

NOTICE OF MOTION – PLANNING AND INFRASTRUCTURE BILL AND THE NATURAL ENVIRONMENT

MOTION WORDING

The following Notice of Motion has been submitted by Councillor Taylor, and seconded by Councillor Denis:

East Sussex has a significant number of nature protected areas including National Landscapes, and National and Local Nature Reserves (see Annex 1), that are essential for the local ecosystem survival and for carbon sequestration (of national relevance) and the survival of seriously endangered insects, wildlife and plant life. This Council does not accept the current Part 3 of the new Bill and will do everything we can to ensure our essential protected areas do not get destroyed by development.

This Council calls on the Leader to write to the Prime Minister, the Right Honourable Angela Rayner MP and the Right Honourable Steve Reed, to request:

- That Part 3 of the Bill is withdrawn (or, if not, accept substantial amendments to improve protection and regeneration of nature in this part)
- That positive proposals for nature are added to other parts of the Bill
- Assurance that East Sussex nature protected sites remain fully protected

This Council also request that the Leader of the Council to write to our local MPs asking them to support amendments to the bill that address the concerns outlined above and below in Annex 2 and, in the event that the bill remains substantially the same, to call on our MPs to vote against its adoption on the grounds that it will set back nature recovery whilst failing to help deliver either truly the affordable housing or the social housing local people need.

MOTION BACKGROUND INFORMATION

The Planning & Infrastructure Bill that is currently going through Parliament which will change the way planning rules address environmental protection and recovery.

We note the opinion of the Town and Country Planning Associations; that “*The Planning and Infrastructure Bill could be the platform for the delivery of healthy communities designed to enhance nature and secure healthy and resilient homes. However, to achieve that goal the legislation requires significant amendment.*”

The Bill introduces a "Nature Restoration Fund" where money from developers will pay for nature recovery via "Environment Delivery Plans" (EDPs). This *could* be an excellent idea if done properly. It chimes with the "polluter pays" principle. It *could* deliver strategic, landscape scale "bigger, better, more, joined-up" nature restoration.

However leading conservationists and wildlife experts say that the way the bill is written won't bring in the finance needed or deliver for nature.

The Wildlife Trusts and other environmental organisations have repeatedly highlighted that the current drafting of Part 3 of the Bill ('Development and nature recovery') would lead to a significant weakening in environmental protections. On 1st May, the Government's own nature watchdog, the Office for Environmental Protection (OEP) published advice to MHCLG which concurred with this analysis and warned that Part 3 would 'have the effect of reducing the level of environmental protection provided for by existing environmental law' and therefore constitutes regression¹.

¹ OEP [advice letter](#), 1st May 2025

The Wildlife Trusts have concluded that this part of the Bill is not a good faith attempt to balance nature and development needs. It is rather a Bulldozer designed to weaken environmental protections, all to solve a perceived nature delay problem for developers. Evidence published this May demonstrate that this problem does not actually exist².

The kind of development that has predominated in this area has been mainly for the financial gain of developers, and not for the good of local people. Housing for people on low incomes is still scarce and yet expensive homes are built for those who have income to buy in the current market. Second homes and holiday lets are crowding out local people, whilst social housing numbers barely increase. Polling by YouGov found people are three times more likely to want the government to build more social housing than encouraging developers to build more private homes.

So, this bill does not deliver homes for those who need it and at the same time risks further depletion of nature by unnecessary building for the high consuming wealthy people, in this country, one of the most nature depleted countries in the world. Are we going to let this happen on our watch in East Sussex?

Annex 1: (non-exhaustive) List of nature protected sites in East Sussex

National Nature Reserves (NNR):

- Rye Harbour NNR: A coastal area with a diverse range of habitats, including saltmarsh, mudflats, and grazing marsh, supporting a wide variety of bird, plant, and invertebrate species.
- Castle Hill NNR: A chalk hill with a mix of grassland and woodland habitats.
- Lewes Downs (Mount Caburn) NNR: A chalk hill with a mix of grassland, woodland, and wet meadow habitats.
- Lullington Heath NNR: A heathland area with a mix of heather, gorse, and birch woodland.
- Pevensey Levels NNR: A coastal wetland area with a mix of saltmarsh, mudflat, and reedbed habitats.

Local Nature Reserves (LNR):

- Arlington Reservoir LNR: A reservoir with diverse birdlife and other aquatic species.
- Eastern Road LNR: A small, diverse site with meadows, woodland, and wetland areas.
- Hastings Country Park LNR: A large area of woodland and grassland with a variety of wildlife.
- Marline Valley Woods LNR: A mix of semi-natural ancient woodland, unimproved meadows, and a ghyll stream.
- Ouse Estuary LNR: A coastal wetland area created to conserve wildlife and provide flood management.
- Waterhall LNR: A 90-hectare area of grassland and woodland with diverse birdlife.

Other Protected Areas:

- Ashdown Forest: National Landscape. One of the largest areas of lowland heath in England, with diverse habitats and wildlife.
- South Downs National Park as a whole, but including Seven Sisters Country Park, a large area of chalk cliffs, grassland, and woodland with diverse wildlife.

² <https://www.wildlifetrusts.org/sites/default/files/2025-06/Planning%20%26%20Infrastructure%20Bill%20-%20Report%20stage%20briefing%20-%202003.06.25%20version.pdf>

- Beachy Head: A chalk cliff with views of the coastline and diverse birdlife.
- Sussex Wildlife Trust Reserves: A network of smaller reserves, including Eridge Rocks, Burton and Chingford Ponds, and Woods Mill, protecting specific habitats and species.

Annex 2: Particular concerns with the Bill to include in the letter

- By proposals that replace the “mitigation hierarchy”: avoid, minimise, mitigate, offset, which currently applies with an approach which jumps directly to the most expensive and least successful option: offsetting.
- At the proposed stripping away of current environmental protections (as the current Habitat Regulations, etc, will no longer apply in those areas that have an Environment Delivery Plan, EDP)
- That there is no requirement to protect irreplaceable habitats, such as ancient woodland or chalk streams.
- That local people will have no input into plans that will affect their area: EDPs have to go through consultation, but only with public bodies.
- That developers will be able to challenge the level of the Nature Restoration Fund levy purely on the grounds of ‘viability’ rather than on the grounds of ‘costs and benefits’ - effectively prioritising profit over environmental protection and recovery.
- That there are no mechanisms or criteria in place to measure ‘overall improvement’ - the required standard for EDPs - rendering ministerial sign-off of them almost meaningless.
- That the bill fails to adequately address mitigation and adaptation measures for our changing climate, missing the opportunity to adequately address embedded carbon, overheating risk and flood risk in development, and to ensure the Climate Change Committee and the Office for Environmental Protection are consulted in the preparation of EDPs .
- That the bill negates the current requirement for developers to conduct site based ecological surveys to evaluate species and habitat impacts. Without this data, it is impossible to assess the scale and nature of necessary mitigation, or to determine if the development has resulted in a breach of the Wildlife & Countryside Act, 1981.
- The Bill creates a greater role for governmental bodies such as Natural England and the Environment Agency in the development and application of Delivery Plans, but these agencies have already suffered defunding and struggle to deliver their most basic responsibilities.
- The Bill appears to green light the removal of nature where it is in conflict with development and in the longer term will result in the creation of dead zones.

Council further notes;

- That the bill fails to enshrine clear targets for ‘affordable’ and social housing in either local or national plans. Nor does it address the inadequacies of current definitions of ‘affordability’.
- That the bill fails to address ‘land banking’ with measures to penalise developers that fail to build out sites with planning permission.
- That the bill fails to enable councils to purchase land for social housing development without paying unjustified premiums simply because of council plans to build homes.