

Building the Future: Navigating the Planning and Infrastructure Bill – key takeaways

On Thursday 19 June, our event Building the Future: Navigating the Planning and Infrastructure Bill brought together industry experts to explore key elements of the forthcoming legislation and the challenges facing the system and the industry.

Jointly hosted by Ashfords and the Land, Planning and Development Federation, the event also featured speakers from Enzygo, Savills and Lands Improvement.

In this guide, we've highlighted the key takeaways from the presentations and discussions.

Ashfords and LPDF

Introduction from David Richardson and panel chair Sam Stafford

The aim of the bill

At its heart, the aim of the bill is to speed up the planning process and simplify housebuilding to facilitate the government's plan of building 1.5 million homes by the end of this Parliament.

The introduction to the government's Guide to the Planning and Infrastructure Bill states:

"The Planning and Infrastructure Bill is central to the government's plan to get Britain building again and deliver economic growth. The Bill will speed up and streamline the delivery of new homes and critical infrastructure, supporting delivery of the government's Plan for Change milestones of building 1.5 million safe and decent homes in England and fast-tracking 150 planning decisions on major economic infrastructure projects by the end of this Parliament. It will also support delivery of the government's Clean Power 2030 target by ensuring that key clean energy projects are built as quickly as possible".

With the recent Richborough / LPDF report (with research by planning consultancy Lichfields), finding that the average time to determine a major residential outline application by a LPA is now two years, as opposed to eight months 10 years ago, speeding up the system is a key issue.

Timetable

The bill's second reading in the House of Lords took place after the event, on 25 June. When the bill is likely to get royal assent is at present still unknown but the draft bill seems to be moving at pace through the legislative process.



Enzygo

Derek Allan - Director of Ecology

The Nature Restoration Fund

The fund will introduce a new way for developers to discharge environmental obligations by making a payment (the nature restoration levy) following a site assessment. The payments will then be used by Natural England with the restoration / mitigation being carried out in a wider context, as opposed to being development specific. Similar to current BNG compensation payments and Great Crested Newt District Level Licensing approach.

This approach can only be followed where an Environmental Delivery Plan (EDP) is in place. Currently serviced by Local Nature Recovery Strategies these can be found [here](#).

This has been a fairly contentious aspect of the bill, with the accusation of “cash to trash”.

However, various questions are still unanswered:

- What are the levy rates and how will they be implemented?
- Will the levy be disproportionate for smaller developers?

This could lead to a move away from the Mitigation Hierarchy, which could lead to a lack of greenspace within urban developments in favour of the EDP.

There is also concern over the weakening of environmental legislation, and possible allowance of detrimental impact to ecological features/statutory designated sites etc in the locality, in favour of “an overall improvement, even if that improvement is delivered elsewhere”.

Biodiversity net gain

Natural England recently carried out a review of the BNG regime, concluding that it is working well, and is resulting in the provision of biodiversity, but noting that there are some flaws and perhaps SMEs, in particular, are unfairly penalised.

Now is the time to engage with the government’s consultation on the BNG regime. Possible changes could include:

- Extending the exemptions to capture all minor developments.
- Simplifying the small sites metric.
- BNG requirements eased for developments of between 10 and 49 homes.
- Increased access to off-site units.





Savills

Dan Yeates, Planning Director

Delegation

The bill aims to accelerate development particularly housing, partly through by streamlining planning processes and, in particular, a proposed key change of increased delegation, meaning more applications being determined by planning officers rather than going to committee. The objective is to get applications moving through the system more quickly.

The bill grants the secretary of state power to set out provisions on how more applications being delegated would work. This will come in subsequent regulations so the detail is currently unknown, but the draft bill talks about two tiers:

- **Tier one** – applications which should always be delegated.
- **Tier two** – applications which should be delegated unless it is agreed by the Chief Planner and Chair of Committee that it should go to committee based on a gateway test.

As ever there will be challenges. Many members of the public and councillors see committees as the opportunity to air their views, and the removal of this stage for some applications may result in accusations of a lack of transparency.

Small and medium schemes

As noted, in the context of ecology, there are proposals to remove red tape for small (below 10 unit) and medium (between 10 to 49 unit) schemes. Possible scenarios include:

Small schemes - up to nine units

- No affordable housing requirement.
- Possible removal of energy requirements.
- Potentially no BNG requirement.
- Fewer validation requirements.
- Delegation rather than committee.

Medium schemes - 10 - 49 unit sites

- Simplifying (rather than removal) of the BNG requirements.
- Delegation rather than committee.
- Extension of the “permission in principle” process (which currently only applies to sites of up to nine units).

What don't we know yet

There are still areas of uncertainty, for example what would simplifying BNG actually look like, and how would the extension of the permission in principle regime work for medium sites?





Lands Improvements

Hollie Heavens, Associate Director

These are exciting times! The development industry has been anticipating a lot of changes based on Labour's manifesto and they are sticking to their guns, but does the planning and infrastructure bill promise more than it possibly delivers?

There are definite positives with regards to the national scheme of delegation – attempting to free up planning committees from debating the pros and cons of more minor applications. However, the real issue is actually getting to planning committee with the lack of resource hampering the progress of planning applications meaning that the vast majority are falling outside of statutory timescales.

The recent Lichfields/LPDF report 'How Long is a Piece of String' highlights that the average time taken to determine a major outline application has risen to two years, an increase of 16 months since 2014 and only 4% of outline permissions were granted within the required 13-week period.

One of the major issues with these metrics is that MHCLG data shows that in 2024/25 close to 90% of applications were decided 'in time', but planning performance agreements are often

utilised as a tool for extensions of time in over 80% of planning applications. This can result in a planning application being substantially delayed but recorded as being determined within statutory timelines.

In the meantime, applicants often pay significant pre-application sums for a sometimes substandard service with no guarantees on programme which can undermine developer confidence.

A further positive is mandatory training for councillors. Planning is an inherently complicated and technical subject which can be difficult for the average person to understand, let alone make decisions on that can impact the growth trajectory of an entire district. And yet, we still observe some councillors asking questions of their officers that those who work in the planning sphere would regard as straightforward.

Is there the opportunity here to bridge the gap between the public and private sector and allow a role for promoters and developers to educate councillors in the planning process?

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Strategic planning

Being a strategic land promoter and master developer, the idea of true cross-boundary strategic planning is an exciting prospect that could lead to truly visionary planning and growth in the best and most sustainable places.

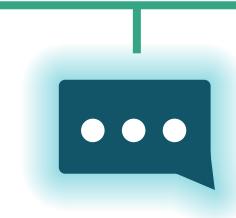
But, we are already seeing the impacts of potential devolution well before they are enacted. The realities of local government re-organisation are very difficult for councils and it is a struggle to see how this process can be undertaken alongside developing new Local Plans. Many Local Authorities are already flagging delays in emerging plans whilst they wait for decisions to be made or work on combined authorities to get underway. Some LPAs may also see an opportunity to restrict growth in constrained greenbelt areas if a devolved approach would allow them to place it in other areas outside their historic boundary.

It is vital that the government continues to encourage LPAs to deliver their Local Plans to their published programmes with sanctions for delays.

What would we like to see more of?

In addition to planning changes, we also need to see the government support and bolster the construction workforce that will actually deliver these houses. Likewise, this applies to the statutory consultees such as Natural England who are often under-resourced causing further delays in the planning process.

The other key element in the government's proposals is substantial delivery of affordable housing, but we need to see more support for Registered Providers – particularly as we see an uptick in quantum as greybelt sites come forward. It is also important for LPAs to understand the need for flexibility in planning agreements with regards to affordable housing tenures ensuring that mixes are market driven to avoid delays due to viability.



Discussion and questions

Member call-ins

Under the proposals member call-ins are scrapped. Not everyone is happy with this, with some arguing that it removes democratic involvement from the process.

LPA fees

The draft bill gives local planning authorities powers to raise their fees. An increase might be supported if it results in enhanced service quality.

Mixed tenures

For large sites there are proposals to mandate for mixed tenure. Can that be retrofitted into schemes currently being promoted? This could potentially be quite legally complex. Furthermore, evidence is needed the market is there for the alternative tenures.

Concluding remarks

- Overall, the bill and the current direction of travel is relatively positive.
- The government should be applauded for tackling big issues.
- A commitment to boost housing supply in the here and now.
- The focus has to be development management and reducing the time period for applications.

Key contacts

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