

Written Evidence Submitted by Sarah Foot and Stephen Foot on Behalf of John Wenman Ecological Consultancy and Austin Foot Ecology

Executive Summary and Introduction

This written evidence summarises the critical flaws in Part 3 of the Planning and Infrastructure Bill and follows with proposed amendments in relation to these flaws.

We are writing on behalf of John Wenman Ecological Consultancy and Austin Foot Ecology in relation to the call for evidence regarding the Planning and Infrastructure Bill. We represent two ecological consultancies each with over 20 years' experience of ecology survey work in support of development and the planning process and therefore have the relevant experience and expertise to comment on the specifics of Part 3 of the Planning and Infrastructure Bill.

Written Evidence

This written evidence is underpinned by the following main concerns that our most protected, valuable and vulnerable sites for nature, will no longer have the strong safeguards that they currently have, putting them at real risk of damage and destruction as a direct result of the impacts of development that will be granted following the approach set out in the Bill. The wording in the Bill could allow developers to ignore environmental requirements, against established scientific evidence and provides no guarantees that substantial nature recovery work will take place.

Our response is as follows:

- Site-Specific Survey

The strategic approach is not suitable for certain species/habitats that are wholly reliant on specialist habitats/niches, and are often loyal to individual sites, and any loss at the site-level will significantly impact the species at a population level. This will not result in an overall improvement which is the main target for this part of the Bill. These species include bats, barn owls, badgers, hazel dormice, reptiles (adders in particular) and irreplaceable habitats such as ancient woodland and chalk streams. We believe these protected species and irreplaceable habitats need to be exempt from EDPs and dealt with separately using the mitigation hierarchy as is now the case.

- Mitigation Hierarchy

There are decades of scientific evidence for the use and success of the mitigation hierarchy – avoidance, mitigation or compensation – and this approach is internationally recognised and well-regarded. Scientific research and associated evidence underpin survey guidelines that ecologists have been adhering to for the past 20-30 years in response to wildlife legislation (e.g. the Wildlife and Countryside Act 1981 as amended), which aims to halt the decline of species populations.

- Timing of Delivery

The proposed implementation of habitat creation and enhancement following the destruction of habitats supporting protected and notable species to facilitate development is wholly unsuitable. Populations will be destroyed and the future colonisation of these proposed newly created/enhanced areas of habitat will therefore not be possible (as no species will be present to recolonise these areas). This proposed approach will cause a greater risk of extinction of species (particularly those with specialist habitat requirements and are site loyal). Newly created habitat will also take a

considerable time to become capable of supporting protected species and this time lag will be detrimental to these displaced species.

- Resources

Despite these shortcuts with regards to surveys and mitigation at a site level, the process of multiple EDPs covering multiple environmental features will cause increased complexity at the planning stage in an area that is severely depleted of resources (underfunded and understaffed) and therefore will not speed up the development process. The lack of Council Ecologists and staff at Natural England (whose roles and responsibilities will have greatly increased following the implementation of this Bill) will be a major hinderance to the successful implementation of this Bill.

Proposed Amendments

Our proposed amendments based on the evidence detailed above align with the more general points made by Wildlife and Countryside Link (WCL) in their recent letter to ministers on behalf of over 30 environmental NGOs and the Amendments Briefing for the Planning and Infrastructure Bill published by CIEEM on 14 April 2025 [CIEEM-PIB-Amendments-Briefing-April-2025-FINAL.pdf](#)

Proposed amendments:

1. Irreplaceable habitats and protected species exemptions
2. Delivering enhancements in advance of harm
3. Ensuring implementation of the mitigation hierarchy to development
4. Ensure benefits substantially outweigh harm with strong regulation and monitoring imbedded in the process

Yours sincerely,



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