

Planning & Infrastructure Bill: Briefing for Commons consideration of Lords amendments

November 2025

Executive summary

- The Wildlife Trusts, and [thousands of nature lovers](#), strongly urge MPs to vote to agree Lords' amendments that add a crucial nature safeguard to the Bill and bring forward protections for threatened chalk streams.
- **Clause 63, subsection (3) of the updated Bill (Lords amendment 130)** applies the strategic approach set out in Part 3 only to the areas where it has been shown to work for both development and nature. This will prevent inappropriate application of EDPs from harming wildlife.
- **Clause 60, subsection 12D (7) of the updated Bill (Lords amendment 94)** requires spatial development strategies in Part 2 of the Bill to consider chalk streams. This will build protections for these precious but threatened freshwaters into the planning system.
- If the amendments are rejected, especially amendment 130, the Bill will open the door to significant harms to wildlife, at a time when many species and habitats are at a tipping point.
- If agreed, these amendments would still allow pro-development measures in the Bill to proceed, with the vital assurance that this this will not be at nature's expense.
- A vote to agree the amendments is a vote for a genuine win-win for development and nature.

Preventing damage to nature:

Clause 63, subsection (3) of the updated Bill (Lords amendment 130)

Part 3 of the Bill introduces a new system whereby developers could seek to address their impacts on nature through Environmental Delivery Plans (EDPs). EDPs aim to streamline the planning system by offering a strategic instead of a site-by-site approach to managing a development's environmental impacts. Amendment 130 would limit the application of this strategic approach to air and water impacts.

Throughout the passage of the Bill, The Wildlife Trusts and other environmental organisations have warned the Government that the strategic approach will not work across the board.¹ Development impacts that directly damage certain protected species and the habitats they rely on are impossible to measure or rectify without site specific survey and intervention. For example, if the new approach covered the legally protected hazel dormouse, developments could destroy hedgerows that are home to the species without their presence being detected. It would also mean that on-site habitat creation could come too late to be an adequate replacement. In addition, there is a paucity of evidence for the effectiveness of strategic habitat creation and enhancement measures in increasing dormouse numbers. This means that any subsequent payment by the developer to a fund to support strategic measures for dormice would come too late for the local population, deprived of its home and condemned to local

¹ See previous Wildlife Trusts [briefings](#) on the Bill

extinction as a result. For vulnerable species like dormice repeated local extinctions could quickly add up to national extinction.

Wildlife and Countryside Link published a report in October on EDPs and species, highlighting a long list of wildlife threatened by a strategic approach, from rare Bechstein's bats to the close-to-extinction large blue butterfly. In the words of the report *'these species cannot be traded away for mitigation elsewhere. Once local populations are destroyed, they are unlikely to ever return'*.² With 16% of GB species at risk of extinction, such losses would be catastrophic for wildlife, accelerating nature's decline and putting environmental recovery targets out of reach.³

To address this risk, amendment 130 (clause 63, subsection (3) on p104 of Bill as updated post Lords report stage⁴) confirms that EDPs will not apply to protected species and habitats. This will prevent a misapplied strategic approach devastating wildlife populations. The House of Lords recognised the strong case to restrict EDP application and voted for amendment 130, by a majority of over a hundred, to prevent significant harm to nature.⁵

Enabling development

Amendment 130's protection of wildlife will not come at the expense of the development objectives of the Bill. It still permits the strategic approach to be applied to the areas where it can make the most difference for development.

Challenges in addressing development impacts relating to water have been identified by housebuilders as a cause of delays over recent years. Houses have been delayed by nutrient neutrality requirements, necessary rules to prevent nutrient polluted water ecosystems tipping over the edge because of additional nutrients from new housing. Strategic approaches have successfully resolved many of these delays. Impacts of development on water (and air) can be calculated without detailed, site specific information. The impacts cover large spaces and development is one of multiple inputs. This means negative inputs (eg increased pollution) from one source to be more than redressed by positive inputs (eg reduced pollution) from another. Using these principles a strategic mitigation scheme delivered by Hampshire & Isle of Wight Wildlife Trust and partners has addressed the impacts of over 95% of the 16,000 new homes around the Solent previously delayed by nutrient neutrality rules, enabling development to go ahead. There is a good case for legislating to provide the certainty required to enable more such strategic schemes to come forward and deliver a win-win for nature and development in other places affected by nutrient pollution. Amendment 130 would still see EDPs achieve this, and be applied to water more widely, as well as air.⁶

Restricting EDP application beyond water and air is unlikely to negatively impact development. There is little evidence that species and habitats protections are causing significant development delays on the scale of nutrient neutrality rules. The Government's own impact assessment of the Bill, published in May,

² Wildlife and Countryside Link species [report](#), October 2025

³ State of nature [report](#), 2023

⁴ Post Lords report stage [Bill](#), 3rd November 2025

⁵ Lords report stage [debate](#), 29th October

⁶ Wildlife and Countryside Link nutrient neutrality [briefing](#), 2024

observed: *'There is very limited data on how environmental obligations affect development'*. Surveys of both councillors and developers on the causes of delays to development, published this year, feature wildlife issues at the bottom of the list, if at all. Research commissioned by The Wildlife Trusts found that bats and newts were not a factor in 97% of planning appeals.⁷ As such, the imposition of a new, complicated EDP process to species and habitats constitutes something of a sledgehammer to crack a nut.

Amendment 130 would direct EDPs at the areas where they can do the most to accelerate development, without harming nature, and away from areas where they would harm nature whilst doing little for development.

A constructive way forward

Amendment 130's approach of applying EDPs to where they have been shown to work should not be unacceptable to the Government.

At Lords committee stage, the Bill Minister stated that the Government would closely follow the environmental principles policy statement, established by the Environment Act 2021, including the precautionary principle.⁸ That principle states when *'there is inconclusive scientific evidence surrounding a particular activity'* a policymaker *'might judge that they should exercise caution, preventing or limiting the activity'*.⁹ Given the lack of evidence that EDPs will work for conservation outside of water and air, and the growing evidence that it could actively harm species, restricting the application of EDPs beyond tried-and-tested areas would be entirely in line with the precautionary principle.

Throughout the passage of the Bill, Ministers have provided repeated assurances that they seek to deliver a *'win-win for nature and development'*.¹⁰ In July they showed these weren't just warm words by tabling welcome Government amendments to the Bill to provide environmental safeguards in Part 3. They can now sustain this approach by following the evidence of the flaws inherent to wildlife EDPs, adhering to their own commitment to environmental principles and accepting amendment 130. This would provide vital further safeguard for nature.

Amendment 130/63 (3) amounts to a more effective trajectory for Part 3 – towards where it will work for development and nature and away from where it won't. MPs should urge Ministers to accept this vital change to the Bill and vote accordingly on 13th November.

Protecting chalk streams:

Clause 60, section 12D (7) of the updated Bill (Lords amendment 94)

Chalk streams are rare, gin-clear freshwaters teeming with wildlife. England is home to 85% of the world's chalk streams; as such the UK Government has a special responsibility to protect them. This

⁷ See Wildlife Trusts [article](#) and CIEEM [article](#)

⁸ Lords committee stage [debate](#)

⁹ Environmental principles policy [statement](#)

¹⁰ Commons 2nd reading [debate](#)

responsibility is being failed. 83% of chalk stream waterbodies failed to achieve Good Ecological Status in 2024/25.¹¹

Inappropriate development is one of the major threats facing chalk streams, pushing many beyond the environmental limits of what they can cope with. Development around chalk stream headwaters can spread pollution from building and occupation activity across the whole length of the stream, development in locations reliant on water from struggling chalk streams can lead to over-abstraction and wastewater from development in places where chalk streams are already polluted can push ecosystems over the edge. There have also been instances of chalk streams being physically modified to accommodate development, disrupting the river's natural flow and ecology.¹²

These development threats can only be addressed by protections in the planning system. No specific chalk streams planning protections currently exist in national policy. Lords' amendment 94, now clause 60 subsection 12D (7) of the updated Bill¹³, rectifies this by including requirements to list and protect local chalk streams in the new Spatial Development Strategies created by Part 2. This creates an effective and flexible planning protection for chalk streams, to be applied through multi-issue planning strategies.

When responding to the amendment in the Lords, Ministers suggested that actions they have planned with water companies mean that chalk stream planning protections are not needed.¹⁴ Whilst water company actions can assist with pressures on chalk streams in the longer term, they are not a substitute for tackling the root of the pressure – overdevelopment. Directions to a water company can secure improvements via investment in upgrading wastewater treatment works or finding new sustainable water supplies to ease pressure on chalk streams, but these provisions require significant investment that can take years to deliver. Given these timescales, water company actions can only limit damage, over a long time period, using substantial sums of money that comes ultimately from bill payers. They cannot remedy the immediate problem of development in inappropriate locations causing pollution, abstraction and other pressures. Planning protections would achieve this, without calling on funds from bill payers.

The Government has pointed to Local Nature Recovery Strategies as a way of protecting chalk streams. These blueprints for local nature recovery could in future be capable of helping to prevent development damage to chalk streams. However, to do so, LNRs will need more bite in the planning system than they currently have. Regulations designed to provide this bite, a Levelling Up and Regeneration Act 2023 duty on Local Planning Authorities to take account of the nature strategy when making planning decisions, have still not been commenced.

If the Government is serious about protecting chalk streams, it has to introduce planning measures to address development threats. The new Spatial Development Strategies, and amendment 94 adding chalk streams to their scope, is a pragmatic opportunity to do just this.

¹¹ CaBA Chalk Stream Annual [Review](#) 2024/25

¹² For a historic example, now corrected, see the [River Gade by Hemel Hempstead](#)

¹³ Post Lords report stage [Bill](#), 3rd November 2025

¹⁴ Lords report stage [debate](#), 27th October

Alignment with development goals

If the Government allows chalk streams to decline further, this will have serious consequences for development as well as nature. Across southern and eastern England, the busiest parts of our landscape, chalk streams provide water supplies to homes and businesses and accept discharges from wastewater treatment works that serve the local population. Polluted, scarcely flowing streams will be in no fit state to provide water services needed for new and existing housing.

Clause 60 subsection 12D (7) prevents these further declines through the inclusion of chalk stream protection measures in spatial development strategies that also consider the region's development and other needs. This integrated approach means that protection measures could vary according to the particular needs of the particular area, allowing strategies to set differing balancing points in differing places between local conservation and development needs. In the most sensitive chalk stream spots, such as around headwaters for particularly vulnerable chalk streams, development could be restricted. In other places, specific steps could be required of the developer, or of the local water company, to reduce the development's impact on chalk stream. In some places, where chalk streams are healthy, no extra measures may be necessary.

Including chalk stream measures in strategic development plans allows for flexible, constructive protections, responsive to local conditions and aligned with the wider strategic needs of the area.

A constructive way forward

There is a strong cross-party consensus that chalk stream planning protections are now needed, shown by the strong votes in favour of amendment 94 in the Lords and by its predecessors at Commons report stage (70, 16 and NC87)¹⁵. This support reflects the rising public awareness of our freshwaters and the need to protect them. Chalk stream protections will safeguard globally important environmental treasures and secure water and sewerage services for sustainable development in southern and eastern England into the long term. Clause 60 subsection 12D (7)/amendment 94 is another genuine 'win win' for development and nature. The Government must adopt it.

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An updated version may be produced to respond to any Government amendments tabled ahead of 13th November.

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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 Commons report stage [amendment paper](#)