



The Planning & Infrastructure Bill

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for the **National Brownfield Forum** – 3rd April 2025

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The Planning and Infrastructure Bill

- Introduction and overview
- Development and nature recovery

The Planning and Infrastructure Bill

- Not law yet!
- First Reading: 11th March 2025
- Second Reading: 24th March 2025
- Public Bills Committee: currently expected to report by 22nd May 2025

Structure of the Bill

- Part 1: Infrastructure
 - NSIPs
 - Electricity infrastructure
 - Transport infrastructure

- Part 2: Planning
 - Local decision making including spatial development strategies
 - **Development and nature recovery**
 - Compulsory purchase

Part 1: Infrastructure

- Changes to NSIP applications and to consultation process
- Changes to judicial review procedure
- Provisions relating to electricity infrastructure
 - Including changes to consenting/grid connection processes
 - Bill discount scheme for homes close to new electricity transmission infrastructure
- Provisions relating to transport infrastructure
 - Including changes to consenting process

Part 2: Planning

- Local decision-making
 - Increased thresholds for delegated decisions
 - Training for elected members of LPAs
 - Planning fees set at local level
- Compulsory purchase incl. compensation
- Operation of development corporations
- Cross-boundary strategic planning: Spatial Development Strategies

Development and nature recovery

What's new?

- **Environmental Delivery Plans (EDPs):**
 - Prepared by Natural England
 - Set out the strategic action to be taken to address the impact that development has on a protected site or species
 - Where an EDP is in place and a developer utilises it, the developer would no longer be required to undertake its own assessment or deliver project-specific mitigation for issues addressed by the EDP
- **Nature Restoration Levy:** “an alternative approach for developers to meet certain environmental obligations relating to protected sites and species”
 - Habitats Regulations Assessment
 - consenting/licensing under the Wildlife & Countryside Act (SSSIs, protected species)
 - Protection of Badgers Act

What isn't changing?

- Obligation to undertake Environmental Impact Assessment remains
- Environmental Outcome Reports (Levelling up and Regeneration Act 2023)
- Biodiversity net gain

Environmental Delivery Plans: the issue

Guide to the Bill: *there is often little or no strategic coordination where development is required to discharge an environmental obligation relating to protected habitats and species.*

- Addressing impacts development by development – rather than holistically - may not secure the best outcomes for the environment
- Linking each development with specific mitigation measures may be block or delay development where mitigation is not readily available (nutrient neutrality)
- Burdens on developers and local authorities
- Slows housing delivery

The idea: An EDP will be able to pool resources and deliver conservation measures at scale

Environmental Delivery Plans: content

Must set out (clauses 48 - 52):

- The area in which development may be undertaken, the kind of development and the maximum amount of development
- Environmental features likely to be affected by development (and how);
 - which may be a protected species or a protected feature of a protected site
 - protected sites includes European sites, SSSI or Ramsar site
- Conservation measures to protect those features and contribute to an overall improvement in their conservation status;
- Why those measures are considered appropriate and alternatives considered;
- Expected costs of the conservation measures and the amount of the nature restoration levy payable by developers to cover those costs;
- The environmental obligations that will be discharged if developer pays nature restoration levy;
- How NE will monitor the effects of the EDP

Lifespan of EDP: 10 years

Nature Restoration Levy

- Idea: to fund delivery of conservation measures
- Where EDP in place, developer can ask to pay levy before development commences
- If accepted, environmental impact disregarded - and developer treated as having been granted necessary licence(s) – for the purposes of
 - Habitats Regulations 2017
 - Wildlife and Countryside Act 1981
 - Protection of Badgers Act 1992
- Refusal? e.g. site specific sensitivities not met by strategic measures?
- Optional – can undertake own assessment & mitigation instead
- Power to make levy compulsory
- Detail in regulations
 - NB Cl.62 – SoS aim to ensure costs funded wholly or partly by developers but not to make development economically unviable

Environmental Delivery Plans: process

- Natural England (or another body designated by regulations)
 - Prepares and consults on draft EDP (having regard to relevant plans and strategies)
- Secretary of State
 - Considers whether EDP meets “overall improvement” test
“[the] measures are likely to be sufficient to outweigh the negative effect, caused by the environmental impact of development, on the conservation status of each identified environmental feature”.
 - Makes and publishes EDP (or directs that NE does so)
- Natural England
 - Implements conservation measures
 - Reports on EDP – at least at midpoint & end date of EDP
- Secretary of State – power to amend or revoke EDP
- Public authorities – duty to co-operate with Natural England

EDPs and Nature Restoration Levy: key take-aways

- Doesn't remove requirement for EIA
- Where there is an EDP and developer pays levy
- Impacts of development disregarded and developer taken to have been granted necessary licences for the purposes of:
 - Habitats Regulations
 - Wildlife and Countryside Act
 - Protection of Badgers Act

Any questions?

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