

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

Currently no, as it could add complexity with unclear benefits for nature. It's possible that this approach could complicate matters and slow the development management process. The problem seems to be that a twin track approach could potentially be very confusing. Some areas would be covered by a Delivery Plan, and some not, as per Para 31 below:

*Para 31: Delivery Plans could only be put in place where there is sufficient confidence that they will achieve the better outcomes for nature over their lifetime. Where this is not the case, developers will continue to discharge obligations in line with existing legislation and practice. Similarly, where development has other environmental effects that are not covered by a Delivery Plan, then those remaining effects will continue to be assessed and addressed in the usual way.*

Similarly, operating new 'Delivery Plans', alongside Habitat Regulations Assessment (HRA) and Biodiversity Net Gain (BNG) requirements, would increase workload for LPAs and present additional confusion, financial burden and viability concerns for applicants/developers.

To prevent the above, any change to the system needs to ensure that new approaches are not at the expense of nature recovery, is sustainable in the long term and provides the benefits for nature, people, culture and the economy. Biodiversity underpins all our lives and is a resource everyone should have access to.

Biodiversity and nature recovery should not be considered just as a local scale, but extends to a landscape, country and international scale with impacts, both adversely and favourably

Any reform should not destroy the recognised systems already in place, whether these are internationally, nationally or locally.

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

To avoid a twin track approach, perhaps the model would only be suited to strategic/cross boundary issues such as cross boundary SANG, strategic GI initiatives, Nutrient Neutrality and sites subject to Habitats Regulations Assessment, linking to benefits for the LNRS.

Similarly, it should be used for landscape scale approaches, particularly for statutory designated sites which have been used for a number of years to delivery environmental objectives targeting the feature, habitat and/or species for which the site is designated. However, this approach cannot always be applied to habitats and species which require specific local conditions and will likely be detrimental to the favourable conservation status of rarer species.

The application of the mitigation hierarchy should be at the forefront of nature protection and recovery, and applied to all elements of the planning process, from individuals, small and large scales and national infrastructure schemes.

*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?*

Potentially there will be confusion between existing Development Plans and Delivery Plans.

Therefore, there is a need to set out clear guidelines for developers/LPA officers/stakeholders in respect of the interplay between Delivery Plans, BNG and HRA, to enable the process to be navigated clearly by all parties. There is also a need to ensure that 'Delivery Bodies' are appropriately resourced to fully assist/advise LPAs on Delivery Plan process and requirements.

Thus, currently there are several unknowns, as legislation is in place to address specific impacts through a variety of means depending on the biodiversity/nature features to be protected. There is not a 'one system fits all' approach. Any Delivery Plan should be informed by evidence and based on robust data involving recognised experts, local authorities and local communities to deliver the outcomes for nature. These should not be regarded as an option, but a must on delivering biodiversity and the best outcomes for nature conservation.

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

The cost of contributing to a delivery plan via contributions to the proposed Nature Recovery Fund (NRF) must be set out in full for long-term delivery including management and monitoring costs.

The strong protection of Natura 2000 sites must not be diminished through what may be considered to be a streamlined Delivery Plan process. These sites are the most valued and protected nature sites in the country and protected by law. It is unclear at this point how existing strategic mitigation strategies such as the [Cotswold Beechwoods SAC Recreation Mitigation Strategy \(2022\)](#) will work with any proposed new system of environmental protections. If they don't, then the risk of twin-track approaches is high and with this a risk of an even slower development management system and diminished environmental protection.

A strategic approach to delivering nature recovery and environmental benefits must not come at the expense of more localised, community-focused GI initiatives. For example, nature-focused initiatives expressed by parishes, through their NDPs – would parish CIL money be diverted to more strategic projects, through the Delivery Plans and associated developer payments?

Safeguards for internationally and nationally designated sites and protected species remain crucial. Paragraph 11 refers to targeted amendments to legislation, but it is unclear whether this would lead to the weakening of protection conferred by the legislation and would not be able to be robustly secured within Delivery Plans.

Additional specific safeguards are needed for Biodiversity Net Gain, protected species, designated sites and habitats with value to biodiversity and nature, all of which contribute to environmental objectives and nature recovery.

Retention of existing ecological and arboricultural measures to inform planning applications are needed, to ensure environmental protections are safeguards

Any financial contributions to strategic schemes will need a clear pathway to ring fence the funding and ensure it contributes to the correct scheme. This process could be made more streamlined to avoid unnecessary delays.

*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, to some degree as this paper suggests even more land will be needed on top of that already required to meet habitat bank demand for BNG, and it's not clear whether enough land exists for this.

Similarly, the mitigation hierarchy needs to be adhered to, and a strategic oversight for BNG and development needs to be properly resourced. Multi-functional spaces are needed which together interact for people, place and biodiversity with a variety of land managers to create connected, productive land outside of development.

It is currently unclear which body will be responsible for ensuring third parties have the appropriate credentials and how will this be monitored to ensure nature services are being robustly delivered, in accordance with the requirements of Delivery Plans.

We support a 'bigger, better, more connected' landscape scale approach to any Delivery Plan, creating multi-functional spaces for nature retention and recovery works alongside existing environmental objectives. The role of experts, local and national groups, such as the RSPB, Wildlife Trust, LPA and local groups should not be underestimated.

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

The Environmental Outcomes Reports (EORs) must be subject to the principles of the Green Claims Code, to ensure environmental/ecological issues are not diluted for the benefit of development. The Delivery Plans must also be underpinned by detailed evidence, such as robust Natural Capital Assessments and Preliminary Ecological Assessments that meet CIEEM requirements. Strategic delivery must be grounded in rigorous, evidence-based assessments. To ensure credibility:

- All decisions and plans should be underpinned by peer-reviewed research;
- Independent oversight and input from ecological experts and academic institutions should be required.

To have credibility, such assessments must be carried out by independent experts, not those employed by developers. This needs more detail, and future implementation must ensure there are adequate skills and resourcing for LPAs and/or delivery body.

Similarly, as the EORs draw from the EIP25, we expect clear targets and guidance of what is expected from the accumulative impact of projects, and their links with the priorities and targets set within the LNRSs and biodiversity policies. Climate change must be an assessed outcome of EORs, including the measurement of embodied carbon and carbon sequestration.

*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?*

Yes, the following numbered lists do not relate to priorities.

Delivery Bodies and Delivery Plans:

1. Would the new policies proposed have greater weight than local policies?
2. How would the actions in a delivery plan be secured legally or enforced upon (if not delivered) if they are outside of the red-line boundary of a planning application? Are the landowners and

delivery bodies going to rely on Conservation Covenants and Responsible bodies to enter into these with them? If so, how can central government guarantee there will be enough Responsible Bodies to enter into these agreements, on top of the demand for them to enter into them for BNG delivery off-site.

3. If delivery bodies are recommending conditions for delivery plans, what will the role of the LPA Ecologist be?
4. How will the cost of the actions under a delivery plan be calculated? Will this be done with or without the LPAs under the Delivery Plan area?
5. Who writes the delivery plan? Who checks and approves them when they are written, how long will this take and how will this be resourced?
6. What is the composition of the Delivery Body, how many people, and how they are chosen or designated for that role?
7. Will Delivery Plan costings vary from area to area?
8. Who decides that a Delivery Plan may be retired and how?
9. Taking into account CIL/S106 and BNG, in addition to additional costs required through Delivery Plans, it would appear that the roll-out of Delivery Plans may lead to further viability implications for developers. This could impact on other requirements, such as the provision of affordable housing.
10. BNG can also address nature recovery at a strategic level. Would there be 'stacking opportunities', i.e. delivering BNG obligations and nature recovery delivered through Delivery Plans, delivered on the same site?
11. Will the first tranche of Delivery Plans coincide with amendments to legislation, as referred to within paragraph 11?
12. There will still be a Duty imposed upon LPAs, as the competent authority, to consider whether development proposals would have any likely significant effects upon protected sites, under HRA. Will Delivery Plans add an additional level of complexity in determining likely significant effects and will mitigation strategies (e.g. Cotswolds Beechwoods SAC), remain the appropriate mechanism to off-set recreational impacts arising from new residential development?
13. How often will a developer pay into the NRF? How will an agreement be made between the developer and Central Govt for the developer to adjust their payment according to inflation, delivery failing, delivery under or over performing? What happens if that developer stops operating for some reason, such as becoming bankrupt and therefore unable to pay?

Overall:

1. How will this new approach account for coordinating the different systems already in place (SAC, SANGS, BNG) to avoid having direct obligations and levies separately? There is a concern about adding more hurdles and creating a two-tier or even multi-tier system. Strategic approaches to Great Crested Newts (through District Licensing) already exist as do strategic mitigation strategies for some Natura 2000 sites. These approaches are quite new in Gloucestershire and are probably starting to work quite well, but are these approaches applicable to all species and protected sites? Better funding of all bodies responsible for the protection of the environment (Defra, Natural England, the Environment Agency, Planning departments) might well achieve what the Government intends through these new proposals.
2. What are the immediate expected impacts on the development industry?
3. How will this new approach be properly resourced and trained?
4. How is this new approach linked to the statutory Biodiversity Duty of public authorities, stated in on their First Consideration reports and their new reporting in January 2026?

In summary, development and nature/biodiversity should go hand in hand, following the mitigation hierarchy and statutory protection for designated, species and habitats. It should not be an afterthought, and instead should be integrated into developments to benefit the local biodiversity and local people, providing wellbeing, education, spaces in nature for people to enjoy, more climate resilient and sustainable schemes, addressing all direct and indirect impacts of development.

Action does need to be taken to deliver biodiversity and development objectives, but they have to work together. Larger penalties should be imposed for law breaking (such as destroying bat roosts), illegal discharge of raw sewage into the river network for example. The legal liability should be put onto developers.

Any future proposals should be underpinned by robust evidence, which must demonstrate that it will not detrimentally impact designated sites, protected species and habitats, all of which contribute to the landscape of the UK. Leading experts in the relevant biodiversity fields should be included within any discussions going forward and who must be at the forefront of helping to inform robust Delivery Plans.