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Sent by e-mail only

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**OEP response to the consultation on the draft Environmental Delivery Plan:
nutrient pollution, Norfolk**

Dear Alastair

I am pleased to submit the Office for Environmental Protection's response to your consultation on the draft Environmental Delivery Plan (EDP) for Norfolk.

When the Planning and Infrastructure Bill was introduced on 11 March 2025, the then Secretary of State made the statement that it 'will not have the effect of reducing the level of environmental protection provided for by any existing environmental law'.

Our view was that the new approach provided for in the Bill would, in some respects, lower environmental protection on the face of the law.¹ At the same time, we recognised that the additional safeguards introduced by government during Parliamentary passage of the Bill made its intended 'win-win' for nature and the economy a more likely prospect. The intended positive outcome for nature depends not only on the design of individual EDPs, but also on effective implementation and robust, transparent evaluation.

Our response to this first EDP, therefore, focuses on how Natural England proposes to implement the new framework and whether the draft plan demonstrates how the intended environmental improvement will be achieved.

The publication of this draft EDP is a significant milestone. This first plan, prepared under the new statutory framework established by Part 3 of the Planning and Infrastructure Act 2025, will set an important precedent for how that framework operates in practice. We recognise the considerable work undertaken by Natural England and others to translate this new legislative framework into a practical plan.

¹ Office for Environmental Protection, 'OEP Welcomes Proposed Amendments to the Planning and Infrastructure Bill' (17 July 2025) <www.theoep.org.uk/report/oep-welcomes-proposed-amendments-planning-and-infrastructure-bill> accessed 19 October 2026.

The EDP is clearly written and easy to navigate. Together with the accompanying consultation guide, it provides an accessible account of how Natural England proposes to give effect to these new statutory provisions. We broadly welcome the intent of Natural England's proposal to use the levy funding for conservation measures that are expected to make the greatest contribution to improving the functioning of wider ecosystems. Many of the proposed measures are capable of delivering valuable benefits for habitats and species.

The draft EDP begins to demonstrate the potential of the new regime to support housing delivery while securing significant and lasting investment in nature's recovery. However, it is our view that the EDP does not yet provide sufficient evidence and assurance that the intended environmental improvement will be realised. It therefore risks a lowering of environmental protection in practice.

Protected sites and ongoing legal obligations to restore them

Protected sites support rare and vulnerable habitats and species, help reverse biodiversity decline, build resilience to climate change and provide wider social and economic benefits. Our 2025 Protected Sites report found that the area of protected sites in favourable condition has declined over the last two decades, while the area in 'unfavourable no change' or 'unfavourable declining' condition increased almost fivefold.² The recovery of protected sites is important not only in its own right, but also to restore nature in line with government's environmental targets and commitments.

Government and Natural England have ongoing legal responsibilities to restore protected sites. Those responsibilities include duties flowing from Articles 6(1) and 6(2) of the Habitats Directive to establish necessary conservation measures and take steps to avoid the deterioration and disturbance of protected habitats and species. The recent judgment in *Harris v Natural England*, which concerned the potential impacts of agricultural nutrient pollution on part of the Broads Special Area of Conservation, underlined that Article 6(2) requires active steps to protect a site where the evidence identifies a clear risk of deterioration.³

We consider, therefore, that the considerable investment of funding, expertise and institutional capacity used to develop the draft EDP should have benefits beyond facilitating and addressing the development it covers. In our view, the evidence and partnerships established through this work should now be used to accelerate the

² Office for Environmental Protection, 'Review of Implementation of Laws for Terrestrial and Freshwater Protected Sites in England' (2025) <www.theoep.org.uk/report/review-implementation-laws-terrestrial-and-freshwater-protected-sites-england> accessed 19 October 2026. Our report found that the area of SSSIs in favourable condition has fallen during the last two decades (2003 to 2024) and there was a marked increase in the area of SSSIs in 'unfavourable no change' or 'unfavourable declining' condition (from 3.5% in 2010 to 15.6% in 2024).

³ *R (on the application of Harris) v Natural England* [2026] EWHC 2488 (Admin).

wider action needed to tackle the longstanding sources of nutrient pollution. Wider action should be backed by clear delivery commitments and pursued with urgency.

The condition of protected sites covered by the draft EDP

The starting point for this draft EDP is challenging. All the identified environmental features in the EDP have a deteriorating conservation status, meaning that they are severely degraded and will require significant intervention over a long timescale to recover. The scale of the challenge is illustrated by the substantial reductions in phosphorus and nitrogen required for these protected sites to meet their water quality targets, including phosphorus reductions of up to 97% and nitrogen reductions of up to 83%. The draft EDP identifies agriculture and wastewater discharges as the principal sources of nutrient pollution in these catchments.

Existing plans, such as the Broadland ‘Site Improvement Plan’ (SIP),⁴ the River Wensum SIP⁵ and its Diffuse Water Pollution Plan,⁶ identified nutrient pollution as a priority issue affecting the protected sites over a decade ago. They set out actions to address both diffuse and point source pollution. However, these protected sites continued to deteriorate over that period and substantial reductions in phosphorus and nitrogen are still required.

This reflects the findings of our Protected Sites report:⁷ the problem is not an absence of plans, but a persistent gap between identifying the necessary action and securing its implementation at the pace and scale needed to achieve the intended environmental outcomes.

Against this backdrop of existing, chronic nutrient pollution, the additional contribution from the housing development covered by the draft EDP makes a small addition in relative, rather than in absolute, terms. The draft EDP estimates that, following planned wastewater treatment upgrades, the maximum development would increase phosphorus concentrations by 5.3% in both the Bure and Yare and by 1.3% in the Wensum. The equivalent information is not provided for nitrogen. Despite their relative scale, however, the EDP recognises that these additional nutrient inputs can still have ecologically significant effects.

⁴ Natural England, ‘Site Improvement Plan: Broadland’ (2014) <<https://publications.naturalengland.org.uk/publication/5444118129934336>> accessed 19 October 2026.

⁵ Natural England, ‘Site Improvement Plan: River Wensum’ (2014) <<https://publications.naturalengland.org.uk/publication/6720168281505792>> accessed 19 October 2026.

⁶ Natural England, ‘River Wensum SSSI: Exemplar Diffuse Water Pollution Plan and Action Plan’ (2015) <<https://publications.naturalengland.org.uk/publication/6564290993586176>> accessed 19 October 2026.

⁷ Office for Environmental Protection (n 2).

Our principal concerns about the draft EDP

With this wider context in mind, we set out below the principal concerns that underpin our conclusion that the draft EDP does not yet provide sufficient assurance that the intended environmental improvement will be achieved.

i) Reliance on compensatory measures

All environmental features likely to be negatively affected by the EDP development are described as severely degraded. The EDP also notes that for some environmental features, ‘even small increases in nutrients may risk a waterbody reaching its tipping point and shifting it into an irrecoverable state’. Despite this, the draft EDP relies mainly on compensatory measures, permitting additional nutrient inputs from development into the protected sites on the basis that the conservation measures will materially outweigh the negative effects of that development by the EDP end date.

However, the rationale for relying predominantly on compensatory measures, rather than a broader package that also incorporates mitigation measures, is not sufficiently robust. It should be clearly explained why mitigation measures capable of reducing nutrient pollution at source have been discounted, including Sustainable Drainage Systems and upgrades to inefficient septic tanks.

ii) Potential time lag between the negative effects of the development and the positive effects of the conservation measures

While we recognise that some degree of temporal lag is inherent in this new approach, it presents particular risks for protected sites that are already severely degraded. We welcome the government’s forward funding for this EDP, which should enable accelerated delivery of conservation measures and help to reduce those risks. However, we understand that such funding may not be available for all future EDPs, though the same challenge will likely affect future plans in similar ways.

Further, while the draft EDP sets out the sequencing of conservation measures, it provides limited information on delivery timescales. Natural England should further explain how this risk will be mitigated, particularly in the Bure, where the range of conservation measures planned for the early phases is limited.

Conservation measures delivered later in the EDP period may not be fully functional by the EDP end point. This means they may be unable to provide their full contribution to assessment against the overall improvement test.

iii) Limited analysis of spatial relationship between conservation measures and affected environmental features

The draft EDP provides limited information on the spatial relationship between the conservation measures and the particular protected site features affected by the development. Measures that reduce nutrient inputs upstream provide a clear

pathway to reducing impacts. However, the relationship between other measures and the affected features is less clear. Where a measure does not address the pressure directly, the EDP should explain how it will benefit the affected feature.

iv) Limited detail on monitoring, back-up measures and long-term course correction

The draft EDP provides limited information on how the effectiveness of the conservation measures will be monitored, assessed and reported during and after the EDP period. It is also unclear how progress towards the intended environmental outcomes will be evaluated, how the information gathered will be used to determine whether intervention is necessary, and the specific circumstances in which Natural England must implement back-up conservation measures if the proposed primary conservation measures fail to perform as expected. The EDP also does not clearly explain how climate-related risks will be monitored and addressed to ensure that conservation measures remain effective over the long term. We consider that these gaps need to be addressed to provide confidence that a favourable balance will be maintained in practice.

v) Additionality of the conservation measures

The draft EDP does not explain how the conservation measures are additional to measures otherwise already required under existing legal duties. For example, the draft EDP proposes the management of 162 hectares of fen-type wetland habitat, representing 50% of the 'on-site fen-type wetland habitat not in favourable condition'. This is referenced to Natural England's 'Designated Sites View' database, implying that this habitat occurs within the Broads Special Area of Conservation.

The EDP should clearly explain how each conservation measure to address the impact of EDP development is additional to measures otherwise already required under existing legal duties to restore the overall condition of the protected site features. This includes those ongoing duties flowing from Article 6(1) of the Habitats Directive to establish conservation measures that aim to deliver the conservation objectives of the SACs. It also includes duties under Article 6(2) to take appropriate steps to avoid the deterioration of protected habitats and disturbance of protected species within those SACs.

Transparency of evidence and decision making

There is one further key issue in the consultation to which we draw your attention.

Clarity is especially important for this first EDP, which provides the first practical test of whether the new legal framework can deliver the government's intended 'win-win' for nature and the economy. While we note that the draft EDP is clear to read and follow, there is a balance to strike between making the EDP accessible and providing sufficient and substantive evidence to explain the decisions made and demonstrate that the required environmental improvement will be achieved.

The overall improvement test is the central safeguard within the new legal framework. We therefore welcome the draft EDP's clear recognition that the test must be passed for each identified environmental feature. We also welcome its recognition that the favourable balance should be maintained for as long as the development continues to have negative effects. However, given the precedent this first EDP will set, the assessment of overall improvement needs to be transparent, robust and capable of independent scrutiny.

In this context, the draft EDP provides limited explanation of some key elements of the assessment. These include the definition and application of conservation status, the basis on which effects have been assessed for individual environmental features, and the quantified scores of negative and positive effects.

The draft EDP also relies on a monitoring framework that has not yet been published.

We set out further detail on these matters in the annex.

In summary, it is our view that the draft EDP does not yet demonstrate a clear and evidenced pathway to support the conclusion that the positive effects of conservation measures will materially outweigh the negative effects of development for each affected environmental feature.

Natural England should address these transparency issues to ensure that the EDP provides the necessary evidence that an overall environmental improvement will be achieved.

Government guidance on the Overall Improvement Test

Government has separately published guidance on the interpretation of the overall improvement test to inform Natural England's development of this and future EDPs.⁸ Elements of the guidance appear to envisage new EDP development and associated conservation measures being able to be brought forward under an EDP after its end date. This is concerning, not least because the impacts of such development will only arise after the important safeguards that exist within the EDP period, including reporting against the overall improvement test, have fallen away.

We intend to write separately to the government about this point and other questions we have in relation to the guidance.

⁸ Defra, 'The Overall Improvement Test for the Nature Restoration Fund' <www.gov.uk/government/publications/the-overall-improvement-test-for-the-nature-restoration-fund> accessed 19 October 2026.

We hope that our observations on this first draft EDP are helpful. We will continue to take a keen interest in the development of this and future EDPs, with our focus remaining firmly on how this new regime can be used to realise the intended positive outcomes for nature.

We have valued the constructive engagement we have had with Natural England officials as they developed the plan. We would be pleased to discuss our observations further and to review an updated EDP before Natural England submits it to the Secretary of State.

Yours sincerely

A handwritten signature in black ink, appearing to read 'N. Prosser', is centered within a light gray rectangular box.

Natalie Prosser
Chief Executive Officer



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CC. Chris Heaton, Defra

Annex: Detailed assessment of the draft Norfolk Environmental Delivery Plan

This annex provides more detailed comments on the EDP. Our assessment has been informed by a framework developed to examine the design and proposed implementation of EDPs. We have previously shared our assessment framework with Natural England.

We have not directly assessed the EDP's compliance with the relevant provisions in the Planning and Infrastructure Act, nor with any other existing legal provisions.

The points below identify areas where we consider further evidence, explanation or safeguards are needed.

Transparency of evidence and decision making

1.1 Conservation status

The EDP takes a structured approach to establishing the baseline for the conservation status of the relevant environmental features, but uncertainties remain about the robustness of this approach. It states that conservation status at the EDP start date has been assessed using existing monitoring and condition assessment evidence, supplemented by Natural England specialist judgement. However, the supporting annexes also demonstrate some of the limitations including the use of outdated or incomplete data. For example, within the Bure Broads, much of the underlying condition assessment evidence appears to date from 2010-2011.⁹ It is therefore unclear whether the baseline provides a sufficiently current and comprehensive picture of the condition of all environmental features at the EDP start date. This may make it difficult for subsequent monitoring to distinguish changes occurring after the EDP start date from those that occurred beforehand. Natural England should clarify how more recent evidence and expert judgement have been used to update these assessments, and whether any uncertainty remains.

Conservation status is not defined in the Act, and the EDP does not clearly explain the definition Natural England has applied. In particular, it is unclear whether conservation status has been assessed for each protected site or, as the EDP appears to imply, across a habitat's or species' natural range. Furthermore, although the EDP refers to Natural England's wider work on favourable conservation status, its assessment considers only structure and function, and future prospects of those components. This is stated to be on the basis that nutrient enrichment does not directly affect natural range and distribution, habitat area or species populations unless a critical tipping point is reached. However, the EDP also acknowledges that even small additional nutrient inputs could trigger unpredictable tipping points in already nutrient-enriched and less resilient systems. Greater clarity is therefore needed on the basis for this approach, its relationship with Natural England's wider

⁹ Natural England, 'Bure Broads and Marshes SSSI: Condition of Features' (*Designated Sites View*) <<https://designatedsites.naturalengland.org.uk/SiteFeatureCondition.aspx?SiteCode=S1000880&SiteName=Bure%20Broads%20and%20Marshes%20SSSI>> accessed 22 October 2026.

work on favourable conservation status, and stronger justification for excluding these elements from the assessment where deterioration through ecological tipping points remains possible.

The EDP also groups most identified environmental features by habitat type, assessing effects on species through changes to their supporting habitat. The EDP should provide greater assurance that the specific requirements of each protected feature, including each species feature, have been adequately considered. This is needed to demonstrate that the overall improvement test addresses impacts on each identified environmental feature, rather than only to broad habitat groups.

1.2 Selection and prioritisation of conservation measures

The EDP discounts potential conservation measures at Stage 1 against criteria including additionality, ease of implementation, whole-life cost, maintenance requirements, environmental risk and wider benefits. The Appropriate Prioritisation Regulations are then applied at Stage 2 only to the measures that remain, and do not appear to result in any further measures being discounted.

Natural England should explain more clearly how the Stage 1 filtering process relates to the statutory prioritisation exercise required under the Regulations, including whether any potential avoidance or mitigation measures were excluded before their priority over compensation measures was considered. If this occurred, the EDP should explain why Natural England considered it appropriate not to prioritise those measures.

The EDP also states that Natural England has taken a precautionary approach by describing measures as compensatory measures unless there is clear evidence that they meet the definition of mitigation. It recognises that some measures may, in some circumstances, be mitigation rather than compensation. This approach does not appear to be precautionary as it risks mitigation measures not receiving the priority intended by the Regulations. We suggest that Natural England reviews this approach.

We note that lowland fen is defined as an irreplaceable habitat in the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 and in the National Planning Policy Framework. This further underlines the importance of identifying and prioritising measures capable of avoiding or reducing impacts so that the EDP development does not result in the loss of, or lasting or irreparable damage to, irreplaceable habitat.

The EDP does not explain the rationale for the proposed planning condition requiring non-mains drainage systems to achieve discharge concentrations below 5 mg/l total phosphorus and 27 mg/l total nitrogen. Natural England should explain how these thresholds were determined and why they are considered appropriate.

1.3 Additionality

The EDP includes safeguards intended to ensure the additionality of the proposed conservation measures. These safeguards include ringfencing levy funds, excluding measures already secured through other mechanisms and checking for overlap with agri-environment schemes and public authority actions. However, it does not clearly explain how additionality will be tracked and verified throughout implementation, particularly where unallocated mitigation from existing schemes, including the Local Nutrient Mitigation Fund, is incorporated into EDP delivery. Natural England should explain how it will ensure that measures remain additional.

Further, we are concerned that the EDP does not include an overview of conservation measures already set out in the SIPs for the Broadland and River Wensum SACs. These SIPs outline the priority measures required to improve the condition of the site features. In January 2026, the government reported SIPs as one of the principal mechanisms for identifying the conservation measures required under obligations flowing from the Habitats Directive.¹⁰ It appears to us that the conservation measures identified in the EDP for the purposes of addressing the impact of the EDP development should therefore be additional to those measures already identified in the relevant SIPs as necessary for achieving the sites' wider conservation objectives. The EDP should set out an overview of the SIP measures and clearly explain how the extent and/or type of conservation measures identified in the EDP are truly additional in this respect.

Whilst the EDP contains a brief overview of diffuse water pollution plans (DWPPs) as tools to help reduce pollution at the relevant sites, it concludes that the actions set out within those plans 'are not legally or financially secured'. It appears that DWPP measures have therefore not been factored into Natural England's determination of the additionality of the EDP conservation measures. This is despite the government having separately reported DWPPs as a key mechanism for securing compliance with existing site management obligations flowing from the Habitats Directive at freshwater sites.¹¹ Similarly to SIPs, it therefore appears to us that the measures identified in the EDP should be additional to those already identified within the DWPPs for the relevant catchment areas, to the extent that the latter are necessary for securing compliance with existing site management obligations under Article 6(1) and (2) of the Directive. Natural England should clearly explain how this additionality has been secured.

The above points add to the general concern set out in the covering letter that the draft EDP does not explain how the conservation measures are additional to

¹⁰ Defra, 'Habitats Regulations 9A Report for England 2019 to 2024' (2026) <www.gov.uk/government/publications/habitats-regulations-9a-report-for-england-2019-to-2024> accessed 22 October 2026.

¹¹ *ibid.*

measures otherwise already required under existing legal duties to restore the condition of the sites.

1.4 Delivery of the conservation measures

The EDP considers risks, opportunities and deliverability, and identifies a range of risks relating to conservation measure effectiveness, land availability, costs and implementation. However, these are not brought together in a single integrated assessment, making it difficult to determine whether cumulative delivery risks have been fully assessed or how they will be monitored and managed.

While the Nature Restoration Levy, conservation covenants, Section 106 agreements and other powers provide delivery mechanisms, limited information is provided on their viability or efficacy, or on the risks associated with securing or enforcing them over the long term. This undermines confidence that they will be capable of securing the necessary environmental benefits in practice.

1.5 Scoring, assumptions and expert judgement

Tables 12 to 15 include quantified scores of negative and positive effects to inform the overall improvement test. We understand these scores were assigned by specialists through an expert evaluation process, but limited detail is provided on how those judgements were reached, how uncertainty was treated, or why particular scores were selected within the relevant scoring bands. This is important because, in some cases, the margin between the negative effects of the EDP development and the positive effects of the conservation measure appears relatively narrow. Natural England should provide greater transparency on the basis for the scores, how uncertainty has been accounted for and why the resulting margin is considered sufficient to demonstrate that the positive effects will materially outweigh the negative effects.

While we understand that Natural England is taking a different approach to nutrient neutrality, the EDP contains quantified estimates of phosphorus and nitrogen arising from the EDP development and of some reductions expected from the proposed conservation measures. However, the quantified reductions appear to address only a proportion of the additional nutrient inputs, particularly for nitrogen, leaving a substantial residual load. Natural England should explain how this evidence informs the assessment of effects on conservation status, the scores assigned in the assessment against the overall improvement test, and the final judgement reached.

1.6 Coherence with wider targets, plans and strategies

The EDP lists the EIP goals and relevant Environment Act 2021 targets, identifying broad areas of alignment. However, while some links are made between the proposed conservation measures and target outcomes, these are largely qualitative and are not supported by quantified estimates of the EDP's expected contribution to specific targets or trajectories. As a result, the extent to which the EDP will contribute

to achieving EIP goals, Environment Act targets, and other relevant apex targets is not clearly evidenced. For example, it is unclear how the measures contribute to targets for reducing nutrient pollution from agriculture and restoring chalk streams.

The EDP also identifies wider plans and strategies, including the Norfolk Local Nature Recovery Strategy and the Local Nutrient Mitigation Fund. However, it does not clearly explain how these informed the EDP or the decisions reached. It also does not appear to explain how other key plans, such as the River Basin Management Plan and Water Level Management Plans have been considered. As a result, the coherence of the EDP with the wider planning and environmental policy framework is not fully demonstrated.

1.7 Environmental Principles

The EDP does not include a clear assessment of how the environmental principles were considered in its preparation.¹² It states: ‘Natural England has considered the environmental principles when preparing this Environmental Delivery Plan’ and will continue to do so.

We also note that, whilst the EDP refers to the principles set out at s.17(5) of the Environment Act 2021, it lists only four of the five principles. While we can make assumptions as to why the integration principle may be missing, from a transparency perspective it would be useful for this to be explained. The precautionary principle and the rectification at source principle seem, to us, to be particularly relevant to the development and consideration of the conservation measures included in the EDP. It would, therefore, be useful to see this underpinning evidence base.

We consider that Defra’s Environmental Principles Policy Statement (EPPS) assessment will be highly pertinent to the Secretary of State when having due regard to the EPPS in making (or amending) the EDP.

1.8 Levy and cost assumptions

The EDP considers delivery costs and includes a 5% contingency to cover the costs of possible back-up conservation measures but provides limited evidence to support its cost assumptions. Natural England should provide greater transparency on the levy calculation to demonstrate that it is sufficient to deliver, monitor, maintain and, where necessary, adapt the necessary conservation measures over the long term, including under reasonably foreseeable delivery, cost and climate-related risks.

The EDP should also explain how delivery will be managed if the timing or level of levy receipts differs from its assumptions, including whether measures will be delayed, reduced or supported through alternative funding.

¹² We note that while the EPPS duty does not apply to Natural England, a commitment was made during Bill passage that it would ‘always consider’ the environmental principles when preparing an EDP. Hansard, HL Deb 17 September 2025, vol 848, col 2234.

1.9 Assessment of wider environmental effects

The EDP identifies a range of potential wider benefits from the conservation measures, including climate resilience, carbon storage, flood risk reduction and access to nature. However, there is no systematic strategic assessment of these (or other) wider positive and negative environmental effects. We note that the Environmental Assessment of Plans and Programmes Regulations 2004 have been disapplied with respect to EDPs under the Planning and Infrastructure Act 2025. However, the lack of any equivalent form of assessment in the EDP reduces transparency over the consideration of wider environmental impacts and trade-offs and adds to our concerns that the draft EDP risks lowering levels of environmental protection in practice.

1.10 Proposed permitted development rights

If taken forward, the proposed extension of permitted development rights for Natural England to deliver and maintain conservation measures under EDPs could reduce established opportunities for public scrutiny, local authority oversight and democratic accountability.¹³ For transparency, it would be helpful for future EDPs to identify the conservation measures for which Natural England expects to rely on those rights.

1.11 Points requiring further clarification

There appear to be several inconsistencies in the EDP which Natural England should clarify.

- i) **Maximum number of houses allowed.** The housing allocations stated in Annex 5B total 16,284 dwellings, which is inconsistent with the maximum number of dwellings specified in the main text of the EDP as 15,780 dwellings.
- ii) **Modelled additional annual nutrient load.** Inconsistent figures are provided for predicted phosphorus loads. Annex 5B (paragraphs 526 and 527) states the increase in phosphorus from the EDP development in the Bure sub catchment is 90 kg/year P and in the Yare sub catchment is 980 kg/year P. This differs from Annex 7B (paragraph 741), which uses predicted phosphorus increases of 110 kg/year for the Bure and 795 kg/year for the Yare.
- iii) **Nitrogen target for the River Wensum.** The EDP states that there is no nitrogen target for this catchment but does not explain why.

¹³ Ministry of Housing, Communities and Local Government, 'Permitted Development Rights: Schools, Assets of Community Value, Defence and Conservation' (10 June 2026) <www.gov.uk/government/consultations/permited-development-rights-schools-assets-of-community-value-defence-and-conservation> accessed 22 October 2026.

Monitoring and reporting

The EDP sets out a high level approach to monitoring and reporting, including broad monitoring themes and information on tracking the implementation of conservation measures. While this provides a framework for reporting activity, it does not adequately explain how the ecological effectiveness of individual conservation measures will be assessed in practice. In particular, there is insufficient clarity on measurable indicators, how progress towards the intended environmental outcomes will be evaluated, and what information will be reported between the formal mid-point and end point reports, and after the EDP end date.

The EDP explains that when monitoring the implementation and effects of conservation measures, independent expert judgement will be used to determine whether their benefits can continue to materially outweigh the negative effects of development. However, it does not identify who will provide that judgement, the qualifications required, or how independence and conflicts of interest will be managed. Natural England should provide this information to support transparent and credible assessment.

The EDP recognises climate change as a long-term risk but does not clearly explain how monitoring will identify its effects on the conservation measures or trigger a timely response. Further assurance is needed that climate related risks will be addressed in time to secure the intended outcomes by the EDP end date and maintain them over the longer term.

While the commitment to use Q-FAIR data principles is positive,¹⁴ publishing the monitoring framework after the consultation prevents scrutiny of its robustness. Scrutiny at this stage is important due to the crucial role that monitoring and associated course correction mechanisms play in providing confidence that an overall improvement will be maintained in the long term. That role is particularly critical beyond the EDP end date, when formal statutory reporting requirements against the overall improvement test will no longer apply.

¹⁴ The use of Q-FAIR principles for environmental data was a recommendation in our 2023 report on environmental assessments. Office for Environmental Protection, 'A Review of the Implementation of Environmental Assessment Regimes in England' (2023) <www.theoep.org.uk/index.php/report/environmental-assessments-are-not-effective-they-should-be-due-practical-barriers> accessed 22 October 2026.