

CIEEM briefing for members on the first Environmental Delivery Plan consultation

20 October 2026

What is an Environmental Delivery Plan?

Environmental Delivery Plans (EDPs) are a new approach introduced in England under Part 3 of the Planning and Infrastructure Act 2025. Their intended aim is to restore nature whilst also speeding up development. An EDP can be prepared for any defined geographic area, any development type, and can disapply the protection afforded to any environmental feature(s) under the Habitats Regulations, Wildlife and Countryside Act and/or the Badger Protection Act. Developers will instead pay a levy that will be used to fund conservation measures that should “materially outweigh” the impacts on the affected environmental feature(s).

This first draft EDP covers nutrient pollution from up to 15,780 homes to be built in Norfolk, impacting the Norfolk Broads SAC, River Wensum SAC and Broadland Ramsar site. The consultation is open until 9:29am on Tuesday, 27 October 2026.

Where CIEEM agrees

The planning system is not working for nature nor for development. Homes are not being built fast enough and nature continues to decline.

CIEEM welcomes the Government's willingness to explore more strategic, landscape-scale approaches to nature recovery. Indeed, the conservation measures proposed in this first EDP are very welcome in terms of delivering broad nature recovery.

Setting a precedent

This first draft EDP is critical as it will be the template for future EDPs elsewhere, so it matters that it works. As drafted, we do not think it will.

If they are here to stay, we want EDPs to succeed and CIEEM members are the ecologists who will be relied upon to deliver them.

CIEEM's key concerns

We are concerned that this EDP sets a precedent of permitting damage with the promise of retrospective recovery, which is not a guarantee for rare and precious wildlife habitats.

To secure resilient biodiversity, these plans should be protecting and restoring what we have now, rather than compensating them with replacement habitat creation mechanisms.

CIEEM believes that this EDP is trying to solve a problem that existed two years ago, but which is now being addressed by the private nature market as it has matured. Developers no longer struggle to find nutrient credits, indeed they often have a choice of credits to pick from.

This EDP is the blueprint for many others to follow, covering different geographic areas and potentially also other environmental impacts from development, so it is critical that we get it right first time.

1. This EDP risks failing to genuinely prevent nutrient pollution

- **Special habitats at risk.** The EDP consultation repeatedly states that the Broads habitats and species are rare and special, but also that they are at or past tipping points for nutrient pollution, beyond which they may slip into “black” or “irrecoverable” conservation status.
- **Compensation, not mitigation.** None of the conservation measures proposed in the draft EDP avoid nutrient pollution. The EDP classes all but one as compensation, with no phasing to ensure that they are implemented before homes are built.
- **Allowing increased pollution.** From the EDP's own annexes, around 7,700 kg of nitrogen and hundreds of kilograms of phosphorus a year would still enter these catchments, with over 80% of the new nitrogen unmitigated. This means that despite the proposed conservation measures, the Broads habitats will continue to decline.
- **A pollution peak.** Hoped for improvements from wastewater upgrades mandated by 2030 under the Levelling Up and Regeneration Act are not guaranteed, and the EDP does not assess how bad conditions could get before they arrive.
- **Measures that cannot work.** The conservation measures proposed in the EDP are welcome in terms of broad nature recovery, but will not reduce nutrient pollution. As an example, deer management is one proposed conservation measure that can help with other ecological pressures, but where nutrients are the limiting factor for waterways, no amount of other habitat management interventions will restore their condition.
- **Proven options are left out.** Nutrient-stripping SuDS, septic tank and private water treatment plant upgrades, constructed wetlands and farming transition support have all been discounted in favour of more generic conservation measures.

2. This EDP risks irreversible harm to irreplaceable habitats

- **Overall improvement obscures harm.** The EDP assesses the protected sites as in poor condition and warns that even small nutrient increases may tip them into an irrecoverable state, yet the “overall improvement” test can still be passed.
- **Irreplaceable habitat.** Government classes lowland fen as irreplaceable for Biodiversity Net Gain (BNG) and in the National Planning Policy Framework (NPPF), but the EDP neither says so nor explains how damage now and restoration later is acceptable. In October 2025, Baroness Taylor of Stevenage (Parliamentary Under-Secretary of State at the Ministry of

Housing, Communities and Local Government) gave assurances to the House of Lords that an EDP could not allow an irreplaceable feature to be lost.

- **Hidden impacts.** When assessing impacts in the EDP, environmental features are grouped. For example, this means that the native Fen Orchid – which has in recent years been at risk of extinction – is assessed within a broad 'fen' category, which obscures effects on it as an individual rare species.
- **A weaker standard.** The “Overall Improvement” test rests on subjective judgement, not measurable evidence. It replaces the 'beyond reasonable scientific doubt' standard that applies in Europe and the devolved nations.

3. This EDP undermines nature markets and underfunds nature recovery

- **Thin budgets.** The £2,675 per home levy raises £42.2 million. Around £7 million goes on Natural England's administration, about £8 million on 100 years of monitoring, and contingency is just 5%.
- **No funding guarantee.** The Secretary of State can raise or lower the levy price at any time during the 10-year lifetime of the EDP. Yet, conservation measures are intended to operate for 100 years.
- **Late warning.** Statutory reporting on the success or otherwise of the EDP is only at years 5 and 10, and the monitoring chapter specifies no metrics or frequencies. Remediation at the end of the EDP also depends on the Secretary of State judging the cost to be proportionate which means that it can be dismissed entirely.
- **Distorted land pricing.** The EDP names no sites but does publish the land requirements for the delivery of conservation measures. This invites land owners and agents to raise prices.
- **Unrealistic costs.** Experienced practitioners doubt the cost estimates of the proposed conservation measures. For example, the removal of a weir could be underestimated by a factor of up to 10.
- **Local market distortion.** Private nutrient credits in Norfolk cost an estimated £5,000-£10,000 per home, and the levy is proposed at £2,675. Developers will rationally prefer it, putting at risk private credit schemes that already deliver evidenced outcomes. This puts at risk both small businesses (including family farms) that offer a number of credits (including BNG) and also the broader private investment that Government is relying on for nature recovery.
- **National market distortion.** The consultation on this draft EDP has already spooked investors and land managers around the country. If similarly underpriced levies are introduced where they operate it would jeopardise their business viability.
- **Impacts on developers.** Housebuilding is currently constrained by supplier and construction costs. This EDP adds another layer of complexity to the planning system that they have to navigate. The EDP also does not address developer concerns over when money must be “committed” to the EDP, potentially creating a cashflow concern because of the time delay between payment and recouping costs from the sale of houses. Additionally, developers are concerned about their public reputations if they buy into a scheme that ultimately does not deliver its intended outcomes.

- **UK nature leadership undermined.** At the very time that the UN Convention on Biological Diversity is meeting at COP17, the UK Government should be showing leadership on nature recovery mechanisms that meaningfully support the private nature investment sector.

What we are asking from Government

As drafted, the EDP is not good enough. The additional pollution load poses unacceptable risks to sensitive habitats and could undermine the benefits of the wider conservation measures.

We are asking Government to:

- **Add upfront measures that reduce pollution at source.** These include whole-farm agricultural pollution reduction, farming transition support (e.g. from dairy to beef), introduce development conditions for water efficiency, SuDS that remove nutrients, septic tank upgrades, and nutrient interceptor wetlands appropriately sited across the catchments.
- **Protect irreplaceable features.** Require the EDP to assess impacts on individual species and irreplaceable habitats such as lowland fen, not grouped categories.
- **Increase the levy.** As well as not undermining existing nature markets, the levy should be used to fund the above pollution reducing measures as well as the proposed conservation measures.
- **Add measurable metrics to monitoring.** Rigorous assessment of pollution should sit alongside judgement of wider benefits, improving transparency and accountability, with specified monitoring metrics and regular trigger thresholds for early corrective action.
- **Make the EDP part of a whole systems approach.** This means strict catchment nutrient budgets, farming incentives for nutrient reduction, and wastewater treatment upgrades.

How CIEEM members can respond

CIEEM members work on the front lines of development and will be relied upon to deliver the conservation measures in this EDP. Therefore, CIEEM members are uniquely positioned to provide expert advice to policy-makers on this Plan and we encourage all members to respond to this first EDP consultation, sharing their own experience and expertise.

The consultation is open until 9:29am on Tuesday, 27 October 2026.

The consultation can be found at <https://consultations.defra.gov.uk/consultation-on-a-new-environmental-delivery-plan>.