

WildFish Response to NPPF consultation – January 2026:

Wild Fish is an environmental charity that fights to protect the rivers and streams in the UK from pollution and over-abstraction.

WildFish has serious concerns with the government's amendments to the National Planning Policy Framework (NPPF). As reflected in the new Planning and Infrastructure Act 2025 (P&IA), it replaces environmental *conservation* with a regime that is more geared than ever to growth, with real consequences for the environment.

Many of our most sensitive waterbodies (such as chalk streams) are under-protected; demands on the sewage and water services from development are out of step with the capacity of the water companies to deliver adequate sewage treatment, or to provide sufficient water for new homes, without harming these waterbodies through over-abstraction.

The draft National Planning Policy Framework (NPPF) contains a considerable amount that is new but does not deal properly with the issues which we believe should be central to planning such as providing joined up thinking for development and infrastructure for water and sewage treatment. Unsurprisingly, it puts growth at the forefront with a plan-led set of policies including Spatial Development Strategies reflecting the changes brought in by the P&IA. It pays lip service to protecting the environment and marks a conceptual change from the primacy of conservation towards nature *compensation*.

The NPPF changes must be seen in the context of the P&IA for which the general effect is to remove some procedural steps for development and environmental safeguards. We restrict our comments to the most relevant policies in the draft NPPF relating to water and threats to the aquatic environment.

The policy DM7 clarifies the relationship between planning and “*other regulatory regimes*” (such as, for instance, permitting or licensing for activities necessitated by development such as EPR permits): “*Development proposals should be assessed on the basis of whether they would be an acceptable use of land. Matters which are controlled by separate regulatory regimes may, in the*

context of a particular development proposal, be a material consideration where they have land-use implications.” But if there are such parallel regulatory regimes, “*Decision-makers should assume, unless there is clear evidence to the contrary, that those separate regimes will operate effectively.*” We believe that this is simply not satisfactory as we know from our own experience that the regulatory system cannot be relied upon and requires heightened scrutiny by planners.¹

The note to the consultation suggests that such considerations could relate, for instance, to “*water quality*”. One need look no further for an example than the situation where discharges from sewage works are subject to regulation. But this does not answer the knotty problem of where there is a lack of capacity to deal with sewage from new development. Should it be assumed that the regulatory regime would operate effectively meaning that the planners should not be concerned?

The answer may lie to some extent in the proposal for high level planning/ Plan-making policy W1 (“*Planning for Energy and Water*”), which requires development plans to reflect the capacity of, and future requirements for, energy and water infrastructure emphasising the importance of early engagement between planners, utilities and regulators including for “*wastewater capacity*” so that these can be addressed at the “*plan-making stage*”. The policy (the government’s discussion document explains) “*expects plans to make appropriate provision for new and upgraded infrastructure, and to include measures to avoid constraining the operation or expansion of water and electricity networks.*” One could argue that this simply chases the problem further down the road without resolving it. For instance, Water Resource Management Planning and Drainage and Wastewater Management Plans already involve local authorities; and Local Plans are drafted with input from water companies. But gaps remain between planning for supply and the necessity of demand for new development. Simply declaring that plans should

¹ See for instance Fordham’s ruling in *R (oao Caffyn) v Shropshire Council and another* [2025] EWHC 1497 (Admin where there was “no identifiable evaluative judgment” from the planning officers to explain why the assessment did not extend to digestate spreading. That meant it was “unreasonableness by a demonstrable flaw in reasoning” as per *Finch*. There has been an “unexplained leap failing to justify an evaluative conclusion” as per *R (Friends of the Earth) v Secretary of State for Energy Security and Net Zero* [2024] EWHC 995 at 127).

pay further attention to the issues does not resolve them – particularly if the water companies are not statutory consultees for planning applications.

We welcome Policy W4 (“Water Infrastructure”) which follows on from the changes brought by the P&IA to no longer require (for instance) reservoirs to fall under the time consuming NSIPs regime (according to the explanatory document) gives “*substantial weight to proposals that increase capacity to support planned development, strengthen the security of supply for existing users, improve water quality, and reduce water-borne pollution.*”

Under policy P3 (“*Living Conditions and Pollution*”), there is a collection of disparate issues to consider for anthropogenic receptors as well as sensitive natural features including, specifically, “*chalk streams*”. The policy requires that development proposals should “*Assess and mitigate impacts where the development could have an unacceptable adverse effect on water quality, especially where this concerns sensitive water bodies such as chalk streams*”. It is not clear how this is an advance on existing policy regarding chalk streams nor how it sits with the compensatory regime that is introduced by the P&IA. Presumably, a chalk stream in an EDP would be considered and then compensated where there was an impact identified.

We support Policy N1 (“*Identifying environmental opportunities and safeguards*”) which requires that development plans “*should safeguard and enhance the natural environment*” and take into account, inter alia, River Basin Management Plans and other higher level environmental frameworks. The policy also requires plans to set out the hierarchy of designated sites and areas of importance “*and identify other features which require particular consideration in managing development due to their environmental value such as chalk streams*”. The plans should “*identify opportunities for the conservation, enhancement and recovery of landscapes, sensitive waterbodies, habitats and species of principal importance, including through habitat restoration, the use of nature-based solutions, and the creation and strengthening of ecological networks that are more resilient to current and future pressures (including opportunities which exist at a catchment or landscape scale across plan boundaries)*”. And in deciding where development should be sited, the LPA should “*Steer the location*” to “*land of least environmental value*” but even where recovering areas have been identified, this should not “*preclude the allocation of land for development*” which effectively contradicts the requirement to steer the location away from more sensitive areas.

We note that for Biodiversity Net Gain (BNG) policy, the ambitions in the NPPF draft are muted. Where drafting development plans, there is a warning against setting “*higher local standards*”. Nevertheless, the policies in the draft NPPF contain some very specific steps for promoting biodiversity including promoting “*features for species which support priority or threatened species such as swifts, bats and hedgehogs*”. We generally believe that the BNG process is open to misinterpretation and a high degree of subjectivity despite the use of the Metric. We also see it as another way in which destructive activities which impact rivers can be approved on the basis of compensation – in the same way as the Environmental Delivery Plan (EDP) will function.

As to the weighting to be given to impacts on protected sites, policy N6 (“*Areas of particular importance for biodiversity*”) is certainly welcome in so far as it suggests that development proposals should be refused unless an appropriate assessment has concluded that the proposal will not adversely affect the integrity of the site or that IROPI applies (i.e. where the site is notified under the Directive or the Habitats Regulations). But it also adds the rider that this might be addressed through an Environmental Delivery Plan “*which has been made and the developer has committed to paying the nature restoration levy*”. Similarly, even though some thought may be given to the protection of nature, “*. . .development proposals which would entail the loss or deterioration of irreplaceable habitats (such as ancient woodlands and ancient and veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.*” An example is provided of an infrastructure project where the public benefit would clearly outweigh the damage caused.

Some of the changes proposed to the NPPF must be seen in the context of the “*Development and Nature Recovery*” part of the P&IA which introduces the Environmental Delivery Plans (EDP) which deal with the nature restoration levy and allow for the disapplication of conservation laws.

This is important as the first EDPs, according to the Delivery Implementation Plan,² will cover developers’ obligations relating to nutrient neutrality in a number of particular river catchments including those in the Peak District Dales, Poole Harbour; the rivers Avon, Axe, Camel, Clun, Eden, Kent, Lambourne,

² **Implementing the Nature Restoration Fund 18 December 2025 - [Implementing the Nature Restoration Fund - GOV.UK](#)**

Lugg, Mease as well as the Solent (including River Itchen), the Somerset Levels and Moors, Stodmarsh, Teesmouth and Cleveland Coast. There will also be an EDP for the Broads (including River Wensum).

WildFish campaigns on these and other rivers. Some of these are chalk streams where protections have often been scant – but where, as with the Itchen, the SAC status has allowed reliance on the Habitats Regulations – subject to IROPI exemptions.

With the disapplication of protections, the Natural England advice that reflected existing EU law for achieving neutrality will presumably give way to an outcomes-based approach meaning that development that causes problems vis a vis pollution of a river can be approved – particularly where safeguards are disapplied and suitable compensation provided as part of the levy. That would happen even in cases where there is an unusual feature warranting protection such as a chalk stream.

Of course, at present, plans and projects (at least those not falling under part 3) should only progress where it can be positively demonstrated that there will be no adverse impact on a protected site. In only limited cases should there be an exception to the conservation principles (overriding reasons of public interest or “IROPI”). But the Act rips up these safeguards for the EDP areas – and the NPPF provides the policy basis for its implementation.

Therefore, although we are supportive of some policies, they are mostly qualified to the extent that any protections and safeguards included in the NPPF draft have no strength and the inevitable result will mean more pressure on the aquatic environment.

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