

Permitted development rights: schools, assets of community value, defence and conservation (England)

10th June 2026

Introduction to CIEEM

The Chartered Institute of Ecology and Environmental Management (CIEEM), as the leading membership organisation supporting professional ecologists and environmental managers in the United Kingdom and Ireland, welcomes the opportunity to comment on this consultation.

CIEEM was established in 1991 and has over 10,000 members drawn from local authorities, government agencies, industry, environmental consultancy, teaching/research, and voluntary environmental organisations. The Chartered Institute has led the way in defining and raising the standards of ecological and environmental management practice with regard to biodiversity protection and enhancement. It promotes knowledge sharing through events and publications, skills development through its comprehensive training and development programme and best practice through the dissemination of technical guidance for the profession and related disciplines.

CIEEM is a member of:

- Wildlife and Countryside Link
- Northern Ireland Environment Link
- Wales Environment Link
- Scottish Environment Link
- Environmental Policy Forum
- IUCN – The World Conservation Union
- Professional Associations Research Network
- Society for the Environment
- United Nations Decade on Biodiversity 2011-2020 Network
- Greener UK
- Irish Forum on Natural Capital (working group member)
- National Biodiversity Forum (Ireland)
- The Environmental Science Association of Ireland

This consultation also seeks views on a national grant of planning permission via new permitted development flexibilities to support the implementation of conservation measures within Environmental Delivery Plans by Natural England as part of the proposed Nature Restoration Fund, set out in the Planning and Infrastructure Act 2025. Environmental Delivery Plans will include a package of conservation measures sufficient to address one or more environmental impacts to protected sites and species of local development (such as new housing) and secure an environmental uplift, supporting the delivery of sustainable development.

Certain conservation measures that may be included within an Environmental Delivery Plan may themselves constitute development (for example, erecting small scale structures to provide roosting or hibernation places for protected species, or excavations to create ponds), and as such the government wants to support the implementation of these conservation measures through a national grant of planning permission.

An Environmental Delivery Plan must materially outweigh the negative effect of development that utilises it, and in order to do so there must be a high degree of confidence that the conservation measures it includes are deliverable. Providing Natural England, and those operating on its behalf, with a national grant of planning permission will provide assurance of the timely delivery of these conservation measures. This will provide certainty to Natural England, communities and other stakeholders that such conservation measures – subject to conditions and limitations – would benefit from a national grant of planning permission and can be implemented without the submission of a planning application.

Our proposed approach is to permit the implementation and maintenance of certain conservation measures for an Environmental Delivery Plan of specified descriptions and within defined parameters.

Question 18

It is proposed that Natural England and operators on its behalf benefit from a national grant of planning permission for the implementation and maintenance of conservation measures within an EDP amounting to development. Do you agree?

- yes
- no
- don’t know

Please provide your reasons.

Yes.

We are broadly supportive of the proposals. By streamlining the planning process for nature conservation projects via the extension of permitted development rights, we believe these proposals can meaningfully contribute to an acceleration of nature recovery action to a pace and scale more reflective of the urgent need to halt and reverse the decline of biodiversity across England.

Our primary concern with the proposals are potential implications for wider nature conservation efforts and mitigation measures within the planning system - see our response to question 61.

Questions 20 – 27: Prior approval (in different areas)

Question 25

Where development is subject to prior approval on the basis of land designation, this would apply in respect of most of the permitted development proposed in this consultation chapter (with the exception of temporary development for surveys and investigation, as set out in paragraphs 90 to 92). Do you agree?

- yes
- no
- don't know

Please provide your reasons.

Yes.

The approach proposed provides the opportunity for additional safeguards on designated land.

We are supportive of the additional safeguards proposed via prior approvals based on land designation. It is right that extra precaution should be exercised when making decisions affecting such areas, although we would like to ask for clarity on what the proposals are referring to as a "conservation area" and whether this extends to areas designated on the basis of their biological and geological diversity, or whether it is limited to the term as described in the Planning (Listed Buildings and Conservation Areas) Act 1990. In the case of the former, the various designations differ in their legal and management obligations, which may affect decision making in this area.

Question 26

It is proposed that development be permitted in protected landscapes with no prior approval process. Do you agree?

- yes
- no, development in protected landscapes should be permitted subject to prior approval
- no, development should not be permitted in protected landscapes
- don't know

Please provide your reasons.

Yes.

We are supportive of the proposed approach towards protected landscapes, as we are confident that the existing statutory duties provide sufficient safeguards for these areas. Together, the proposed approaches towards different land designations strikes a balance between facilitating nature recovery actions and exercising extra caution towards some of the country's most important areas for biological and geological diversity.

Questions 28 – 33: Landscaping and excavations (including minerals, waste and contamination)

Question 28

It is proposed that landscaping, including excavations and deposits, be permitted. Do you agree?

- yes
- no
- don't know

Please provide your reasons.

Yes.

Landscaping activities specifically for and limited to conservation measures should be covered by these proposals.

Question 29

It is proposed that removing minerals from the site and bringing waste materials on to the site should be conditioned as set out in paragraph 62. Do you agree?

- yes

- no
- don’t know

Please provide your reasons.

Yes.

Paragraph 62 provides a set of guidelines that we are confident would restrict relevant landscaping activities to those required for conservation measures, rather than exploitation of the landscape for other ends.

Question 30

It is proposed that prior consultation with the Environment Agency on flood risks as set out in paragraphs 63 and 64 would be required. Do you agree?

- yes
- no
- don’t know

Please provide your reasons.

Yes.

It is imperative that the Environment Agency is consulted on these matters and that appropriate caution is exercised. We welcome the statement that development of this kind must not proceed without an Environment Agency response. This could be improved by clarifying the "specified date to respond” clause in paragraph 63, or amending it to allow for Natural England to prompt a response if one is not forthcoming. It must not be the case that unrealistic response timelines - or other administrative barriers - result in the commencement of development in flood risk areas before all necessary precautions are taken and the plans are approved by the Environment Agency.

Question 31

It is proposed that landscaping, including excavations and deposits, are not subject to any conditions or limitations on their overall size or scale. Do you agree?

- yes
- no
- don’t know

Please provide your reasons. If you have answered no, please provide details of any proposed size or scale conditions or limitations.

Yes.

Due to the considerable variety of possible developments, further limitations could contradict the streamlining principles of these proposals. The other limits set on landscaping, excavation and deposit activities in these proposals is sufficient safeguard against unnecessary or destructive proposals.

Question 32

It is proposed that a contamination screening assessment and, depending on the outcomes of the assessment, prior approval on contamination risk as set out in paragraphs 66 and 67 would be required. Do you agree?

- yes
- no
- don't know

Please provide your reasons.

Yes.

Given the potential harmful consequences of contamination, it is imperative that extra caution is exercised in this regard. We support Natural England exercising their judgement on such issues.

Questions 34 – 44: Development of structures (including fences, paths, small structures for wildlife)

Question 34

It is proposed that the development of fences etc. as set out in paragraph 70 should be permitted. Do you agree?

- yes
- no
- don't know

Please provide your reasons.

Yes.

Question 36

It is proposed that the development of footpaths, cycleways and bridleways as set out in paragraphs 72 and 73 be permitted. Do you agree?

- yes
- no
- don't know

Please provide your reasons.

Yes.

Question 38

It is proposed that the development of structures should be permitted. Do you agree?

- yes
- no
- don't know

Please provide your reasons. If you have answered no, please specify which structures your comment relates to.

Yes.

Question 39

It is proposed that the development of a pole, post or mast and any associated structure (for the purposes of wildlife monitoring and habitat creation) to be mounted above ground level on it (or on a tree, existing structure or building) be limited in terms of size and height as set out in paragraphs 75 and 76. Do you agree?

- yes
- no
- don't know

Please provide your reasons and be clear if it relates to the pole etc. or the associated structure.

Yes.

Question 40

It is proposed that the development of structures at ground level for the purpose of providing a wildlife habitat (or a purpose ancillary to a wildlife habitat, such as access or monitoring) be limited in terms of size as set out in paragraph 77. Do you agree?

- yes
- no
- don't know

Please provide your reasons.

Yes.

Question 41

It is proposed that the development of structures below ground level for the purposes of providing wildlife habitats and monitoring be limited in terms of size as set out in paragraph 78. Do you agree?

- yes
- no
- don't know

Please provide your reasons.

Yes.

Question 42

It is proposed that any structure developed at or below ground level for the purposes of blocking ditches, diverting watercourse or flooding land be limited to a maximum of 1 metre in height above the prevailing land level. Do you agree?

- yes
- no
- don't know

Please provide your reasons.

Yes.

Question 43

It is proposed that the maintenance, improvement or other alteration of an existing structure should be conditioned as set out in paragraph 81. Do you agree?

- yes
- no
- don't know

Please provide your reasons.

Yes.

Questions 45 – 47: Slurry stores

Question 45

It is proposed that the replacement, improvement or alteration of an existing above ground slurry store; and the erection, construction, improvement or alteration of above ground slurry store covers be permitted. Do you agree?

- yes
- no
- don't know

Please provide your reasons. If you have answered no, please specify whether your comment relates to above ground slurry stores or slurry store covers.

Yes.

Question 46

It is proposed that the height, size and siting of above ground slurry stores and covers be limited to the parameters as set out in paragraph 84 and 85. Do you agree?

- yes
- No
- don't know

Please provide your reasons.

Yes.

Questions 48 – 52: Public access to suitable alternative natural greenspace (SANGs), including relevant infrastructure

Question 48

It is proposed that the development of a single vehicular access, of up to 10 car parking spaces, structures for cycle parking, height barriers and pay and display machines in connection with an EDP SANG be permitted. Do you agree?

- yes
- no
- don't know

Please provide your reasons. If you have answered no, please specify which element your comment relates to.

Yes.

Question 49

It is proposed that the development of any hard surfacing be conditioned as set out in paragraph 87. Do you agree?

- yes
- no
- don't know

Please provide your reasons.

Yes.

Question 50

It is proposed that Natural England be required to seek prior approval on transport, highways and access impacts prior to commencing the development of a vehicular access or car park as set out in paragraph 88. Do you agree?

- yes
- no
- don't know

Please provide your reasons.

Yes.

Local Authorities are likely to have an informed picture of traffic issues in relevant areas, including excessive or destructive traffic volumes.

Question 51

It is proposed that the existing electric vehicle recharging permitted development rights (Class D and Class E of Part 2 of the General Permitted Development Order) be amended as set out in paragraph 89. Do you agree?

- yes
- no
- don't know

Please provide your reasons.

Yes.

We are supportive of efforts to improve more sustainable transport options, particularly in rural areas.

Questions 57 & 58: Additional comments

Questions 59 – 61: Impact/equality/environmental principles assessment

Question 61

Do you think that permitted development flexibilities proposed to support the development of conservation measures within an EDP could give rise to environmental impacts that should be considered against the five environmental principles? (integration, prevention, rectify at source, polluter pays, and precautionary).

- yes
- no
- don't know

Please provide your reasons.

Yes.

We have several broad concerns related to these proposals and their implication for nature conservation outside of EDP areas.

We have previously noted (LINK: https://cieem.net/government-responds-to-the-fingleton-review) – that whilst the strategic, large-scale approach to nature conservation facilitated by EDPs may bring substantial benefits if executed well and with nature recovery as the primary, guiding focus, the availability of EDPs to developers must not detract from the most foundational aspects of nature conservation, namely the avoidance of harm. The streamlining of the EDP approach - as outlined in these proposals - must not create a planning environment where the avoidance of harm is not prioritised due to the convenience of mitigation methods; robust guidelines about the conservation hierarchy must remain and be clearly communicated to developers via policy and legislation.

Similarly, our primary concern regarding the specific proposals detailed in the consultation is that by relaxing planning requirements for conservation measures only within EDP areas, MHCLG is making the EDP route more attractive to developers at the expense of other mitigation methods. The Government must bear in mind that the primary purpose of protection and mitigation measures is to conserve and enhance the country's natural assets, for the economic, ecological and cultural wellbeing of local communities and the country in general, for both current and future generations, as well as for the benefit of nature itself and its intrinsic value. These measures are not a problem for developers to be steered through via a streamlining of mitigation approaches, but rather a vital investment in the long-term economic and environmental health of the nation. As such, the planning system should seek to enhance our ecosystems and landscapes - a critical part of this approach is the use of the most appropriate conservation measures to meet the above goals.

The most obvious way to ensure these proposals do not introduce an unfair bias against other mitigation measures (which may be the most appropriate for meeting the above goals) is to extend the relevant permitted development rights to a wider range of mitigation measures. Introducing this consistency of approach would not only help deliver nature conservation and enhancement action to meet the goals outlined above, but would aid the Government in their planning efficiency efforts by creating a simpler, more uniform planning system with regards to conservation measures.