and health crises?](#)'

The amendments we propose for the Planning & Infrastructure Bill would ensure this approach at a national level.

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¹³ Lost nature [report](#), University of Sheffield & Wild Justice.