

Planning & Infrastructure Bill: Briefing on Lords committee stage amendments

The Wildlife Trusts have been concerned by the UK Government's Planning and Infrastructure Bill's impact on nature since it was published. On 17th July the Government tabled amendments to seek to address these concerns and to better deliver on the Bill's stated aim of a 'win-win for development and nature'.¹ These Government amendments are welcome and mark a step forward. There is however more to be done to further improve the Bill for nature and we are grateful to the peers who have tabled committee stage amendments to achieve this. In this briefing, we set out amendments supported by The Wildlife Trusts.

Part 3 of the Bill

These clauses create a new system for managing development impacts on the most important spaces for wildlife, the 8% of England covered by Habitats Regulations or Site of Special Scientific Interest (SSSI) protections for rare habitats and species.² Part 3 establishes new vehicles, Environmental Delivery Plans (EDPs), which will apply and manage new development impacts in these areas when the Secretary of State is satisfied that this approach will lead to overall environmental improvement.

This new approach is a highly risky one. The current approach is tried and tested and ensures a robust level of protection for nature. Replacement featuring a low bar for overall environmental improvement and a focus on enabling development within the structure of EDPs could see the new system provide cover for widescale damage to wild habitats and species, in some of the last sanctuaries for nature we have left. The UK will not meet its international and legally binding nature recovery targets if the protections for our most precious wildlife spaces are weakened. Concerns have also been raised that the new system will cause complications and confusion for developers.³

The Wildlife Trusts have raised significant concerns about Part 3, alongside other environmental organisations. In May 20,000 Wildlife Trust supporters signed an open letter to MHCLG asking for nature safeguards to be added. When those safeguards weren't added at Commons committee stage, over 30,000 supporters emailed MPs to ask for Part 3 to be withdrawn.⁴ We are grateful to all peers who raised concerns at Lords 2nd reading on 25th June, and to those that tabled Lords committee stage amendments looking to scrap or significantly change Part 3.

Government amendments

We welcome the decision by Ministers to listen to these concerns. The Government amendments tabled on 17th July add a number of nature safeguards to the new EDP system, including (in order of process under the new system):

¹ [Marshalled list](#) of amendments, 23.07.25. See also MHCLG [summary](#) of Government amendments.

² [Defra statistics](#), 2024

³ See [briefing](#) from CIEEM suggesting possible development impacts

⁴ See previous Wildlife Trust briefings on the Bill [here](#)

- **245A and 256B:** Requirements on Natural England to sequence conservation actions for the best nature results when drafting EDPs, and to justify the actions chosen.
- **248A and 258B:** Requirements on Natural England to provide back-up conservation measures when drafting an EDP (in case subsequent monitoring shows that the initial measures have failed) and to provide special justification for any proposed off-site conservation measures.
- **346E:** Requirements for EDPs to be based on the best available scientific evidence.
- **286A:** Strengthening of the overall improvement test, so that EDPs can only pass and be applied if the Secretary of State is satisfied that the approach set out by the EDP will have the effect of materially outweighing development harms.
- **320A and 295A:** New requirements on Natural England to regularly monitor the impact of conservation measures from applied EDPs and to report at EDP mid-point and end on whether overall environmental improvement is likely to be achieved on the ground.
- **298ZA:** A new duty on the Secretary of State to take remedial action for nature if an applied EDP has not achieved overall environmental improvement when it ends or is revoked.

Alongside the amendments, MHCLG published a summary of the changes containing further nature assurances.⁵ These include recognition that nature protections are not barrier to growth and a stated intention for the mitigation hierarchy to have a ‘*continued role*’ in EDPs. The mitigation hierarchy is the tried-and-tested planning tool that developers should first seek to avoid harm to nature, before seeking to mitigate harm and only then to move to compensation.

The Office for the Environmental Protection (OEP) has now published an analysis of the Government amendments, looking at how they respond to concerns the OEP expressed in May.⁶ The analysis, addressed to the Housing and Planning Minister, welcomed the changes, whilst raising a note of continued concern about the riskier approach to nature protection Part 3 represents compared to the status quo:

‘You have followed our advice in large part, whilst maintaining this approach, and the amendments the Government now proposes substantially allay our concerns. We are clear that even after the material amendments the Government proposes, the Bill would, in some respects, lower environmental protection on the face of the law. In the round, however, the additional safeguards proposed today make Government’s intended “win-win” for nature and the economy a more likely prospect.’⁷

The Wildlife Trusts have considered the amendments in detail and the OEP analysis. We can see how the amendments could operate together to go some way to reduce the risk that EDPs provide cover for widescale harm. Requirements for conservation actions in draft EDPs to be sequenced, justified and to be based on the best available evidence will result in better plans for nature, which will have to meet a more robust overall environment improvement test in order to apply. New monitoring, reporting and remedial requirements will provide a mechanism to spot and fix problems should EDPs fail to deliver as intended for nature on the ground. Whilst further consideration is still required to

⁵ MHCLG [summary](#), published 17.07.25

⁶ Office for Environmental Protection analysis, published 01.05.25

⁷ Office for Environmental Protection [analysis](#), published 17.07.25

ensure the Bill does not lower environmental protection, we encourage peers to support the package of Government amendments to Part 3 as improvements to the Bill.

Further assurances

Whilst the package of amendments reduces the risk of harm, uncertainties remain. These include:

- Evidence gaps. Amendment 346E, requiring EDPs to be based on the best available scientific evidence is silent on how the Secretary of State should proceed when an EDP covers a protected feature where development impacts are currently not fully understood because in-depth research is lacking. **Amendment 255** tabled by Lord Gascoigne and Lord Blencathra would be a helpful addition to the Bill to help cover this. The amendment requires the Joint Nature and Conservation Committee (JNCC) to prepare a report on species which would not benefit from being covered by an EDP, to inform the new process. This would fill key research gaps before a lack of evidence potentially leads to protected species being harmed under the cover of an EDP.
- Economic viability. Useful clarification could also be provided regarding economic viability clauses. Clause 67 requires the Secretary of State to set regulations concerning the nature restoration levy developers will pay into EDPs. The clause states that the ‘*overall purpose*’ of the regulations must be that developments under the EDP remain economically viable. Clause 69 then requires Natural England to have regard to this preservation of viability for developers when operating EDPs. In their original advice, the Office for Environmental Protection reflected that the Bill risked leaving the process open to economic compromise: it is essential that this is not the case. It would provide assurance if the Government could clarify how any potential shortfall in developer contributions due to viability impacts would be made up to ensure material improvements through EDPs are realised. Ministers should also confirm that the achievement of overall environment improvement should be the predominant purpose of all EDP clauses and regulations. This predominance would align with the strength of the remedial action duty in Government amendment 298ZA, which would require robust nature measures to be implemented when overall improvement has not been achieved. It would also correct the oddity of clauses which are meant to be environmental in character having an economic viability overall purpose. Achieving overall environmental improvement must be the absolute priority within the new system.
- Mitigation hierarchy. Finally, the assurances on the mitigation hierarchy contained in the MHCLG summary must be bolstered. The mitigation hierarchy is a well-established principle that steers planning decisions towards avoidance of harm where possible, a prioritisation that is particularly important for irreplaceable habitats which cannot recover from damage. Avoiding harm when harm cannot be recovered (as in the case of harm to irreplaceable habitats) is an ecological imperative, as the foundation of delivering nature recovery. The ongoing omission of this protective mechanism from the face of the Bill risks irreparable harms. Even with the Government amendments the muting of the usual clear directive to prioritise avoidance within the new system could result in irreparable damage to irreplaceable habitats after an EDP is applied, with the scale of damage only being picked up through monitoring and reporting, when the damage has been done and it is effectively too late. A number of amendments from peers, tabled before the Government amendments, seek to

avoid this through applying the mitigation hierarchy at different stages of the new EDP process, including during drafting (**amendment 245** tabled by Lord Gascoigne and Baroness Young of Old Scone, **amendment 258A** tabled by Baroness Young of Old Scone and **amendment 256** tabled by The Earl of Caithness) and when the EDP is passed and developers ask to participate in it (**amendment 301** tabled by Baroness Willis of Summertown, Baroness Parminter, Lord Whitty and Lord Gascoigne and **amendment 251**, tabled by Earl Russell). We recognise that the Government's intention is for Part 3 to give Natural England more flexibility over the application of the mitigation hierarchy. None of the above amendments prevent this flexibility, but would provide assurance on the face of the bill that the principle will continue to be broadly applied, in line with the mitigation hierarchy assurance given on 17th July.

- Ministers should at the very least place the MHCLG summary statement containing the mitigation hierarchy assurance on the parliamentary record, by publishing it as a written ministerial statement. This would give a standing steer to Natural England to seek to follow the mitigation hierarchy when preparing and overseeing the application of EDPs. Whilst still non-statutory, the enshrining of this statement in Hansard would give it increased weight and a longer lifespan than a document held only on a government website. Ministers should also consider referencing the mitigation hierarchy in regulations implementing Part 3.
- To further support the protection of irreplaceable habitats, we urge Ministers to consult on expanding the list of irreplaceable habitats, a consultation first promised by the previous Government in 2023. Consultation and agreement of a new list should be followed by guidance to provide much needed clarity and certainty for developers and the wildlife that rely upon these habitats. This should be based upon the advice of Natural England to the previous government, with a view to updating the BNG regulations, the NPPF and publishing guidance. An updated list of irreplaceable habitats would help inform the new system, making it clear when EDPs would be fundamentally inappropriate.
- Whilst outside the remit of the Planning and Infrastructure Bill, Ministers should provide further assurances that Natural England and local authorities will be well resourced to effectively deliver and engage in the new system. The £500 million announced for the Nature Restoration Fund (and separate Marine Recovery Fund) on 19th August⁸ was a positive start, but further resources will be needed. **Lord Teverson's amendment to clause 66**, seeking to clarify that all Nature Restoration Fund monies should be treated as additional to the core funding of Natural England and Defra⁹, makes an important point. The new system must be supported by additional, dedicated funds in order to function and not to diminish other workstreams.

As the above sets out, the proposed EDP system remains risky for nature. It is important also to highlight that this innovation in protections for Habitats Regulations and SSSI sites is a not pre-requisite for increased building. Mounting evidence shows that the real blockers to much needed new homes can be found in developer decisions, not environmental protections.¹⁰ However, the Government's willingness to listen to concerns about Part 3 is laudable and the package of amendments now tabled will reduce the core risks identified in earlier stages of the Bill.

⁸ Defra [press release](#), 19th August

⁹ [Amendments](#) supplementary to the marshalled list, 15th August

¹⁰ Wildlife Trusts [blog](#), April 2025

Representations from the public and civil society, parliamentary scrutiny and Government engagement have improved this legislation.

Amendments to the remainder of the Bill

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.¹¹ Planning for nature is planning for the future.

The following amendments would be particularly effective for nature restoration:

Amendment 88, nature safeguards for renewable energy generation on the Public Forest Estate, tabled by Earl Russell.

Clause 28 would allow greater use of land managed by the Forestry Commission in England, often known as the Public Forest Estate, for renewable energy. Whilst welcome in principle, it is important that this new use of the Public Forest Estate does not detract from the nature and access benefits that people cherish it for.¹² Amendment 88 would add key safeguards for nature and people, including putting limits on the amount of the Public Forest Estate that could be used for renewable energy. The amendment would also prevent renewable energy projects from harming ancient woodland managed by Forestry England and damaging the vulnerable species that rely on this habitat. The Public Forest Estate can contribute to renewable energy generation, but this should be in a way that fully preserves its benefits for nature and people. Amendment 88 is necessary to ensure this.

Amendment 164, local planning authority duty: statutory environment and climate change targets, tabled by Baroness Parminter, Baroness Young of Old Scone and Baroness Bennett of Manor Castle.

Recent reports from The Climate Change Committee and the Office for Environmental Protection set out how much ground must be covered to achieve net zero and the nature recovery targets. Amendment 164 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 short¹³, 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.¹⁴ The new clause would deliver these duties, boosting nationwide environmental action. **Amendment 93**, tabled by Lord Krebs and Baroness Young of Old Scone would also contribute to this by applying a nature and climate duty to the Forestry Commission, as would **amendment 346A** tabled Baroness Jones of Moulsecoomb, giving the Commission such a duty on landholdings within protected landscapes.

¹¹ See NPC [briefing](#) on climate & nature risks to housing stock

¹² See [polling](#) on the Public Forest Estate, from time of sell-off proposals

¹³ See Wildlife and Countryside Link [briefing](#) on Environmental Targets Bill, October 2024

¹⁴ [Statement](#) from ADEPT, January 2025 & Climate Emergency UK [news story](#), July 2025

Amendment 127, tabled by Lord Ravensdale, Lord Hunt of Kings Heath and Lord Krebs would also boost action towards climate and nature target achievement. The new clause would require the Secretary of State and planning authorities to have special regard to the mitigation and adaptation of climate when setting planning policy and making decisions under planning policies, with possible impacts on efforts to achieve Climate Change Act 2008 and the Environment Act 2021 forming an explicit part of the consideration. This building of climate mitigation and adaptation, and the role that nature can play in both, into all planning decisions is increasingly necessary, as ongoing climate change poses increasing risks to UK housing stock and infrastructure security.¹⁵

Amendment 147, chalk streams in spatial development strategies, tabled by the Lord Bishop of Norwich, The Earl of Caithness, Viscount Trenchard and Baroness Parminter.

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. In terms of flow, 37% of chalk water bodies do not meet the criteria for good ecological status, due in large part to over-abstraction of 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, prompting action to ensure sustainable water resources that can meet the demands of future development. Allowing chalk stream protection to be considered alongside strategic development plans will also help prevent issues occurring at a later stage in the planning process and potentially causing delays. 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.¹⁶

Three further welcome amendments have been tabled, which would also increase chalk stream protections. **Amendment 146** tabled by Lord Roborough and Lord Bellingham 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. **Amendment 148**, tabled by Baroness Grender and Baroness Jones of Moulsecomb, would require spatial development strategies to consider what activities should and should not be permitted next to a chalk stream. **Amendment 254**, tabled by Viscount Trenchard, Lord Roborough, The Earl of Caithness and the Lord Bishop of Hereford would define chalk streams as protected sites under Part 3, increasing their protection within the new EDP regime.

Amendment 149, community gardening and allotments, tabled by Baroness Bennett of Manor Castle, Lord Gascoigne, Baroness Miller of Chilthorne Domer and Baroness Willis of Summertown.

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

¹⁵ UK climate risks [report](#)

¹⁶ See Hampshire & Isle of Wight Wildlife Trusts [press release](#) on chalk streams, June 2025

connections with neighbours.¹⁷ Despite their value, community gardening and allotment spaces are increasingly under threat due to pressure on land for development. The Government's authorisation for disposal of eight allotment sites over the past year has received considerable media attention this summer.¹⁸ 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 150, Local Wildlife Sites, tabled by Baroness Greender and Baroness Bennett of Manor Castle.

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. LWS's form the backbone of many of the new Local Nature Recovery Strategies, being recognised within them as Areas of Particular Importance for Biodiversity. A report published this Spring by The Wildlife Trusts noted that despite covering 5% of England, the network of Local Wildlife Sites do not have statutory protections and are therefore vulnerable to damage. Extra protections in the planning system, as the amendment tabled by Baroness Greender would provide, would help to preserve these special sites for wildlife, boosting nature recovery.¹⁹ **Amendment 178**, tabled by Lord Teverson, would also assist by requiring local plans to comply with Local Nature Recovery Strategies (LNRSs), which set out how LWS and other important nature spaces can form networks for local nature recovery. Lord Teverson's clause would strengthen the current requirement for local authorities to take account of LNRSs in planning decisions and also require additional consideration of the emerging Land Use Framework on optimal land use in different areas.

Amendment 339, Wildbelt, tabled by Baroness Greender.

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.

Amendment 338, environmental infrastructure in new developments, tabled by Baroness Greender and Baroness Freeman of Steventon.

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 any enjoy. A further helpful amendment on this topic, **amendment 212** on swift bricks, tabled

¹⁷ 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.

¹⁸ See [parliamentary question](#) on disposals and an [example](#) of the media coverage.

¹⁹ Wildlife Trusts LWS [report](#), April 2025

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 well-supported these proposals are.²⁰

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*'.²¹ Whilst this is welcome, it remains an intention only at this stage, would fall short of a stronger legal requirement and does not cover the wide range of nature-friendly measures that can be easily integrated into new development. More ambition is needed, which the two new clauses deliver.

Amendment 341, 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.

The Corry review highlighted the importance of ensuring our planning and regulatory system supports nature recovery.²² This new clause highlights challenges that are faced in the creation of new ponds for wildlife.

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.²³ We hope Ministers will consider supporting wildlife pond creation through the planning system and carefully applying reforms in this area 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.

Date of note: 21 August 2025 (version 4).

For more information on this note, please contact:

Matthew Browne, Head of Public Affairs mbrowne@wildlifetrusts.org

Becky Pullinger, Head of Land Use Planning bpullinger@wildlifetrusts.org

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

²⁰ See [coverage](#) of swift brick campaign and [polling](#)

²¹ [Hansard](#) of Commons report stage, 09.06.25

²² Corry [review](#), 2024

²³ UCL '[ghost ponds](#)' project