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Planning Reform Working Paper: Development and Nature Recovery

Response from The Housing Forum

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About The Housing Forum

The Housing Forum is the UK's cross-sector, industry-wide organisation that represents the entire housing supply chain. Our growing membership drawn from over 150 organisations across the public and private sectors and includes local authorities, housing associations, housebuilders, architects and manufacturers. All share our determination to drive quality in the design, construction and decarbonisation of UK homes. They have a commitment to partnership working and share in our vision of 'A Quality Home for All'.

In order to achieve this, we have advocate for policy change needed for everyone to live in a good quality, sustainable and affordable home. Our key [Housing Solutions](#) set out how we think this can be achieved.

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Introduction

The Housing Forum's cross sector membership means that we are uniquely placed to bring together those who work within local authority planning departments (officers, and also local councillors), with those who put in planning applications – housebuilders, housing associations and architects.

During 2023, we ran a working group on planning which produced two reports on planning ([Streamlining-planning](#) and [Planning validation requirements](#)). More recently, we have brought our members together to discuss the government's proposals for planning reform, including the proposals around [Development and Nature Recovery](#). This paper draws on all these sources.

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Response to questions

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

The Housing Forum appreciates the government's ambitions to ensure that funding for nature recovery is put to the best possible usage, and that development of much-needed new homes is able to proceed in a more streamlined manner.

Potential benefits of the proposed approach include:

- A reduced burden of individual reports at site level
- The avoidance of developers getting caught up in a ransom situation where they need to acquire land or instigate offsetting measures that are complex or costly.
- Enable better solutions for nature by combining funding and using it in a more strategic manner with more flexibility.
- A more centralised approach to provision opens the door to more monitoring of results so should be easier to monitor success than over a dispersed group of sites.

Possible downsides include:

- The potential for increased complexity if a new system is created that sits alongside CIL, S106, biodiversity net gain (BNG) and site-specific requirements, rather than replacing any of these.
- The exclusion of biodiversity net gain (BNG) from the proposed new system, removing the potential for developers to create environmental improvements that both improve biodiversity alongside meeting other requirements.
- Concerns that developers lose control over the nature restoration measures that they are paying for, which could cause a loss of trust in the system, and may also mean that local residents fail to see the environmental improvements that are being undertaken because of the new development. The HBF has recently highlighted problems of this nature with CIL and S106 money remaining unspent.
- Dilution of purpose, where the funding is pooled and there are many competing agendas on what that funding should be used for, such as reducing carbon emissions, protecting endangered species, biodiversity, green spaces, reducing pollution, and water saving measures.

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

The Housing Forum believes that the examples given in the paper are good. Special protected areas in Kent work well as an example of cross-border projects with strategic authorities working well together.

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We see the most concern over aspects of nature recovery that are the most visible and also provide benefits to local residents (such as parks and nature reserves), as people want to see the provision of green spaces accessible to people living near to the new housing. Developers are also happier to pay for environmental improvements that will benefit the residents of the new housing. The type of environmental improvements that are best-suited to this approach are therefore those that provide little community benefit, such as nutrient management or water saving measures.

There is also some concern about a risk of “ecological deserts” as a result of pooling resources into specific areas. Endangered species may be better protected via a more strategic approach, but there can be political difficulties at a local level with getting residents to buy into this idea – they may prefer to see the specific endangered animals on the site itself saved, rather than habitat improvements created elsewhere, even though the latter may be more effective overall. We are aware of concern that there may be legal challenges, especially around the EU Habitats Directive.

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?

To ensure that Delivery Plans are effective and retain confidence that they will deliver outcomes for nature:

- Clarity is needed over who is responsible for a Delivery Plan.
- There needs to be good buy-in from Local Planning Departments, who are able to cooperate around both setting fees and spending the funding in ways that are fully transparent.
- Funding needs to be spent in a timely manner. This is probably best achieved via ongoing long-term projects where new funding can add on further activities to improve nature.
- Developers and local communities should be informed about what the funding has been spent on.
- Natural England needs sufficient resourcing to engage fully over its concerns with planning applications. At present, it often objects to plans, but does not have the resources needed to engage over proposed mitigation.
- The chain between the requirement and the outcome should be as short as possible, to build trust in results.

Delivery Plans should be piloted first, and their effectiveness evaluated at streamlining development, supporting nature recovery and building trust that new housebuilding is supporting nature recovery.

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

Clarity and consistency are needed, with clear upfront fees and survey requirements.

We believe there is a strong case for a ‘scoping survey’ or similar, to be used on most sites to identify any particularly acute ecological concerns. This would be presented to the planning department and for most sites would be sufficient in terms of surveying, allowing them then to proceed down a fast-track route whereby a payment is taken for any environmental issues to be dealt with strategically. Where the scoping survey identifies significant ecological concerns with the site, the LPA could then request fuller surveys which may require solutions outside of the strategic mechanism. We understand that many LPAs already operate a system a bit like this for smaller or brownfield sites.

Developers would pay for the scoping survey, and this would need to be undertaken by an accredited consultancy. Local planning authorities could challenge the survey if they believed it had failed to identify significant issues.

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?

Habitat banks play a useful role in supplying nature services, but they are quite removed from housebuilders, which has led to some confusion about how they work and where the funding is spent. It is important the local planning authorities or other bodies that work with habitat banks require clear reporting from them and communicate this back to housebuilders and local communities.

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

These would need to be clear on the assumptions that can be made over the duration of the intended outcome, and whether legal mechanisms for long-term stewardship are required.

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?

The proposals make little mention of sites of different sizes. It is important that small sites, which are already subject to fewer planning requirements, are not caught up in an increase in bureaucracy as a result of these measures.

Conclusion

The Housing Forum welcomes this opportunity to engage with government on its reforms to planning. We would be happy to facilitate further discussions bringing together planners and planning applicants, to discuss how best to reform the system to help deliver on the Government’s ambition of 1.5 million new homes, and work towards our own ambition of a **Quality Home for All**.