

Planning & Infrastructure Bill: Note on Lords committee stage amendments

07.07.25

The Wildlife Trusts are extremely concerned about the impact that the Planning and Infrastructure Bill will have on nature. We are joined in this concern by the Office for Environmental Protection, other nature groups, climate organisations and businesses from the built environment sector. As observed by Lord Roborough at Lords 2nd reading on 25th June:

*'We hear major concerns about Part 3 of this Bill from the National Trust, the NFU, the Wildlife Trusts, the Woodland Trust, Wildlife and Countryside Link, the Better Planning Coalition, the CPRE, the CLA, the RSPB and many more—I do not think I have ever come across an issue on which they were united.'*¹

We are grateful to peers for tabling many amendments at Lords committee stage², designed to prevent the Bill from damaging wildlife and to improve the contribution the planning system makes to nature recovery. In this note, we set out amendments supported by The Wildlife Trusts.

Key amendments: Opposing Part 3 of the Bill

Part 3 of the Bill would make it easier to build on or around the most important spaces for wildlife, the 8% of England covered by Habitats Regulations or Site of Special Scientific Interest (SSSI) protections.³

It would do this by swapping tightly defined development tests - whereby if harm is inflicted on a protected space in most cases the development cannot proceed - with a poor 'overall improvement test' substitute – a subjective consideration of whether harm can theoretically be made up for in the future. The proposed vehicles by which development impacts will be managed when the new, weaker test is passed, Environmental Delivery Plans (EDPs), are also significantly flawed. Key environmental mechanisms and evidence requirements are omitted from EDPs as currently established by the Bill.

The Office for Environmental Protection (OEP) has advised the Government that this lowering of the safeguards for our most precious nature sites constitutes environmental regression. Their advice letter to Government, published on 1st May, states: *"the Bill would have the effect of reducing the level of environmental protection provided for by existing environmental law. As drafted, the provisions are a regression. This is particularly so for England's most important wildlife- those habitats and species protected under the Habitats Regulations."*⁴

Months on, Ministers have signalled that they are considering OEP advice but have not yet taken any active steps to prevent this regression.⁵ Ministers have also not responded to the expert evidence that weakening environmental protections is not necessary to build homes and infrastructure. The road to

¹ [Hansard](#) of Lords 2nd reading, 25th June 2025

² [Amendment paper](#), 4th July 2025

³ [Defra statistics](#), 2024

⁴ OEP [advice letter](#), 1st May 2025

⁵ [Hansard](#) of Commons report stage, 9th June 2025

meeting the Government's development ambitions does not have to run through some of the precious wildlife sites this country has left, at a time of ongoing nature decline.⁶

Part 3 of the Bill will cause huge harm and unnecessary harm to nature. As such, **The Wildlife Trusts strongly support the 39 amendments tabled by Lord Roborough and Baroness Jones of Moulsecoomb which express opposition to the clauses that make up Part 3 forming part of the Bill.** Our primary ask is for Part 3 to be withdrawn, to prevent a wrong turn in planning policy which would have disastrous consequences for nature.

Other amendments to improve Part 3 of the Bill

Given the risk that Part 3 poses to nature recovery, we feel that the safest course would be to withdraw it from the Bill. However, we appreciate that peers are also looking at compromise approaches which could enable these clauses to remain, with environmental safeguards built into them.

A range of amendments have been proposed to this end, and we are grateful to all peers working on this. We believe the below proposed safeguards would be particularly effective:

Amendment to clause 55, page 92, line 6 & amendment to clause 60, page 96, line 4, both tabled by Baroness Greender (overall improvement test)

These amendments would deliver on the OEP recommendation that *'the overall improvement test should be strengthened'*, by upping the bar required to pass the test to certainty that the EPD 'will' outweigh development harms (clause 60 amendment) and increasing the overall improvement threshold to 'significant overall improvement' (clause 55 amendment). This strengthening is essential. The overall improvement test is highly subjective as currently drafted, to the extent whereby a future Secretary of State could reach the personal conclusion that irreparable impact to a protected site or species would be outweighed by other factors, give consent to an EDP and greenlight the damage. The amount of flexibility allowed for by the overall improvement test creates a license for such highly subjective decisions, distanced from scientific evidence. The adding of 'will' and 'significant overall improvement' by these two amendments would add more rigour to the test.

Amendment to clause 55, page 92, line 7, tabled by Lord Gascoigne (mitigation hierarchy)

This amendment would require EDPs to apply the mitigation hierarchy. This is the requirement for developers to first seek to avoid harm to nature, and only then seek to mitigate and then compensate for that harm. The mitigation hierarchy has for decades steered planning decisions towards avoidance of harm where possible, a prioritisation that is particularly important for irreplaceable habitats which cannot recover from damage. The omission of this mechanism from Part 3 is striking. The OEP's advice on the Bill warns that the absence of mitigation hierarchy provisions could mean that EDPs enable avoidable damage to vulnerable nature sites. Lord Gascoigne's amendment would address this concern and ensure that the tried-and-tested prioritisation of avoidance is applied to the new regime established by the Bill, as a nature safeguard.

⁶ See evidence set out in The Wildlife Trusts' [briefing](#) for Lords 2nd reading

Two further amendments would help ensure the avoidance of harm. The new clause after clause 87, tabled by Baroness Greender, would place a duty on the Secretary of State and Natural England, when discharging their Part 3 duties, to take all reasonable steps to avoid significant adverse effects on the environment, and as part of this duty to work to prevent the loss of irreplaceable habitats, including ancient woodland. An amendment to clause 71, page 104, line 36, tabled by The Earl of Caithness, would require Natural England to follow the mitigation hierarchy when using nature restoration fund payments from developers to deliver agreed EDPs.

New clause after clause 55, Protected species not suitable for inclusion in an EDP, tabled by Lord Gascoigne

This new clause would tie the EDP regime more closely to scientific evidence, requiring the Joint Nature and Conservation Committee (JNCC) to prepare a report on species which would not benefit from being covered by an EDP. EDP measures will include translocation, whereby wildlife species are moved from a development-damaged existing habitat to a new compensatory one. Whilst this will be possible for some species if carefully implemented, it will definitely not work for others. Some species are particularly site loyal and the destruction of a habitat will effectively mean the destruction of the local population, risking local extinctions. The new clause would result in a danger-list of species for whom inclusion in an EDP would be disastrous, ensuring that ecological evidence informs the EDP process.

Amendments to the remainder of the Bill

Away from Part 3, peers have tabled amendments to other parts of the Bill which would improve outcomes for nature from planning decisions. Such positive changes are needed to enable the planning system to make a greater contribution to efforts to achieve nature recovery targets set under the Environment Act. This is a highly appropriate planning function. Environmental recovery is necessary to ensure that homes remain healthy and habitable over the coming decades.⁷ Planning for nature is planning for the future.

The following amendments would be particularly effective for nature restoration:

Amendment expressing opposition to clause 4 standing part of the Bill, tabled by Baroness Coffey

Clause 4 of the Bill was introduced by Government at Commons committee stage and removes the requirement for pre-application consultation on Nationally Significant Infrastructure Projects (NSIPs). Clause 5 replaces this statutory duty on NSIP developers to consult with a duty to have regard to guidance from the Secretary of State on pre-application engagement. This weakening of consultation requirements is a mistake for nature, communities and infrastructure delivery; pre-application stage can be crucial for identifying and ironing out potential problems at an early stage, avoiding delays later. The Wildlife Trusts can provide multiple examples of pre-application engagement improving NSIPs and hastening timelines. Less engagement with communities and experts at an early stage will see mistakes overlooked and taken forward into later project stages, when fixing them will come at greater cost to nature and to the project itself. We are grateful to Baroness Coffey for opposing the removal of consultation duties in clause 4 and urge the Government to think again.

⁷ See NPC [briefing](#) on climate & nature risks to housing stock

New clause after clause 51, Local planning authority duty: statutory environment and climate change targets, tabled by Baroness Parminter

Recent reports from The Climate Change Committee and the Office for Environmental Protection set out how much ground has to be covered to achieve net zero and the nature recovery targets. The new clause tabled by Baroness Parminter would align the work of local authorities more closely behind efforts to achieve these targets, by giving authorities a duty to take all reasonable steps to contribute to the achievement of targets set under the Climate Change Act 2008 and the Environment Act 2021. Current environmental duties on authorities fall short⁸, and significant voices in local government are calling for new legal duties to empower them to do more to contribute to net zero and nature recovery.⁹ The new clause would deliver these duties, boosting nationwide environmental action.

Amendment to clause 52, page 73, line 24, tabled by the Lord Bishop of Norwich, The Earl of Caithness and Viscount Trenchard (chalk streams in spatial development strategies)

This amendment would ensure better protection of a precious but threatened natural habitat, the crystal-clear, wildlife rich waters of chalk streams. These freshwaters face a range of threats, including from development. 37% of chalk water bodies do not meet the criteria for good ecological status, due in large part of over-abstraction for water to serve development in inappropriate locations. The amendment would respond to this development pressure by creating new planning protections for chalk streams and for these protections to be applied through the spatial development strategies created by clause 52. This inclusion of chalk stream responsibilities in the new strategies would allow protections to be applied in a strategic and effective way, across entire regions where chalk streams flow. Predecessor amendments were well-supported in the Commons and we hope that Ministers will recognise that we need to do more to fulfil our international responsibility to protect these globally rare habitats, 85% of which are found in England.¹⁰

Two further welcome amendments have been tabled, which would also increase chalk stream protections. An amendment to clause 52 tabled by Lord Roborough would also impose chalk stream responsibilities on spatial development strategies, with additional requirements for the strategies to also list and bring forward protections for non-chalk rivers and streams. A new clause after clause 55, tabled by Viscount Trenchard, Lord Roborough and The Earl of Caithness would define chalk streams as protected sites under Part 3, increasing their protection within the new EDP regime.

Amendment to clause 52, page 74, line 7, tabled by Baroness Bennett of Manor Castle and Lord Gascoigne (community gardening and allotments)

This amendment would require spatial development strategies to include policies to increase the amount of land used for community gardening and allotments. Such an increase would be a boon to nature, and to communities. Community gardening provides opportunities to protect wildlife, to improve physical health through exercise and to boost mental health through nature access and new

⁸ See Wildlife and Countryside Link [briefing](#) on Environmental Targets Bill, October 2024

⁹ [Statement](#) from ADEPT, January 2025

¹⁰ See Hampshire & Isle of Wight Wildlife Trusts [press release](#) on chalk streams, June 2025

connections with neighbours.¹¹ Despite their value, community gardening and allotment spaces are increasingly under threat due to pressure on land for development. Including a requirement for new spatial development strategies to protect and provide such spaces will help safeguard these essential assets for nature recovery and for public health.

Amendment to clause 52, page 74, line 7, tabled by Baroness Grender (Local Wildlife Sites)

This amendment would add another useful nature consideration to spatial development strategies, a requirement to take account of and avoid harm to Local Wildlife Sites (LWS). The LWS network has been evolving since the 1980s, as a comprehensive network of sites with existing value for biodiversity. A report published this Spring by The Wildlife Trusts found the network to be under threat from development and other pressures. Extra protections in the planning system, as the amendment tabled by Baroness Grender would provide, would help to preserve these special sites for wildlife, boosting nature recovery.¹²

New clause after clause 87, Wildbelt, tabled by Baroness Grender

The new clause would require the Secretary of State to create a new 'Wildbelt' designation within six months of the passing of the Bill, which local authorities would then apply to limit development on sites where key habitats are recovering. This addresses a current gap, whereby there is no designation for sites which are not currently in good condition for nature but are recovering. This gap risks habitats that are being nursed into good ecological health suddenly being lost to inappropriate development, undermining progress towards nature recovery. A new specialist designation, as would be delivered by the new clause, is needed to safeguard recovering habitats vital to the achievement of nature targets.

New clause after clause 87, environmental infrastructure in new developments, tabled by Baroness Grender

This new clause would require the Secretary of State to pass regulations, within six months of the Bill becoming law, to require nature friendly design measures like swift bricks and hedgehog highways in new developments. This measure would be a 'win-win' for nature and development, providing homes for wildlife to contribute to species recovery and creating more nature-abundant places for people to live in and enjoy. A further helpful amendment on this topic clause 106, swift bricks, tabled by Lord Goldsmith of Richmond, Lord Randall of Uxbridge, Baroness Coffey and Lord Hintze, would similarly require regulations to mandate an average of one swift brick per dwelling in new developments. The popular campaign for swift bricks, and polling showing public strong support for new developments built with nature in mind, shows how popular these proposals are.¹³

At Commons report stage, in response to a predecessor amendment on swift bricks, Housing and Planning Minister Matthew Pennycook MP expressed an intention to bring forward measures through planning policy to require swift bricks in the '*vast majority of new buildings*'.¹⁴ Whilst this is welcome,

¹¹ See May 2025 [report](#) on the Coronation Gardens for Food and Nature project, an initiative which saw the The Wildlife Trusts, the WI, Incredible Edible, and Garden Organic and The National Lottery Fund come together to support community gardening across the UK.

¹² Wildlife Trusts LWS [report](#), April 2025

¹³ See [coverage](#) of swift brick campaign and [polling](#)

¹⁴ [Hansard](#) of Commons report stage, 09.06.25

it remains an intention only at this stage and would fall short of a stronger legal requirement, applying to all new homes. More ambition is needed, which the two new clauses deliver.

New clause after clause 87, permitted development for ponds, tabled by Baroness Coffey

This new clause would bring ponds less than 1 hectare in size into the permitted development regime. This easement of the planning process for pond creation would boost nature's recovery. Over two-thirds of ponds in England present in the late 19th century have been lost, to the detriment of wildlife – all species need reliable sources of water in order to thrive.¹⁵ The planning process is currently a barrier for pond restoration, imposing delays and costs for farmers and land managers looking to bring back ponds to boost nature and improve local water supplies. By putting ponds into the permitted development process, the new clause would lower these barriers and increase the number of ponds across English ecosystems. We hope that Ministers see the potential of this constructive amendment to bring more water onto the land to aid nature's recovery and sustainable farming, especially at a time when the prospect of drought is rising.

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The note will be updated as further amendments are tabled and amendment numbers allocated. This should be considered as version 1.

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The Wildlife Trusts are also a member of two allied coalitions working on the bill, [Wildlife & Countryside Link](#) and the [Better Planning Coalition](#).

¹⁵ UCL [‘ghost ponds’](#) project