

Planning reform working paper: development and nature

ADEPT comments, February 2025

About ADEPT

The Association of Directors of Environment, Economy, Planning and Transport (ADEPT) represents directors of place who are responsible for providing day-to-day services including local highways, recycling, waste and planning as well as the strategic long-term planning and delivery of sustainable places. ADEPT members are at the very heart of delivering clean sustainable growth, tackling climate change at a local level. We manage the projects that are fundamental to creating more resilient, inclusive and safe communities, economies and infrastructure.

ADEPT is a membership based professional organisation with:

- 100+ county, unitary and combined authority members
- 5 sub-national transport bodies
- 9 local enterprise partnerships (LEPs)
- 21 Corporate Partner members across England.

General comments on the development and nature proposals

We welcome the general thrust of the proposals to take a more strategic approach to planning and nature recovery, “one which delivers more effectively for nature while enabling development to proceed where it is needed” (working paper para 10). The funding and delivery of interventions to secure nature recovery must be at an appropriate scale to have the maximum impact. No doubt the development process can be made clearer and less burdensome for all parties. Overall, the current incremental system has not worked well enough and needs to be reformed.

However, the reasons for this are complex and while there are examples of where development has been delayed because of environmental concerns (e.g. nutrient neutrality) there are other important reasons too. Key amongst these are the complexity of the current system and the lack of resources and capacity within local planning authorities. The proposals set out in the working paper are very high-level and leave many significant questions unanswered. The establishment of a Nature Recovery Fund would be an additional charging regime for developers, possibly increasing rather than decreasing the complexity of the system.

Our housing policy position [here](#) recognises the government’s ambitions in respect of housing targets and planning reform. Our starting point is that we need a long-term housing plan to build new homes, to improve the existing stock and to meet both current and future environmental challenges. Priorities are to build more new homes, have a locally led planning regime that delivers great places to live, provide homes that are affordable and promote health and wellbeing, and work towards net zero and climate resilient homes. The urgent need to build more new homes should not mean that existing protections for sites and species should be diluted and unsustainable developments made easier. A healthy, thriving and biodiverse natural environment is the foundation for healthy and resilient homes and economic prosperity. We urge government to take full account of the available evidence such as the Dasgupta Review [The Economics of Biodiversity](#) and the Natural England [State of Natural Capital Report](#) that show that our economy and society are intimately

dependent on the health of the natural environment, and a wealth of recent research that underlines the vital role of access to nature and green infrastructure in promoting people's health and wellbeing.

In respect of the working paper, we suggest that the objectives set out in para 10 be strengthened to include maintaining existing protections and the fundamental importance of the mitigation hierarchy. All development projects should look to avoid or minimise any adverse environmental impact before looking at mitigation and compensation measure. Mitigation should be required to be delivered as close to possible as the development and charging regimes should incentivise this. Safeguards for our most vulnerable and threatened sites and species are a critical aspect of our essential green infrastructure and an important part of making sustainable and healthy places for the future.

Another principle that should be included in the objectives of the scheme is the timeliness of actions taken to address the environmental impacts of a development. Mitigating and enhancement actions need to be taken concurrently with or in advance of development where this is possible. It is a fundamental misconception that by simply paying into a Nature Restoration Fund a developer is mitigating the harmful impacts of their development if the appropriate actions are not implemented until some unspecified time in the future – this would mean that the decline in sites and species would continue unabated in the meantime.

Local authorities are key players in place-making and enabling sustainable development in support of economic growth alongside the social and environmental infrastructure that communities need. We are pleased to note that the proposals recognise some examples of good practice where local authorities have been involved in developing strategic or landscape scale mitigation schemes within the current planning regime (para 17). We can provide further examples of these if that would be helpful. It is important that the success of such schemes is not undermined in any way by moving to a system of Delivery Plans funded by a Nature Restoration Fund, and that the proposed approach builds on existing good practice in strategic schemes. It is reassuring to note that Delivery Plans would only be put in place where there is sufficient confidence that they will deliver better outcomes for nature than other protections or mitigations (para 31), but we need to see more detail about how such a decision might be made and by whom.

The working paper says very little about the role of local authorities in planning and delivering nature protection and recovery interventions. This is surprising given the recent statutory obligations in respect of local planning authorities securing biodiversity net gain (BNG) through development applications and of responsible authorities producing Local Nature Recovery Strategies (LNRS) that LPAs must consider in developing Local Plans and determining development applications. There is a passing reference in para 25 to the need for Delivery Plans to avoid “any unnecessary or duplicative work... where all or some of the necessary evidence base is already available to a Delivery Body – for example, due to an extant... LNRS.” However, we are concerned that the proposals in the working paper have not been sufficiently aligned with other policies in relation to local authorities and nature recovery. On the positive side, we welcome the fact that the working paper comes jointly from MHCLG and Defra.

The English Devolution White Paper published in December describes the “crucial role” of Strategic Authorities in tackling the climate and nature emergencies at the local and regional level, empowering these authorities with a clear mandate to take a leadership role on LNRS and wider environmental delivery, including convening partnerships and coordinating investment in nature recovery (p77). We would expect the planning and nature recovery proposals in the working paper to give some indication about the roles of Strategic and Unitary Authorities.

We would expect proposals in the Planning and Infrastructure Bill (and subsequent secondary legislation and guidance), to be aligned with Environment Act duties and future devolution arrangements, and with the Spatial Development Strategies outlined in the Devolution White Paper. The planning and nature recovery proposals should also reflect and be consistent with the development of the Land Use Framework as set out in the consultation document published at the end of January.

The working paper has no detail about which agency/ies might fulfil the role of Delivery Body, although Natural England is mentioned in relation to nutrient neutrality (para 20). We would like to see more clarity here to be able to better understand the relationship between Delivery Bodies and local authorities. The new system will need to have adequate resourcing and capacity in order to function effectively. The roles of a Delivery Body are varied and comprehensive – from producing a Delivery Plan, liaising with private providers and land managers (and perhaps acquiring land itself), securing funding, securing the actions identified in the plan, monitoring their implementation, and remedying any underperformance. This will require significant capacity. Local authorities have long been under-resourced to carry out their planning duties, and while the reform of planning fees will provide some assistance here, we are concerned that responsible authorities still have no funding to carry out their ongoing LNRS roles. Strategic authorities will need adequate resources and capacity to fulfil their duties in relation to Spatial Development Strategies and land use planning.

Question responses

a. Do you consider this approach would be likely to provide tangible improvements to the developer experience while supporting nature recovery?

No, not necessarily. There is insufficient detail in the working paper to be able to answer this properly. In principle, the process can be made clearer and less burdensome for all parties including developers, but nature recovery will be undermined if existing protections for sites and species were to be diluted and unsustainable developments made easier. In practice the success of the proposed approach will depend on local planning authorities and Natural England having the resources and capacity to make it work. The approach will also need to be intelligent enough to recognise that different development applications have different degrees of impact: while small projects might not require individual assessments and can mitigate their impact by off-site improvements funded by a Nature Recovery Fund, large development sites will be more complex and challenging in terms of impacts on multiple habitats and species. In the latter case it will still be necessary to survey sites so that impacts can be properly understood before an application is determined.

One of the complexities and delays of the current system is the process whereby developers and LPAs negotiate the various planning obligations (S111 and S106 agreements etc.) and the legal contracts to deliver them. A Nature Recovery Fund would have to provide a more streamlined process, but the fact that it would be an additional charging regime brings a further element of complexity. The timing of payments is crucial, Delivery Plans must be funded at the time of or in advance of development where possible so that protections and mitigations can be put in place before habitats and species are harmed.

b. Which environmental obligations do you feel are most suited to this proposed model, and at what geographic scale?

Water and landscape issues where adverse effects on habitats and species come from multiple sources and can be addressed at a catchment or landscape scale. Nutrient and water neutrality have held back development in some areas, it would be pragmatic to trial the strategic approach in these

areas and build on the success of existing projects. It will be more difficult to take a strategic approach where rare habitats and/or specific species will be harmed by development.

The scale and locations of Delivery Plans are important considerations. While some impacts will best be addressed at a landscape or catchment scale, other mitigation and compensation measures can and should be delivered closer to where development is taking place so that the places and communities most affected by the development feel the benefits of them. Plans and funding should be designed to incentivise this where appropriate, perhaps in a similar way to the BNG metric incentivising on-site or nearby measures.

c. How if at all could the process of developing a Delivery Plan be improved to ensure confidence that they will deliver the necessary outcomes for nature?

The process of developing a Delivery Plan must be adequately resourced, the Delivery Body must have the skills and capacity to do this. All stakeholders should be consulted and engaged. Delivery Bodies will need powers to ensure that all landowners and managers co-operate in preparing and implementing the plan, including enforcement where there is non-compliance. The working paper does not explain how Delivery Plan measures will be encouraged and achieved on privately owned and managed land. This will be a complex and time-consuming process, Delivery Bodies will need the resources and capacity to do this, landowners and managers will need clarity about the legal and financial aspects. The relationship between Delivery Plans and Local Nature Recovery Strategies needs to be clarified. The role of local authorities needs to be considered within the context of wider government policies on local growth, spatial planning, and land use principles.

d. Are there any additional specific safeguards you would want to see to ensure environmental protections and / or a streamlined developer experience?

The mitigation hierarchy must be retained and not undermined by Delivery Plans: the avoidance of harm to nature should be the first priority, followed by mitigation and compensation only in the last resort. Monitoring and reporting on Delivery Plans will be important, and enforcement in the event of non-compliance.

Regulation should be kept separate from delivery to avoid conflicts of interest and ensure transparent decision making. This will apply to Natural England in particular. Delivery work should be commissioned from local authorities and third parties (see below).

Developer contributions to the Nature Recovery Fund must be set at a minimum level to fully fund Delivery Plans. Consideration should be given to setting contributions at a higher level so as to deliver more gain than the harm caused by the development if nature recovery is to be achieved – the 10% minimum Biodiversity Net Gain could be the precedent here.

e. Do you support a continued role for third parties such as habitat banks and land managers in supplying nature services as part of Delivery Plans?

Yes. Delivery Plans should be designed to encourage additional private investment in nature recovery over and above the developer-funded actions in the Plans. Delivery Bodies should support and build on the work being done by some local authorities to encourage the growth of local nature markets. Also see comments under question d above about separation of roles.

f. How could we use new tools like Environmental Outcomes Reports to support this model?

We support the objectives of Environmental Improvement Plans to deliver more outcome-focussed assessments, but it will be important not to lose the value of existing environmental assessments.

These assessments play a crucial role in gathering environmental impacts to support decision-making in the planning process.

g. Are there any other matters that you think we should be aware of if these proposals were to be taken forward, in particular to ensure they provide benefits for development and the environment as early as possible?

We welcome the opportunity to comment on the working paper, but the proposals lack detail at this stage. There is no clear case made for a new system of Delivery Plans and a Nature Recovery Fund. We would like to see a clearer statement that nature is not a barrier to growth, the two can and should go together. While the development process can be made simpler for all parties, this outcome can be achieved by adjustments and improvements to the current system, including adequate resourcing, rather than by replacing it in some circumstances with a new model.

We understand the urgent need for action and – if legislation is needed – to use the opportunity provided by the forthcoming Planning and Infrastructure Bill. However, we are concerned that the government appears to have already made decisions about the matters which are still out to consultation. Most of the questions asked in this working paper are based on the unfounded assumption that the answer to the first question (‘Do you consider this approach would be likely to provide tangible improvements to the developer experience while supporting nature recovery?’) is ‘yes’.

This impression is also suggested in statements by Ministers and in official communications which set up a false and unhelpful choice between nature and growth/development. A recent example is the press release from MHCLG and 10 Downing Street on 13th February which praises “government action to overhaul the planning system, supporting the builders and not the blockers... the (Planning & Infrastructure) Bill will overhaul environmental regulations to no longer accept the failed status quo where bats are more important than trains or newts more important than homes, and remove blockers to fast-track delivery of the homes and infrastructure that local communities need.”

Such language is in sharp contrast to the objectives set out in the working paper to deliver more effectively for nature while allowing sustainable development to go ahead where it is needed. When the results of this consultation are reported back to Ministers and government communications teams it would be helpful to make this point emphatically.