Link response: Planning and Infrastructure Bill Government amendments

17 October 2025

Introduction

On 13th Oct, the Government published a package of 67 amendments to the Planning and Infrastructure Bill.

They include further powers for the Secretary of State to issue "holding directions", i.e. temporary instructions preventing local planning authorities from refusing planning applications while ministers consider whether to "call in" the decision for central determination. Other major changes include speeding up approvals for housing, reservoirs, and clean-energy projects (notably onshore windfarms), and giving Natural England discretion to prioritise its advice to local authorities so that it focuses on "higher-impact" planning applications and nature recovery work. Finally, the amendments broaden ministerial ability to intervene more decisively in planning,

Wildlife and Countryside Link (Link) is deeply concerned by the Government's approach to introducing significant amendments to the Planning and Infrastructure Bill at such a late stage. The lack of process, consultation, and scrutiny undermines good law-making and risks creating confusion for local authorities, developers, and communities.

Notably, the package contained no positive amendments to strengthen environmental protections or address the key environmental concerns repeatedly raised by Peers during earlier debates. Instead, the amendments risk further weakening scrutiny and accountability in the planning system, at a time when greater ambition on nature recovery and climate resilience should be central to infrastructure reform. Crucially, as recognised by the industry, the biggest pinch-points remain: resourcing of planning departments, skills shortages, inadequate data and a fragmented supply chain.[1]

This briefing highlights three amendments of particular concern to Link members.

[1] https://www.rtpi.org.uk/policy-and-research/planning-reform-hub/3-point-resourcing-plan/ ; https://www.hbf.co.uk/research-insight/planning-on-empty/ ; https://www.shma.co.uk/our-thoughts/whats-really-causing-delays-in-housebuilding/ ; https://www.ice.org.uk/media/diibt1q0/what-are-the-pinch-points-to-delivering-on-the-uks-infrastructure-ambitions-sept-2025-final.pdf

1 – Curtailing Natural England's Advisory Role (After Clause 51)

This amendment would permit Natural England (NE) to not respond to requests for advice under section 4(1) of the Natural Environment and Rural Communities Act 2006. NE would instead publish a statement on how it intends to deal with requests, consulting only the Secretary of State.

Key concerns:

- This risks reducing expert environmental scrutiny at a time when local planning authorities (LPAs) already lack ecological expertise.
- A 2022 ALGE/ADEPT survey found 26% of LPAs have no access to ecological expertise, and only 5% reported adequate resources to scrutinise biodiversity impacts.[2]
- We are concerned about the risks of a focus on "higher impact" planning applications, how this would be defined, and how this would work in practice, with significant risks that many projects that should be considered are rushed through.

The proposed change would allow Natural England to decline requests for advice under the NERC Act 2006 and issue its own statement on when it will respond, subject only to Secretary of State approval. We are concerned that this reduces – and risks politicising - independent environmental scrutiny at a time when local authority ecological capacity is already critically low.

Underfunding has severely impacted Natural England's ability to fulfil its statutory duties, with its budget declining by 72% from 2010 to 2019.[3] Total staff fell 25%, and prosecutions of businesses fell 88%.[4] Between 2022 and 2023, under-resourcing led Natural England to missed deadlines for 17.1% of NSIP applications and nearly 20% of local development applications, with staff capacity and high turnover responsible for 83.28% of these delays.[5]

Natural England urgently needs more funding, capacity, and ecological expertise to enforce regulations, give informed advice, and improve environmental outcomes - not a reduced remit. Weakening its advisory role risks poorer environmental outcomes and undermines public trust.

[2] https://www.adeptnet.org.uk/sites/default/files/media/2022-07/ALGE-ADEPT%20Report%20on%20LPAs%20and%20BNG_0.pdf
[3] https://assets.publishing.service.gov.uk/media/5da5d695ed915d17b4f13f63/net-gain-ia.pdf
[4] https://www.unchecked.uk/wp-content/uploads/2020/11/The-UKs-Enforcement-Gap-2020.pdf
[5] https://www.wcl.org.uk/docs/Letter_to_Chancellor_environmental_planning_expertise_10.09.24.pdf ; https://assets.publishing.service.gov.uk/media/64b1699307d4b80013347331/ne-dclg-2022-23-annual-report.pdf

2. New Ministerial Powers to Restrict Refusals of Planning Permission (After Clause 51)

The Amendment to section 74 of the Town and Country Planning Act 1990 would allow the Secretary of State to issue directions preventing LPAs from refusing planning permission while call-in powers are considered.

Key concerns:

- No evidence has been presented that this change is necessary.
- It could enable development orders preventing refusal for entire classes of development (e.g. data centres, fracking), effectively pressuring LPAs to approve applications.
- It risks undermining local democratic accountability and bypassing public inquiries.

The Government claims this merely fills a technical gap, yet the power could potentially enable central government to pressure local authorities to approve controversial developments without public inquiry. With no evidence presented of an existing problem, this amendment introduces broad discretion with minimal accountability, with a greater possibility that significant environmental impact leading to are ignored.

This represents a concerning, significant centralisation of power - with insufficient justification. Link is concerned this may sideline local democracy, weaken scrutiny, and create perverse incentives for local authorities to approve applications. Such sweeping powers require thorough parliamentary examination, not insertion at the last legislative stage. Such an amendment requires far greater scrutiny to ensure it cannot be misused to override local environmental concerns.

3. Marine Provisions – Environmental Delivery Plans (Clause 55)

The proposed amendments to Clause 55, relating to **Environmental Delivery Plans (EDPs)** in marine areas, are presented as clarifications but risk confusion about the spatial scope and evidence base for compensatory measures. The amendments clarify that compensation for impacts on Marine Protected Areas (MPAs) within 12 nautical miles can be delivered elsewhere, even if the MPA extends beyond 12nm.

Key concerns:

- This creates uncertainty over how these provisions interact with the Marine Recovery Fund.
- It risks limiting the scope of strategic, cross-boundary measures for marine conservation.
- There is a risk the data and evidence underpinning such compensation would remain weak.

While the amendments may not extend EDPs beyond 12nm, they raise important questions about coherence and effectiveness of marine conservation measures. The interaction between EDPs, the Nature Restoration Fund, and the emerging Marine Recovery Fund remains unclear. Link urges that any marine compensation be founded on robust ecological data and transparency, ensuring cross-border sites and offshore habitats receive equivalent protection. Without clear safeguards, these

changes could inadvertently weaken the integrity of the UK's marine protected area network. Stronger safeguards and clarity are needed.

Conclusion:

The Government's late-stage amendments to the Planning and Infrastructure Bill risk weakening environmental scrutiny, centralising decision making, and creating confusion in marine planning. At a time of nature crisis, Parliament should be strengthening statutory safeguards, not eroding them.

Link calls on Peers to:

- Press Government on the lack of consultation and justification for these amendments.
- Resist measures that reduce scrutiny or centralise powers without safeguards.
- Advocate for positive amendments that deliver for nature, climate, and communities.

Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 90 organisations to use their joint voice for the protection of the natural world and animals.

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