

Client Briefing: Part 3 of the Planning & Infrastructure Bill – What You Need to Know

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1 Introduction

Part 3 of the UK Planning and Infrastructure Bill proposes a major change to how certain environmental duties are managed in planning and development. It introduces new Environmental Delivery Plans (EDPs) and a Nature Restoration Levy intended to fund strategic nature recovery, replacing some site-by-site protections.

The Government's stated aim is to speed up infrastructure and housing delivery while improving environmental outcomes through coordinated, landscape-scale action. However, the proposals have drawn both strong support and significant criticism from regulators, NGOs, and environmental professionals.

In this client briefing, Dr Martin Brammah (National Ecology Lead) and Hanne Larsson (Technical Director – Environment & Sustainability) of Sweco's Energy, Water and Environment division explore why Part 3 of the Bill has garnered so much attention, presenting the arguments for and against this new initiative, and exploring what it might mean for Sweco's clients.

2 What Does Part 3 Introduce?

Part 3 of the UK Planning and Infrastructure Bill introduces a new framework for delivering environmental outcomes through strategic, area-based planning. It proposes to replace certain project-by-project duties with long-term, coordinated mechanisms intended to restore and enhance nature at scale. The key elements include:

- **Environmental Delivery Plans (EDPs):**
10-year, area-based plans setting out targeted conservation actions. If an EDP applies to a project, it could replace certain existing environmental obligations for the protected feature or area in question.
- **Nature Restoration Levy & Fund:**
Developers could pay a levy into a central fund administered by Natural England. This contribution could discharge specified environmental duties, with funds pooled to deliver the EDP.
- **Changes to Existing Protections:**
Ministers could alter or disapply elements of current site/species protection regimes for features covered by an EDP—provided the plan is judged likely to deliver a better outcome by the end of its term.

Note, however, that in response to criticism from the Office for Environmental Protection (OEP) and various nature groups, the Government added, in July 2025, stronger legal tests, a requirement for *evidence-based* EDPs, and provisions for monitoring and reporting.

Natural England's Role in Part 3 Delivery

Natural England will oversee the implementation of Environmental Delivery Plans (EDPs), manage the Nature Restoration Fund—including levy contributions from developers—gather and maintain ecological data, monitor progress, and advise developers and Local Planning Authorities (LPAs) on EDPs, Biodiversity Net Gain, and statutory obligations. The government has allocated £14 million to the Nature Restoration Fund for the next financial year to support these activities. However, experts question whether this amount is sufficient to equip Natural England with the resources to fulfil its extensive new responsibilities.

3 Arguments For and Against

Proponents of Part 3 argue that shifting from fragmented, site-by-site obligations to strategic, landscape-scale planning could unlock greater ecological benefits while accelerating development. Supporters include government departments, developers, and infrastructure planners, who highlight the following potential advantages:

- Deliver **bigger and better environmental gains** by pooling contributions into strategic, landscape-scale projects rather than piecemeal, site-specific measures.
- **Speed up decision-making** for critical infrastructure and housing by offering a single, coordinated route to meet environmental requirements.
- Provide **clarity and certainty** for developers, with Natural England overseeing plan delivery and long-term monitoring.
- Potentially achieve **more with the same resources** by targeting funds to the highest ecological priorities.

Critics warn that Part 3 risks undermining long-established environmental safeguards in favour of a more permissive, less certain model. A wide range of organisations - including the OEP, Wildlife Trusts, RSPB, CIEEM, and legal experts - have raised concerns that it could lead to:

- Lead to **environmental regression**, allowing key legal protections to be reduced or bypassed via EDPs.
- Create a “**pay-to-harm**” system, where developers can offset damage through levy payments without sufficient safeguards to prevent immediate habitat loss.
- **Undermine existing regimes** such as the Habitats Regulations and Wildlife & Countryside Act by allowing overlapping or substitute measures.
- Deliver **net losses** if restoration is delayed, under-funded, or fails to match the ecological value of what is lost.
- Place **sensitive sites at risk** if disapplication powers are used too broadly.

4 Key Issues to Watch

Whether Part 3 ultimately delivers on its promise will depend on the detail of its implementation. Several aspects require close monitoring by practitioners, policymakers, and stakeholders:

1. **Legal Tests and Evidence:** Will EDPs be required to prove measurable, timely improvements with independent scrutiny?
2. **Timing:** Will restoration happen before or alongside development impacts, or only afterwards?
3. **Limits on Disapplication:** How far will Ministers' powers go in removing or altering protections?
4. **Interaction with BNG and Nature Markets:** Will EDPs complement or compete with Biodiversity Net Gain and other private nature finance mechanisms?
5. **Capacity and Data Sources:** Even with increased funding, will Natural England have sufficient skilled staff to assess EDPs promptly, and who will be responsible for commissioning and paying for the up-to-date survey data needed to underpin evidence-based plans?

5 Implications for Developers and Landowners

When enacted, Part 3 will create new variables for those bringing forward land for development or managing rural assets.

Proactive engagement will be essential to anticipate and respond to the changes, including:

- **Being alert to EDP boundaries:** The first strategic EDPs could land as early as late 2025. If your site falls within a future plan area, your obligations could change significantly.
- **Managing finance and compliance:** Additional levies, administrative requirements, and complex approvals could raise costs, affect project viability, and limit control over how environmental funds are spent.
- **Watching the secondary legislation:** Key safeguards, definitions, and operational rules will be set in later regulations.
- **Aligning with BNG and other schemes:** Ensure you understand how EDPs interact with existing nature markets and Biodiversity Net Gain requirements.
- **Preparing for mandatory levies:** If Natural England deems EDP “necessary,” developers may be required to pay the levy even where alternative compliance routes would normally be available, creating additional costs and reducing flexibility in meeting obligations.
- **Monitoring planning decisions tied to EDP approval:** If an LPA disagrees with the content of an EDP, they could potentially delay or withhold planning consent.
- **Maintaining local and community support:** Relying solely on national fund contributions rather than on-site measures may reduce local support, increase objections, and create planning delays.
- **Protecting reputational standing:** Without a clear “avoid harm first” principle, projects could face criticism for damaging sensitive habitats.
- **Planning uncertainty:** Poor EDP delivery, combined with declining biodiversity, may trigger challenges, appeals, or additional mitigation requirements, reducing flexibility for future development.

6 Is this the end of Protected Species Surveys?

Part 3 will not remove the need for protected species surveys across the board. However, within the footprint of an EDP, project-level survey requirements for features covered by the plan could be reduced or reframed. The final outcome will depend on the detail of secondary legislation and how LPAs apply their validation and licensing policies.

- **No blanket removal:** Ministers state the Bill is not intended to remove environmental protections and should complement normal planning requirements. Most projects will still require proportionate species surveys.
- **Inside an EDP footprint:** Where a feature is explicitly covered by an EDP, survey duties could be lighter, with greater reliance on plan-level evidence and funding. Professional bodies warn this may weaken decision-making and monitoring.
- **Outside an EDP or for non-covered features:** Expect current survey requirements to remain in place, as validation lists, the mitigation hierarchy, and licensing regimes still apply.
- **Due diligence still required:** Early ecological scoping will remain essential to confirm whether an EDP applies, what species or features are relevant, and how other statutory protections (e.g., for badgers, nesting birds) will be addressed.
- **Lessons from Great Crested Newt District-Level Licensing:** Strategic schemes can reduce site-specific survey needs but rarely eliminate them, especially for species with highly localised roosts or territories.

The bottom line is that Part 3 does not herald a universal end to surveys for protected species. Inside an EDP, requirements may be lighter - but only where the plan clearly covers the relevant ecological features and subject to future regulations and LPA practice. Until the rules are confirmed, proportionate surveys remain the prudent default.

7 Overview

From a professional standpoint, the concept of strategic, long-term nature restoration is compelling - particularly where it can align development with measurable environmental gains. However, even with the July 2025 amendments, the current drafting leaves significant risks unaddressed, including:

- The potential weakening of site-level protections.
- A time lag between environmental damage and restoration benefits – particularly relevant in a changing climate.
- Uncertainty around enforcement and delivery.

The OEP has formally advised that further changes are needed to prevent regression, and professional bodies remain concerned. Furthermore, these changes risk undermining a budding BNG market that developers and landowners will not relish learning new rules for.

In our judgement, the balance of risks and benefits remains unfavourable unless further statutory safeguards are introduced. While the framework could be adapted to achieve meaningful gains, its current form is more likely to erode protections than enhance them. This assessment rests on:

- The potential to replace enforceable project-level duties with a plan-based model that may under-deliver in practice.
- The need for tighter limits on ministerial powers, robust oversight, and equivalence of outcomes before disapplication powers are exercised.

About the Authors

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