



## Kent Wildlife Trusts response to the Planning Reform Working Paper: Development and Nature Recovery

21st February 2025

### Overview

A high-level response to the proposals set out in the *Planning Reform Working Paper: Development and Nature Recovery* was submitted by The Wildlife Trusts on **20 January 2025**. Kent Wildlife Trust is fully supportive of the comments made in this response. This response seeks to add additional commentary and local examples to illustrate our position.

When answering the specific questions posed at the end of the working paper, we have not sought to replicate comments already made in the response submitted by The Wildlife Trusts on **20 January 2025**. Instead, we have only included comments on those questions where we wish to add further input or expand on existing points.

### Overarching comments on planning reform proposals and nature conservation

There are a number of issues that we believe need to be addressed in response to this paper. The first is the need for a thorough review of, and transparency regarding, the evidence on the extent to which development and growth are “delayed by nature.” The ongoing rhetoric, including in the recent speech by the Chancellor, that nature poses a barrier to growth—with species such as bats and newts targeted as key reasons for failing to achieve housing targets and progress infrastructure plans—seems to be driving a divide between nature conservation and development. This is happening at a time when nature should be viewed as critical infrastructure and given greater weighting in decision-making

at all levels. To further illustrate this point, equal concern should be given to the fact that infrastructure and development may threaten the UK's ability to achieve its legally binding targets to tackle the nature and climate crises, including those set out in the Environment Act, the Climate Change Act 2008, and the Carbon Budgets. Rather than one being pitted against the other, sustainable growth and development, alongside the protection and restoration of our natural environment, should go hand in hand, with early strategic planning being key to success.

Nature is an asset that requires parallel investment to maximise UK PLC's climate and ecological resilience and, as such, should be treated as critical national infrastructure. There needs to be recognition that protecting, maintaining, and enhancing this infrastructure will increase the resilience of supply chains (e.g., through traditional linear infrastructure). This is particularly relevant given that the World Economic Forum's 2024 assessment of global risks shows that the top five risks are all climate- and nature-related. One of these, extreme weather, is already impacting the UK economy, including the land-based sectors. Many infrastructure organisations are already recognising this, and government policy should reflect this reality.

In many instances, it can be observed that the current planning system is not proving effective at protecting and enhancing the environment. While we agree that, in some cases, a more strategic approach could improve outcomes for nature, this should not be used as justification to pursue a deregulatory agenda. Several aspects of this working paper raise serious concerns that a move to introduce "a licence to trash" is on the horizon. For example, the statement that "environmental protections [are] being seen as a barrier to growth, unnecessarily deterring planning applications and hindering the pace at which homes can be delivered" raises the question of under what circumstances the government would consider it necessary for development to be deterred by the need to protect and enhance nature. Greater onus must be placed on ensuring that the right developments are proposed in the right locations, thus avoiding conflict at the planning stage. While current planning policy supposedly already promotes this through local strategic planning, improvements are needed to ensure effective delivery.

Examples of where strategic local planning has proved successful include the consultation on Canterbury's Local Plan regarding a proposed garden community allocation directly adjacent to Ileden and Oxenden Woods SSSI and ancient woodland. We, alongside other consultees, raised concerns that if this scheme were progressed, the SSSI would deteriorate in condition due to increased recreational pressure and predation from pets, among other issues. As a result, this site allocation was removed from later versions of the Local Plan Review, with alternative, more appropriate sites considered for development.

This demonstrates that, if applied properly, there is already scope within existing planning policy for early-stage strategic planning to identify sites unsuitable for development. By not progressing such sites, the perception that nature delays the planning system can be reduced. A similar decision was made in Swale's Local Plan, where an application directly adjacent to South Blean Local Wildlife Site—also a Kent Wildlife Trust Reserve—was deemed not to represent sustainable development and was therefore not taken forward as a site allocation. Despite this strategic-level decision, a planning application has still been submitted for this scheme. Due to the extensive environmental damage and the inability to adequately mitigate impacts, Kent Wildlife Trust is now opposing this application through the local planning system. This is a key example of how development is sometimes brought forward in locations already known to be of high biodiversity importance, resulting in a costly and time-intensive process for both consultees and applicants. Planning reforms should place even greater emphasis on strategic planning to ensure that the right developments are proposed in the right places. By applying the mitigation hierarchy at the early stages of planning, “conflict” at the application stage will be drastically reduced.

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

The overarching impression from the working paper is that the key focus of the *Supporting Nature Recovery* paper is primarily on unlocking development, with the protection and enhancement of the natural environment being secondary. Rather than development “**supporting** nature recovery,” the critical role of nature in supporting economic and societal growth should be at the forefront of any reforms.

In some instances, we believe it is possible to support nature recovery while streamlining the process for developers. Bird Wise North Kent is an example of a strategic solution to mitigate increased recreational pressure on the Thames Estuary, Medway Estuary, and The Swale Special Protection Areas and Ramsar sites. As part of Bird Wise North Kent, KWT is a signatory to the response sent on behalf of the local authorities and nature conservation organisations that make up Bird Wise. This scheme has provided benefits for nature recovery, funding a range of activities such as recruiting wardens, installing signage, and engaging with the public. In cases like this, where strategic mitigation is underpinned by evidence and closely monitored, it can provide clear expectations on mitigation for developers that can be factored into the earliest stages of planning. However, this type of approach will not be appropriate in all cases, and the need for and suitability of strategic solutions should be underpinned by robust evidence.

There are also likely to be instances where introducing strategic solutions results in the best outcomes for nature recovery but leads to increased costs for developers. This working paper has committed to ensuring that there are no substantive impacts on the implementation of BNG. Concerns have been raised about the impact of BNG on the viability of delivering small developments, and there is potential that the addition of strategic solutions could exacerbate this issue. Developers are currently able to include on-site habitat creation and enhancement—for example, a reptile receptor site—in their BNG metric, up to a point of no net loss. If a strategic solution for reptiles were introduced, requiring developers to pay into a scheme funding off-site habitat creation, then the on-site post-development units would likely be lower, with a greater focus on accessible greenspace managed primarily for recreation rather than for wildlife. Developers would therefore need to fund additional habitat creation or enhancement (either on- or off-site) to achieve the BNG target.

Nature recovery requires the re-establishment of natural processes and improved ecological connectivity. To achieve this, we must preserve and maintain the areas of ecological integrity that remain and restore areas of ecological opportunity that can best contribute to nature recovery. Any reduction in protections for existing biodiversity assets will drastically decrease the likelihood of the UK meeting its own environmental targets, further degrading the condition of the UK's critical nature infrastructure.

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

We echo The Wildlife Trusts' response to the question but wish to expand further on the comment that strategic solutions should focus on off-site mitigation, compensation, and enhancement rather than on strategic assessments.

As detailed above, these planning reforms should be an opportunity to strengthen existing protections and ensure better outcomes through strategic mitigation, compensation, and enhancement solutions. However, they should not result in the removal of the first stage of the mitigation hierarchy: avoidance.

At present, there is insufficient data on habitats and species to ensure accurate site assessments. If applied broadly across a range of ecological issues, there is a serious risk of shifting to a system that prioritises offsetting impacts over avoiding them in the first instance.

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

We support The Wildlife Trusts' response that the UK Government should also use its powers to refuse developments with significant environmental impacts to demonstrate its commitment to maintaining nature protections. We also wish to reiterate our comments above on the need for a greater focus on strategic planning. By ensuring that only the right developments are brought forward in the right places, the chances of environmental protections being truly upheld and the developer experience being more streamlined are increased.

Greater legislative and/or policy protection is needed for Local Wildlife Sites to ensure that nature is suitably protected. In Kent, we are seeing an increasing number of developments proposed within Local Wildlife Sites, many of which support nationally important species assemblages and could qualify for SSSI designation. It is too common for economic arguments to be used to justify development within and destruction of these Local Wildlife Sites, resulting in irreversible damage.

***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?***

Greater detail is required on how the Nature Recovery Fund will interact with Biodiversity Net Gain. Our comments regarding the consideration of unintended cost implications when shifting from on-site mitigation to strategic solutions should be taken into account. How the Nature Recovery Fund will interact with the delivery of off-site BNG units, particularly with statutory credits, should also be considered in consultation with off-site BNG providers and Local Planning Authorities. There is a risk of a disconnect between the two, which could result in greater confusion and increased resource burdens throughout the planning system.