

Report to: Strategic Planning Committee



Date of Meeting 19th May 2025

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Planning and Infrastructure Bill Update

Report summary:

The Planning and Infrastructure Bill was introduced to parliament on the 11th March 2025 and includes a number of provisions that will impact on the delivery of the planning service and its work moving forwards. Many of these measures have been the subject of working papers or previous consultations that the Council has responded to in the past as appropriate. This paper seeks to update Members on the proposals placed before parliament and their potential implications for Members to consider.

This report is also being considered by Cabinet on the 4th June. Any comments from Strategic Planning Committee will be verbally reported to Cabinet.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That Members note the provisions of the Planning and Infrastructure Bill and their potential implications for the delivery of the planning service and strategic planning.

Reason for recommendation:

To ensure that Members are aware of potential changes to the planning system.

Officer: Ed Freeman – Assistant Director Planning Strategy and Development Management

Portfolio(s) (check which apply):

- ☐ Climate Action and Emergency Response
- ☒ Coast, Country and Environment
- ☐ Council and Corporate Co-ordination
- ☐ Communications and Democracy
- ☐ Economy
- ☒ Finance and Assets
- ☒ Strategic Planning
- ☒ Sustainable Homes and Communities
- ☐ Culture, Leisure, Sport and Tourism

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information

Link to [Council Plan](#)

Priorities (check which apply)

- ☒ A supported and engaged community
 - ☒ Carbon neutrality and ecological recovery
 - ☒ Resilient economy that supports local business
 - ☒ Financially secure and improving quality of services
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Report in full

The Planning and Infrastructure Bill was introduced to Parliament on the 11th March 2025. This report seeks to summarise the key points and start to consider the potential implications for the Council.

PLANNING COMMITTEES

A national scheme of delegation is proposed that would set out the types of planning applications that can be determined under delegated powers by planning officers and which should be considered by Planning Committee. Regulations are needed to set out the details of this but a working paper published in December set out that the intention was to fast track development. The paper set out options which included:

- All applications that are deemed to comply with the development plan would be delegated to officers;
- A default delegation to officers other than exceptions such as when approval is recommended for a development which is contrary to the development plan or the application is made by the authority itself;
- A default delegation to officers other than major schemes not on allocated sites; allocated sites where the scheme departs from the local or neighbourhood plan; or schemes which have been subject to a specified number of objections.

It made it clear that these options are not mutually exclusive and they were open to consider a hybrid approach. A full consultation on how this would work is expected. In the meantime, the bill would put in place the legislation to enable government to impose a national scheme of delegation and publish regulations to enact it.

It is proposed to give the secretary of state the power to make regulations setting out the size and composition of planning committees. The Bills explanatory notes suggest that government consider that smaller planning committees are favoured as they lead to more effective debates and decision making.

Members sitting on Planning Committee would have to undertake mandatory training and gain a certificate of training before considering any applications. The explanatory notes say that it, “aims to create consistency in training and ensure that key areas of law that are relevant to a planning committee’s decision-making functions are understood to an adequate standard”. The government highlights the high number of decisions made by planning committees against officer recommendations nationally that are overturned on appeal. The Council would need to ensure that all members of the committee successfully completed the training and publish a list of those who

had been trained on the website. Any members who have not received the training would be prohibited from taking part in decision making in planning committee.

A response to the working paper was submitted under delegated powers and is appended to this report for information.

Implications for EDDC

As a result of these changes the Council may need to amend its own constitution to align with any national scheme of delegation, amend its processes accordingly and ensure that Members of Planning Committee are trained in accordance with the new requirements. It is likely that it would also lead to a reduced number of members sitting on planning committee.

PLANNING APPLICATION FEE SETTING

Provision is made for local fee setting on planning application fees. This was consulted on as part of the new NPPF consultation last year and made it clear that this would work on a cost recovery basis. There were however views sought on whether this should simply be the costs associated with processing a planning application or whether authorities would be able to recover the costs of plan making and enforcement work. The government response indicates that it would only relate to the costs of determining planning applications stating that "It is not proposed that planning fees are increased beyond cost-recovery of the planning applications (development management) service to fund wider planning services at this time. However, the government will continue to investigate ways to better resource other areas of planning, such as statutory consultees, to enhance the resilience of the planning system".

The government indicated as part of the consultation that they would set a baseline fee rate to act as a default with local authorities having the option of setting their own fees. Respondents raised concerns about the work involved in setting local fees and potential variations that may then arise between authorities. Regulations will need to be issued to set out the requirements that LPAs must meet to set planning fees or charges, however it is clear that income from planning application fees would be ring fenced for the delivery of development management services. The secretary of state would retain a power to intervene if the charges were disproportionately high or low.

Implications for EDDC

These provisions would allow the council to recover the cost of its development management service through local fee setting which would reduce the burden placed on the Council's overall budget since current fees do not come close to covering the cost of the service. However, it is considered that there would be significant resource implications in accurately calculating these fees on a cost recovery basis. It would be necessary to undertake large scale time recording over a significant period of time in order to set accurate fees for all of the different types of applications. The time taken and resources needed can vary substantially between different application types and different applications of the same type depending on the proposals and the issues raised as well as the level of controversy and the decision making route. Calculating an accurate fee would be challenging and time consuming. The benefits of doing this would need to be weighed against those of any revised national baseline fees set by government which in themselves may help to address the shortfall in income versus cost.

STRATEGIC PLANNING

The bill would reintroduce strategic planning at a regional/sub-regional level through requiring combined authorities and combined county authorities whether mayoral or non-mayoral to produce a spatial development strategy (SDS). This would form part of the development plan for the area with local plans needing to be in general conformity with the SDS.

The SDS would include:

- Policies that are of strategic importance in relation to the development and use of land in the area;
- Set out infrastructure needed to support or enable the delivery of development, address climate change or address the economic, social or environmental well being of the area;
- Not allocate specific sites but would set housing numbers and the distribution of housing including affordable housing across the strategic authority area;
- Need to ensure that the “use and development of land in the strategy area contribute to the mitigation of, and adaptation to, climate change”;
- Need to be consistent with national planning policy.

Plans would be consulted on and examined by a government appointed examiner.

Implications for EDDC

As things stand responsibility for producing the SDS would rest with the Devon and Torbay Combined County Authority and so this represents a potential loss of control to this authority. It is hoped that the district councils would be engaged in this work and so this would be likely to have resource implications but it is not possible to estimate what this would be at this stage.

NATURE RECOVERY

The Bill enables the formation of a Nature Restoration Fund (NRF), to enable a more strategic approach to habitat mitigation. It would enable Natural England to produce Environmental Delivery Plans (EDPs), that set out strategic mitigations to address the impact that development has on a protected site or species. Where an EDP exists, the developer would no longer have to undertake their own assessments, or deliver project-specific interventions, for issues addressed by the EDP but could instead pay a contribution to the NRF.

The government states this approach “will facilitate a more strategic approach to the discharge of environmental obligations and result in improved environmental outcomes being delivered more efficiently. By reducing delays to development, this new approach may also facilitate faster delivery of housing across England”.

This proposal was included in a working paper published earlier this year to which officers wrote advising of the joint mitigation strategy for the Exe Estuary and Pebblebed Heaths and how the strategic mitigation and developer contributions approach has been successful at a local level. The response expressed concerns about resourcing this at a national level and the need for this to be done on a habitat or landscape scale. A copy of this response is attached to this report.

Implications for EDDC

This proposal would potentially see control of strategic habitat mitigation pass to Natural England or a similar body and so this could lead to a loss of control and work involved in administering the current arrangements. It is not however clear at this stage whether the new approach would take on existing strategic mitigation approaches or just new strategies. It is also not clear what the timescales for implementation would be. The lack of certainty at this stage makes it difficult to understand the implications for EDDC at this time.

COMPULSORY PURCHASE

The bill seeks to streamline the process for compulsory purchase orders to be made and extend existing powers to remove 'hope value' arising from planning permissions. It would extend the existing powers to remove 'hope value' so that these include where a town/parish council and community councils are using CPO powers to deliver affordable or social housing provision.

The proposed changes to CPOs add to changes in the 2022 Levelling Up and Regeneration Act (LURA) allowing land to be acquired more cheaply in certain circumstances. The LURA had introduced a power which allowed acquiring authorities to remove "hope value" from the price of a CPO, providing it is in the public interest. Such circumstances include where land is acquired to deliver a school, hospital, affordable housing or other community benefit. The Planning and Infrastructure Bill extends this to CPO's for the benefit of town/parish councils and community councils. This is designed to improve the viability of such schemes.

The bill also proposes changes to the system for making and confirming CPO's to modernise the process and enable acquiring authorities more powers to modify and confirm CPO's in certain circumstances and to take control of land more quickly.

Implications for EDDC

The changes to 'hope value' provisions could be beneficial in certain circumstances although the changes in the LURA were more directly relevant. A streamlining of the process could also be beneficial in the event that the Council were to proceed with CPO's in the future.

DEVELOPMENT CORPORATIONS

The bill seeks to make it easier to deliver large scale new communities through development corporations by creating a clearer and more flexible framework for development corporations.

The Bill says it will:

- "Enable greater flexibility for development corporations in terms of the variety, extent and types of the geographical areas over which they can operate.
- Ensure development corporations have due regard to sustainable development and climate change mitigation and adaptation.
- Update and standardise the types of infrastructure development corporations can deliver, including heat networks.
- Improve collaboration between development corporations and local transport authorities, through a new duty to cooperate, which will ensure that new towns are seamlessly integrated into the wider spatial plan for the area. Where appropriate, the Bill will ensure that development corporations are able to exercise transport planning functions to achieve this goal".

Implications for EDDC

In the event that the Council were to seek to form a development corporation in the future, as is being considered in relation to the second new community, then these changes could be beneficial to the resulting development corporation. Consultants are currently producing a report considering the pros and cons of different delivery models for the new community which will be presented to Members at a future meeting.

Financial implications:

There are no direct financial implications identified at this time. The report is to ensure that Members are aware of potential changes to the planning system. However, as more detail is received there may be changes to fee collection. There is a lot of development work to be done, and we will work closely with the service to understand further financial implications.
(AB/14/03/2025)

Legal implications:

The legal implications are covered in this report (002533/17 March 2025/DH).

Appendix 1 – Response to Working Paper on National Scheme of Delegation

Proposals include:

- a. a national scheme of delegation – bringing clarity and consistency to everyone about which applications get decided by officers and which by committees;
- b. dedicated committees for strategic development – allowing a dedicated and small group of councillors to dedicate energy to the most significant projects; and
- c. training for committee members – requiring that councillors undertake appropriate training before they can form part of a planning committee.

[Planning Reform Working Paper: Planning Committees - GOV.UK](#)

As discussed proposed response for comment is as follows:

a. Do you think this package of reforms would help to improve decision making by planning committees?

It is agreed that it is important that planning committees focus on decisions that are strategically significant and do not debate small scale household and other minor developments. These should be delegated in all circumstances.

It is also important that the committee is not revisiting matters that have already been resolved through the plan making process. However, compliance with the local plan is often a subjective judgement in itself and is not straight forward so relying on this to determine if an application is delegated leaves a lot of scope for disagreement and criticism.

In terms of options 2 & 3 the list of matters that would not be delegated includes matters that we currently successfully determine under delegated powers. For example, the list includes sites that are subject to an EIA or which is likely to have a significant impact on a habitats site but such applications will only be unacceptable where the impacts are not to be acceptably mitigated. It would only make sense for such decisions to be made by committee where the proposal does not intend to adequately mitigate the impacts on the environment and it is still recommended for approval.

b. Do you have views on which of the options we have set out in regards to national schemes of delegation would be most effective? Are there any aspects which could be improved?

In terms of options 1 and 2 compliance with the development plan is inevitably a subjective judgement and not something that can necessarily be agreed between the LPA and the applicant. Whether the development is in accordance with the development plan could be agreed with the chair of the committee or portfolio holder but even this is open to lobbying or being politically influenced. These options would not give the transparency and certainty that is sought. Option 3 is similar to many current local level schemes of delegation and so would not achieve the intended outcomes.

c. We could take a hybrid approach to any of the options listed. Do you think, for instance, we should introduce a size threshold for applications to go to committees, or delegate all reserved matters applications?

It is considered that the simplest way of defining developments that should be delegated is simply through the scale of development and stating categories of development that must be delegated. It is considered that all 'other' category developments should be delegated and some of the less controversial 'minor' category developments should be delegated along with all reserved matters. The rest should be left to local discretion as they will rarely be a waste of the committee's time if they are debated by a committee.

d. Are there advantages in giving further consideration to a model based on objections?

The problem with this model is that some relatively minor applications can raise a high number of objections due to local campaigning by those affected. Equally an approach based on the number of objections received does not address the eventuality that many may not relate to planning matters and may actually be irrelevant. For example, we have controversial applications to replace public toilet blocks within the district at the moment where the objections relate to the intention to charge for the new toilets rather than any material planning consideration. It is also the case that some strategically significant developments raise few objections but would benefit from the wider input of a committee.

e. Do you agree that targeted planning committees for strategic development could facilitate better decision making?

Yes – The greater diversity of knowledge and views targeted to strategic developments through a dedicated committee would facilitate better decision making but such applications are often some of the least controversial. In East Devon we have Cranbrook new town and many of the strategic developments here are relatively uncontroversial and accord with the development plan and so there may be no need for them to be considered by the committee. As a result, there is less need for political oversight in decision making on these applications.

f. Do you have a view on the size of these targeted committees?

Agree in principle with keeping them quite small but committees of only 3 – 5 Members run the risk of them not being chorate at meetings and so it is considered that at least 5 to 7 Members are needed.

g. How should we define strategic developments?

This would need to be defined by the scale of the overall development rather than individual proposals. Cranbrook new town will be around 8,000 homes but individual parcels can be as little as a few hundred homes and key developments such as a community building or neighbourhood centre may be quite small in area but of key importance to placemaking and so significant to the overall delivery of the development. These kinds of developments need to be considered as strategic even though they may not be classed as such on any size measure alone.

h. Do you think the approach to mandatory training is the right one?

It is essential that Members are suitably trained before sitting on a planning committee and the proposed approach of formalising this with a nationally procured training programme with certification would help to deliver this and formalise it. It would ensure that the appropriate training is delivered to all members sitting on planning committee equally which would give certainty to applicants. There are however local level issues that can be specific to areas where there are National Landscapes etc that may also require some more locally specific training to take account of local circumstances.

Appendix 2 – Response to Working Paper on Development and Nature Recovery

We are writing to provide a response on behalf of East Devon District Council to the Government's consultation on Planning Reform Working Paper: Development and Nature Recovery.

East Devon – delivering Development and Nature Recovery

East Devon has an outstanding environment. Approximately two thirds of the district are designated as a National Landscape, there are seven international wildlife sites, important statutory and non-statutory designated wildlife sites, and is home to rare habitats and species. As such, there are several environmental regulatory challenges to comply with to facilitate development within the district.

East Devon is also a high growth District with the population increasing at a rate that is more than twice the national average. Effective joint working under a regional, strategic approach to Habitats Regulations mitigation with Exeter and Teignbridge Councils over the past decade has supported the delivery of major new developments whilst protecting and enhancing internationally protected habitats, increasing biodiversity and improving access to greenspace through provision of Suitable Alternative Natural Green Space (SANGs).

A major growth corridor extending eastwards from Exeter has been under development since 2010. This includes the freestanding new town of Cranbrook and an Enterprise Zone designation covering four commercial sites including Exeter Science Park. Overall nearly 6,000 homes and over 1 million square feet of commercial space has been delivered to date. Ultimately we expect to deliver 12,000 each of new homes and jobs as part of the current programme.

We are currently in the process of reviewing our Local Plan which will roll planning horizons forward to 2042. The key strategic proposal contained within this is to bring forward a second new town of up to 10,000 homes, with 2,500 delivered in the next plan period. By 2030 we will be in the unusual position of having two new towns under development concurrently.

This growth is supported by the South East Devon European Site Mitigation Strategy (SEDESMS) (in partnership with Exeter City, Teignbridge District Councils, Natural England, Pebblebed Heaths Conservation Trust, RSPB and Devon Wildlife Trust – see case study 1), which provides a single strategic assessment and delivery plan for the SE Devon European Sites (funded through planning contributions and CIL), and through the effective use of planning tools (such as the Cranbrook Masterplan DPD) to deliver high-quality sustainable development. Together these measures supporting the delivery of 30,000 homes and 150 Ha of SANGs: increasing substantially over the next local plan period to unlock another 30,000 homes and 300 Ha of SANGs across the three authorities.

In addition to the large growth areas in the 'West End' of the district, development in other areas is also subject to varying environmental regulations and tools to support sustainable growth. The Beer Quarry and Caves Special Area of Conservation (SAC) Habitats Regulation Assessment (HRA) Guidance (October 2022) provides a clear framework for developers and planners to assess and facilitate plans and projects within defined consultation zones based on rigorous scientific survey work. These guidelines are further supported by industry best practice and regional guidance to ensure that development can be accommodated while being regulatory compliant.

More recent and emerging environmental issues include nutrient neutrality applicable in the River Axe catchment (also encompassing Somerset and Dorset). East Devon successfully obtained funding in the Local Nutrient Mitigation Fund Round 2 to develop a nutrient mitigation scheme to discharge environmental obligations within the existing environmental regulatory framework in a strategic manner.

Other emerging issues being addressed within the district include consideration of air pollution impacts and water consumption.

General Comments

We understand and support the potential for a strategic approach to nature recovery that unlocks sustainable development. This can provide the potential to drive nature recovery at the scale necessary to have meaningful impact, providing additionality including multi-functional Green Infrastructure with wider environmental and health and wellbeing benefits.

To the east of Exeter the Clyst Valley Regional Park (CVRP see case study 2) provides a connected green infrastructure network which links existing villages, Cranbrook and the second new town, as well as providing a green buffer on the eastern edge of Exeter. In the CVRP 4,000 hectares are prioritised as a focus for the delivery of ecosystem services and active travel – supporting and mitigating the significant economic and residential growth in the surrounding area. There is a clear opportunity for a strategic approach to be taken to focus investment in this area to accelerate the objectives of the CVRP and accelerate development across the sub-region.

It should be recognised that there are several established mechanisms for delivering sustainable development in line with existing environmental regulations. It should be considered that the working paper premise that legislative change is required to delivery strategic mitigation schemes to satisfy environmental obligations is at odds with existing successful strategic schemes, e.g., SEDESMS, and considering other schemes are being implemented across the country under the current regulations, e.g., nutrient neutrality, great crested newt district level licensing (DLL).

Other existing frameworks and guidance (non-exhaustive list) to ensure regulatory compliance include professional survey guidelines, supplementary planning documents, British Standards Institutes, professional membership bodies, e.g., Chartered Institute of Ecology and Environmental Management (CIEEM), Landscape Institute (LI), .GOV standing advice, Green Infrastructure Framework, protected species licencing (Low Impact Licence, Eared Recognition) etc.

The delay of development projects due to the requirements of environmental obligations, such as seasonal ecological surveys, can often be attributed due to poor program management and not embedding consideration of environmental obligations at the feasibility/design stage. When considered early, the mitigation hierarchy can be used to minimise risks, costs, and perceived delays. A joined-up strategic approach to understanding the ecological baseline (and other constraints) of key development areas could help to accelerate delivery, along with appropriate masterplanning and planning tools (such as the DPD prepared for Cranbrook, and emerging masterplan for our second new community).

In addition, planning authorities and statutory conservation bodies, e.g., Natural England, are often under resourced and having to deal with significant amounts of technical information and emerging requirements such as Biodiversity Net Gain (BNG) with often limited clear guidance on the application. With additional resourcing, training, and guidance, many perceived delays could be reduced without wholesale legislative reform.

Key to any nature recovery proposals is an understanding of baseline conditions through detailed desk studies and individual site surveys by professional ecologists to understand constraints and opportunities. The development of technology can aid and enhance decision making, such as remote sensing, artificial intelligence (AI), and Open Data but these measures cannot replace on the ground surveys and rigorous scientific method.

It is accepted that certain environmental obligations could be better addressed at a strategic scale, e.g., waterbody catchments, such as diffuse pollution and recreational impacts, administered by a strategic delivery body. However, it should also be recognised that this will not be applicable for every environmental issue and given an interdependence of wildlife and complex systems, a hybrid approach built on existing good practice is required. Often local wildlife sites, priority habitats, and species populations are small in scale in a fragmented environment. The loss of these localised important features should not be at the expense of accelerated development. They form the building blocks and genetic diversity required to maintain ecosystems.

To contribute towards meaningful nature recovery would require genuine enhancement measures that would reverse the decline and/or contribute towards the long-term restoration and

enhancement of designated sites. Until the implementation of statutory Biodiversity Net Gain (BNG), there has been no legislative approach to deliver environmental enhancements. In accordance with Lawton principles, any proposed measures should contribute towards 'bigger, better, more joined-up'. This cannot happen in isolation and requires strong regulatory and enforcement, monitoring, adaptive management, and long-term certainty for all stakeholders. Local Nature Recovery Schemes and the proposed Land Use Framework, currently under consultation, create the opportunity to identify strategic nature recovery areas at scale.

The proposed working paper provides examples of how strategic schemes could create a 'win-win' of development and nature recovery, for example referencing nutrient neutrality. It should be noted that nutrient neutrality, and other strategic schemes such as Suitable Alternative natural Greenspace (SANGs) are mitigatory measures to off-set development impacts. In the case of nutrient neutrality, designated sites are usually in an Unfavourable Declining status so although development may not result in an increase in environmental impacts, the effect is not contributing towards site restoration, rather than maintaining the status quo.

Issues affecting habitat sites, such as nutrient neutrality, can be attributed to failure of applying Habitats Directive 6(1) and 6(2) duties to ensure habitat sites are monitored and impacts to those sites are addressed before they fall into failing condition. A strategic approach should address this and ensure that habitat sites have sufficient headroom to accommodate environmental impacts from development plans and projects.

We note that the Habitats Regulations/Directive have been rigorously reviewed on three separate occasions and been found to be effective and fit for purpose on each occasion (The 2012 Defra review of the Habitats Regulations (Spelman Review), the Government Red Tape Initiative of 2018, and the EU's REFIT review of the Nature Directives in 2016).

Some other key tenants that must be retained in any strategic decision-making frameworks include the strict application of the mitigation hierarchy, protection and acknowledgement of irreplaceable habitats, e.g., ancient woodlands, and key environmental principles including the polluter pays, precautionary principle, and ensuring any legislative or regulatory changes do not weaken but enhance environmental protection.

The UK is one of the most nature depleted countries in the world. Climate and nature are intricately linked and nature-based solutions, such as natural flood management, use of trees for urban cooling, and multifunctional accessible green space will be key mechanisms to deliver sustainable growth and should be integrated with the strategic approach to nature recovery.

It is essential that the proposed Delivery Bodies are able to operate at appropriate scale (potentially at Strategic Authority level, supported by Natural England nationally) to ensure the delivery of strategic interventions whilst supporting local delivery that delivers best outcomes and supports and engages with communities. As we note in our introduction, existing Delivery Bodies such as the SE Devon Habitat Regulations Partnership and Wild East Devon (East Devon District Council's Countryside Team) are already delivering strategic mitigation and nature recovery whilst unlocking development and providing community and health and wellbeing benefits. These bodies have significant expertise and local knowledge and offer the opportunity to continue to deliver these services within the context of larger delivery bodies, either directly or in partnership, and to share knowledge and best practice.

There is a need to ensure that learning from existing successful strategies, such as SEDESMS, and other existing successful nature recovery models that support development are retained and supported within new delivery mechanisms

Responses to Consultation Questions

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

Yes – our existing approach to mitigation is proof that carefully focused, strategic delivery removes perceived obstacles to growth and provides opportunities to unlock funding and land at scale, focused on the areas which offer best prospects for strategic mitigation, nature recovery and wider

benefits. However, it is critical to recognise the importance of timing and the need to deliver mitigation in advance of impact. Otherwise, conservation features which require protection will be lost or degraded before measures are in place.

For example the Clyst Valley Regional Park is a 400Ha landscape which follows the River Clyst from the Exe Estuary to Broadclyst, Whimble and the Killerton Estate which is managed by the National Trust. An appropriately funded strategic nature recovery scheme could link the Exe Estuary SPA/SAC to the Killerton Landscape Recovery Scheme and deliver cross-cutting environmental, economic and nature recovery benefits that would mitigate the impact of residential development and existing developed areas through habitat creation, carbon capture, water quality improvement, and enhanced active transport connections (supporting the Exeter and East Devon Enterprise Zone and Tourism/Leisure destinations).

Notwithstanding the above it is important to understand how the proposals would work in practice.

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

It is our view that nature recovery is best delivered at the appropriate landscape scale (e.g. catchment area) and within the framework of LNRs. Existing mechanisms such as the existing Habitat Regulations mitigation strategy (on site and off site obligations), BNG, Woodland Grants, Nutrient Neutrality & Air-Quality mitigation could all combine to support this approach. Consideration of other approaches such as carbon credits could provide additionality.

The opportunity to identify and support cross-cutting benefits – carbon capture, woodland creation, health and wellbeing, active transport, community cohesion and partnership working should be taken.

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 Delivery Plan should align with the LNRs and integrate existing strategies (such as the SEDESMS). It is important to ensure that Delivery Plan incorporates Management, Monitoring and Review, and draws together existing evidence/monitoring bases, identifying where gaps exist, or updates are required. This must also ensure a clear understanding of required outputs and timeframes, independent review cycles/scrutiny.

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

Where existing, successful strategies and recovery programmes have been established, these should continue to operate as normal during any reorganisation. Funding sources need to be identified, profiled, and secured to enable long term planning and certainty of delivery in perpetuity.

There needs to be clarity in terms of clear remits for authorities and Delivery Bodies. If planning authorities will no longer be considered competent authorities according to the Habitats Regulations, legislative and policy changes will be required to confirm this position.

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 – and there is a need to work with existing partners who are delivering nature recovery and mitigation at a local/regional level.

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

No comment

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?

LNRS, Natural England Green Infrastructure Framework and the emerging Land Use Framework need to inform the approach and be integrated with development proposals (such as the masterplans for Cranbrook and East Devon's second new community). The Delivery Strategy should be forward funded to ensure that mitigation is in place before developmental impacts are created – and to ensure that cross-cutting benefits of multi-functional Green Infrastructure are realised.

Decision-making should prioritise the precautionary principle to prevent irreversible damage when evidence is incomplete or uncertain. The mitigation hierarchy must be strictly followed to minimise harm before considering compensatory measures. Mitigation efforts should take place within the same catchment or location as the impact.