We're going wild: Nature Restoration Levy and the first draft Environmental Delivery Plan

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As summer fades into autumn and aestival wildfires are forgotten, the government has kicked off the new season with a radical, rule-based National Planning Policy Framework ("NPPF"). This carefully considered reworking underscores policy support for the protection of statutorily designated sites valued for their scientific interest, beauty or wildlife value. In my view, it is the most binary and directive national policy document produced by central government since the inception of the post-war planning code.

The Nature Restoration Levy Arrives

Of not unrelated significance is the publication of Nature Restoration Levy Regulations 2026 ("NRL regulations"). The levy ("NRL") came into force on 11 September 2026. Facilitated by the Planning and Infrastructure Act 2025, the regulations mark the most recent attempt by Whitehall to introduce an alternative approach to the management of competing imperatives: the pressing need to support residential and other development and to give effect to legal obligations relating to nature restoration in England.

The explanatory memorandum to the regulations puts the point nicely: "Existing approaches to protect and restore our most important habitats and species have not been able to reverse the trend of environmental decline, while creating significant barriers to building the homes and infrastructure required."

NRL is intended to move the debate from the impact of individual developments to strategic scale environmental restoration. It will support Environmental Delivery Plans ("EDPs"). Those plans are to set out the strategic action to be taken to address the impact that development has on a protected site or species.

The government's intention is that if an EDP is in place and a developer utilises it, the developer is no longer required to undertake their own assessments or deliver project-specific interventions to mitigate the environmental impacts addressed by the relevant EDP.

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Learning Lessons from CIL

It seems to me that NRL is modelled loosely on the sort of arrangements now in place for the Community Infrastructure Levy Regulations 2010 administered by local planning authorities and which are now familiar to the vast majority of developers.

That familiarity was hard won; it comes after more than a decade of misunderstanding, inflexibility and complexity – resulting in over ten amendments of the regulations. It can only be hoped that NRL is sufficiently informed by the CIL experience, and that consistency and alacrity shall be demonstrated by Natural England as the delivery and enforcement authority for the scheme.

For example, CIL regulations were amended no less than twelve times, to cope with unanticipated conundrums including multi-year phased developments, punishing surcharges or the variation of planning permissions creating greater developable area.

Watch this space.

The First Environmental Delivery Plan

The first draft EDP was published for consultation on 17 September 2026, and views are invited up until the rather precise deadline of 9:29 am on 27 October 2026. This EDP is said to be "designed to protect and enhance the Norfolk: Broads Special Area of Conservation (SAC) (Yare and Bure), Broadland Ramsar and River Wensum SAC while enabling sustainable development."

Views may vary, but the EDP does not claim to be the be-all and end-all to nature restoration in the Norfolk Broads and River Wensum catchment. All it promises is to meet a legal "Overall Improvement Test" ("OIT") consistent with a Lawton principles aim to create "more, bigger, better and joined spaces" for nature, maintained for at least 100 years. In this case, to deal with nutrient pollution.

In simple terms, the OIT requires that the conservation measures must materially outweigh the environmental effects of the development covered by the EDP. There is quite a policy debate about that, and perhaps scope for legal arguments too. The voluntary levy rate is £2,675 per house or flat, plus indexation.

The mechanics are set out in a supplementary information document where you can find the "streamlined developer journey" and the draft "commitment certificate". Whether environmental campaigners will find bigger and better routes to legal challenge is yet to be seen.

About the author

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Matt's colleagues, Sabah Siddiq of our Planning, Infrastructure & Environment team and Georgia Plant of our Real Estate Development team, will be speaking on the legal and practical issues around conservation covenants at Lester Aldridge's Natural Capital and Environmental Markets Forum on 7 October 2026.

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