

LOST NATURE



Are **housing developers** delivering their **ecological commitments**?

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Contents



- 3** Summary
- 4** Background
- 5** Wild Justice's role
- 6** What we did
- 8** What we found
- 12** Why is developer compliance so low?
- 13** What role does landscape maintenance play in this picture?
- 14** But won't Biodiversity Net Gain solve this?
- 16** What needs to be done?
- 18** Why mitigation and enhancement matters

Summary

1

Planning permission for housing is granted by Local Planning Authorities (LPAs).

When developers are given this permission, it comes with a set of legally-binding conditions, including promises to install a range of ecological enhancements to help nature deal with the change in land use.

2

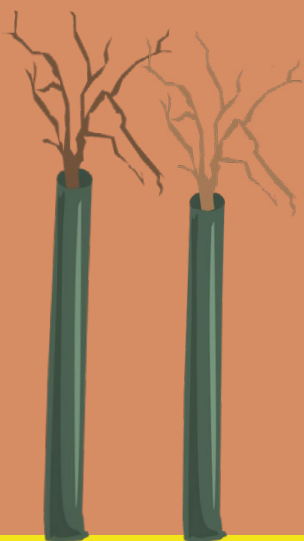
We looked at whether these promises to mitigate harms to nature had been kept:

- We surveyed **42 developments** across 5 LPAs.
- We surveyed nearly **6,000 houses** and over **291 hectares** of land.
- We searched for **4,654 trees** and **868 bird and bat boxes**.
- We surveyed many **hectares** of what were promised to be wildflower grasslands, ponds, and hedgerows.

3

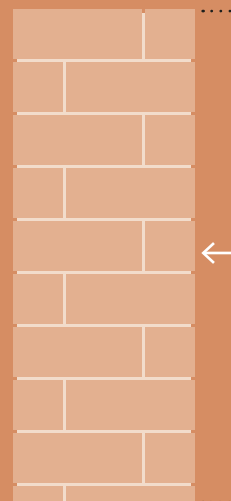
We found that only **half of the ecological enhancements (53%)** that had been promised were there on the ground.

When we excluded newly planted trees, this fell to a third - just 34%.



53%
Total **installed** ecological enhancements

34%
Installed ecological enhancements (minus new trees)



← **47% Missing**



3

Background

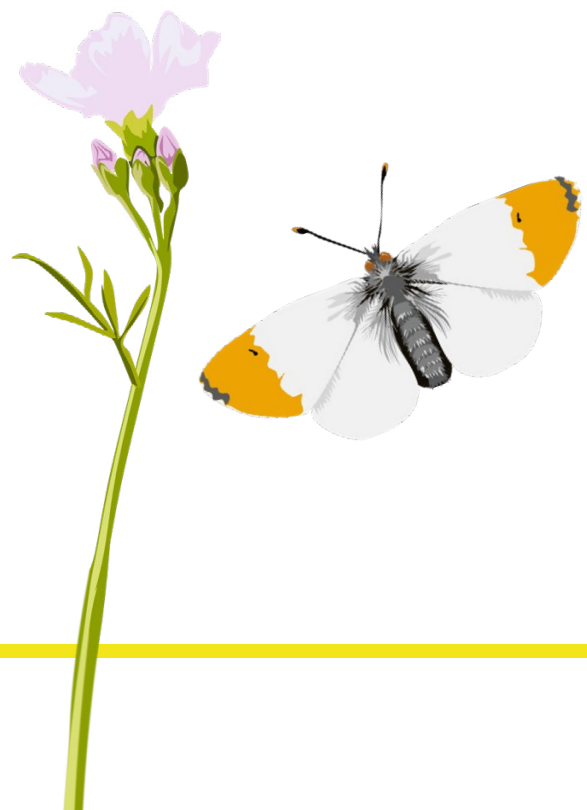
“Let me tell you all about the planning system!” is the kind of phrase that sends people running for the hills at parties. However, if you care about nature and ecology, it’s important to pay attention to planning policy.

We are currently in the midst of a global **‘nature emergency’**, in which the UK now features as one of the most nature-depleted countries in the world. The causes are many and complex, but urban development of the kind that falls under the planning system’s remit is a known driver.

On paper, the planning system looks like it’s doing a good job of mitigating the harms to nature that are caused by development. Over the last 20 years, an ever-growing list of international, national, and local ecological policies have been written to ensure that ecologically sensitive sites are protected. Since 2012, protections for biodiversity have been included in the keystone document of the system, the *National Planning Policy Framework*. This mandates that new developments should produce a net gain for biodiversity by incorporating ecological enhancement measures.

The planning system has theoretically built these commitments into its processes for granting planning permission too. Sites for potential development are surveyed to determine the species and habits that are present.

When planning permission is granted, it comes with a set of legally-binding planning conditions, which say that the developer must provide specific ecological enhancements.



In spring 2024, a new system of Biodiversity Net Gain was introduced to require nearly all residential developments to provide an increase in biodiversity as part of their planning permission.

This policy is being used to justify increased levels of development, on the grounds that ecological harms can be mitigated. But our findings highlight a worrying gap in the implementation and enforcement of these biodiversity improvements. If the underlying factors are not changed, the 'net gain' will exist only on spreadsheets, with biodiversity loss as the reality on the ground.

Hardly any attention has been paid to whether the actual housing estates that are built on the ground are complying with their planning conditions. In short: **we don't know whether developers are implementing the enhancements for nature that are required.**



WILD JUSTICE'S ROLE

Wild Justice commissioned this report because they are interested in the failure of public bodies to deliver wildlife protection and enhancement. They felt that our findings had quantified a scandal in a way that deserved wider publicity.

What we did

Between June and August 2024, we visited 42 new housing estates across five Local Planning Authorities in England. We compared the ecological mitigations and enhancements that developers had agreed with the Local Planning Authority with what was present on the ground.



We looked at **completed major housing developments** (with more than 10 houses) that were granted planning permission **after 2012**, when the National Planning Policy Framework first required construction projects to demonstrate a net gain for biodiversity.

Some of our Local Planning Authorities were very urban, others quite rural, with different ecosystems and habitat designations. We selected examples of work by a range of housebuilders, from small-scale local developers to major national companies.



We downloaded all the data for each site from the public planning portal. We went to each development site at least once, and in the majority of cases we made sure that two people visited. **We walked through every street and across all publicly-accessible areas, checked every tree in public space, and looked at every house for bird and bat boxes.**



We ignored ornamental non-native plantings around houses, and we didn't count anything in private gardens. If we couldn't access an area to assess a mitigation or enhancement, we removed it from our calculations.

This is the first time anyone has looked at ecological outcomes on the ground over such a large number of housing estates.



In some cases, we exercised judgement. For example, trees are not always planted in the exact locations specified on plans, so we counted total numbers. The most difficult habitats to assess were wildflower and woodland seed mixes: sometimes it was obvious that these were missing, but in other cases we had to use some botanical skill to compare the species composition we found onsite to the type of seed mix specified.

Our research **measured developer compliance with planning conditions**. This is very different from assessing the ecological value of what is present or absent. Our calculation does not weigh the contribution each type of enhancement makes to the nature-friendliness of a development site: it just assesses whether things are there or not.

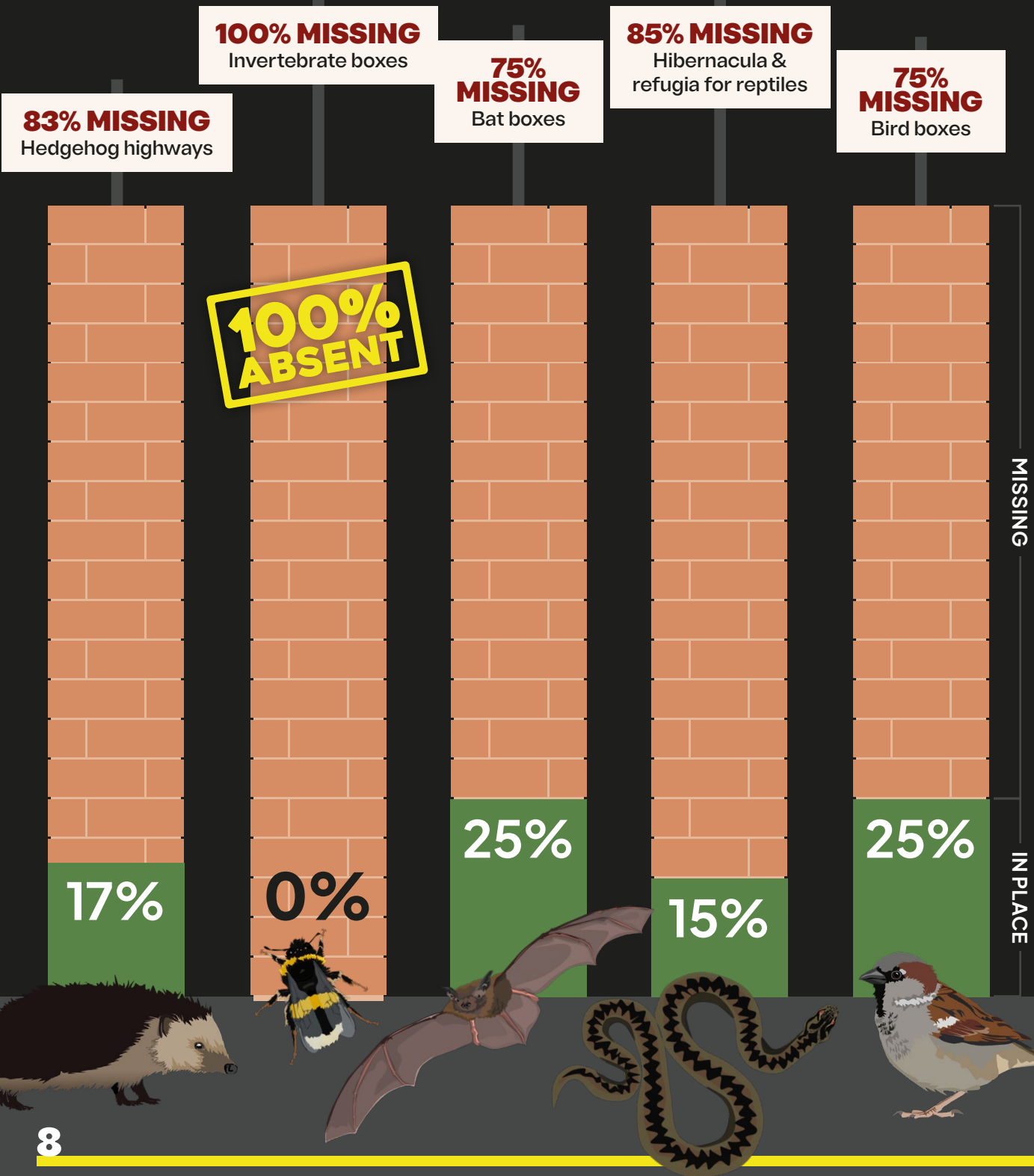


In many cases, developers or their contractors had not put in the ecological features they promised. However, sometimes poor landscaping and maintenance practices had destroyed an ecological feature. We include both in our report, since the planning conditions for development cover both.



What we found

A high percentage of habitat and species enhancements are missing:



82% MISSING
Woodland edge
seed mixes

73% MISSING
Woodland edge
plug plantings

**60% MISSING
OR DAMAGED**
Wet grassland

48% MISSING
Native hedges

**39% DEAD OR
MISSING**
Trees on planting plans

**59% SOWN
INCORRECTLY
OR DAMAGED**
Wildflower grasslands



SPECIES RICHNESS REDUCED



What we found

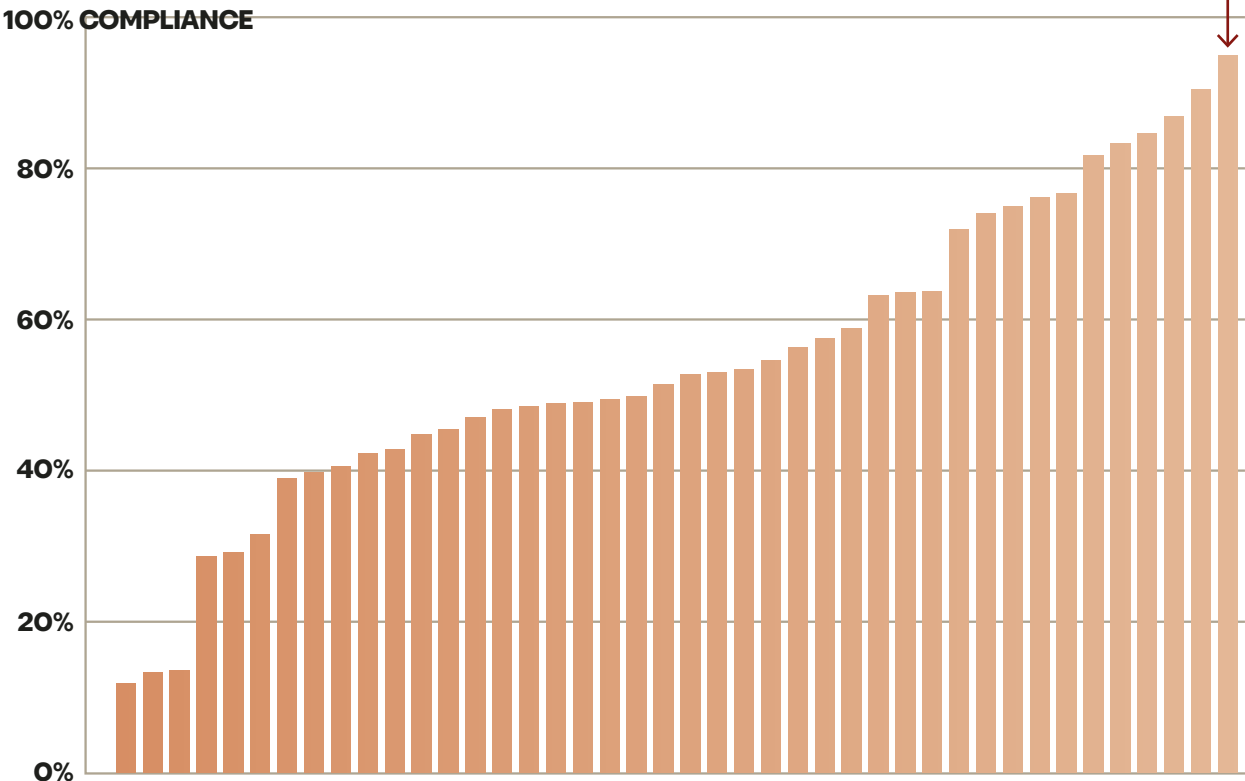
Analysis between sites

We found **very little variation in the compliance of sites** by type of developer, size of development (number of houses), area of the development site (in hectares), or geography (area of the country). Given that our methodology looked at local, regional, and national housebuilders, this lack of local variation is surprising. It suggests a **systemic issue across the planning and development system** as a whole.

The distribution of compliance varied wildly: the least compliant site scored 0%, while the best scored 95%. **These high scores are not, however, a sign that all is well on those developments.**



Because our method measures compliance, not ecological value, quite **unambitious schemes could score highly**, provided that the developer had installed a few basic enhancements.



Each development is represented by a bar



**Our findings suggest
a systemic issue
across the planning
and development
system as a whole.**

Why is developer compliance so low?

Planning conditions are enforced by specialist teams within Local Planning Authorities. Ideally, these professional planning enforcement officers would visit each new housing development and find out whether developers had delivered what they had promised for nature.

In practice, though, this rarely happens. Since 2010, local authority budgets have been subjected to swingeing cuts, and many enforcement teams are significantly understaffed, leaving them unable to deal with anything but the most serious breaches of planning conditions.

Assessing the presence of ecological mitigations and enhancements also requires specialist ecological knowledge. Most people currently working in planning enforcement have generally not received any training in this area. Alongside a resources gap, there is a skill and knowledge gap that needs to be filled.

This gap means that in practice there is effectively **very little regulation of developer behaviour in installing measures for ecological mitigation and enhancement.**

In the worst developments, where a large proportion of ecological mitigation and enhancement measures are missing, it appears that these companies may be gambling that no-one will have time to check whether they have actually met the conditions of their planning permission or not.

This is particularly worrying as we may be **moving towards a system dominated by the political logic that we can urbanise more land at a faster pace by mitigating ecological damage.**



What role does landscape maintenance play in this picture?

For cost reasons, many local councils no longer take over the maintenance of the public space, including drainage ponds and basins in new build housing estates. Instead, these areas are handed over to local residents who must either manage these themselves, or pay an estate management company to organise maintenance. The management company will then subcontract grounds contractors to do the actual landscaping work.

In ecological terms, this means that landscape maintenance on new build estates is very piecemeal. A host of different companies manage privatised public space, which makes it more difficult to identify and improve poor practice on the ground. Management companies often subcontract different elements of maintenance to different companies.

The private management of public open space also introduces a potential conflict between residents of new build estates and nature. Maintaining ecological habitats can be expensive: for example, the purchase and planting of large, established trees to replace those that have died can be very costly.

Where a poor standard of initial planting leads to high rates of tree death on a new build estate, this can burden new communities with increased service charges to replace them. In a cost of living crisis, some people cannot afford these additional bills.

This situation has the potential to stoke resentment against the maintenance of habitats to enhance biodiversity or offset biodiversity losses, and to put pressure on landscaping companies to manage land in cheaper ways that are not as appropriate. In the worst cases, ecological enhancements may not be managed at all.

But won't Biodiversity Net Gain solve this?



The introduction of Biodiversity Net Gain in spring 2024 mandated that developments should achieve a 10% gain in biodiversity over the baseline value for each site. This policy aims to put habitat creation at the heart of planning decisions. It includes some mechanisms to secure delivery of habitats, such as conservation covenants and section 106 agreements, both of which legally oblige developers or offset providers to deliver habitat improvements.

However, we think that the issues raised in this report will also affect the delivery of ecological mitigations, enhancements and offsets under Biodiversity Net Gain for three reasons:

1

Whilst new legal requirements are in place for offsite habitat creation, emerging evidence shows that developers are preferring to comply with Biodiversity Net Gain by providing smaller onsite habitats. **These will conventionally be secured by a planning condition – the same method of securing ecological enhancements used in the developments we audited, and which led to such poor outcomes.**

2

Even where habitat creation is secured by specific legal mechanisms, this does not remove issues of compliance and enforcement. Section 106 agreements are commonly used in the planning system for a range of mitigations, but not all of these are followed or enforced.

3

The complexity of many legal agreements for habitat creation through Biodiversity Net Gain is **likely to mean that there are many grey areas.** Even if enforcement action were to be taken by a local authority, this complexity might mean that problems are not resolved. For example, legally defining the ecological condition that habitats must achieve over a 30 year period is likely to be difficult, and open to challenge.



The **widespread problems** we identify in this report with the implementation of ecological enhancements and mitigations are therefore **unlikely to be resolved by the new Biodiversity Net Gain system.**



Unless this is addressed there is a risk that the 10% gains indicated on paper **actually turn into a substantial loss of **biodiversity** in practice.**

What needs to be done?

Designing ecological mitigations and enhancements on plans and spreadsheets is very different from ensuring that they are delivered on the ground.

To improve compliance, we make 5 key recommendations:

1

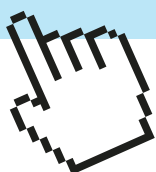
We need effective and adequately resourced ecological enforcement

Our research suggests that developers are unlikely to meet the conditions of planning applications unless there is effective and adequately resourced enforcement in place. Extra resource must be put in place to fund this in Local Planning Authorities, and the skills involved mean that it's probably a job best done by trained ecologists.

This is possible!

Leaders at Maidstone Council have already recognised the enforcement gap, and employed a Landscape Enforcement Officer. Their job is to pursue developers and demand that they comply with planning conditions, prosecuting those who refuse to do so.

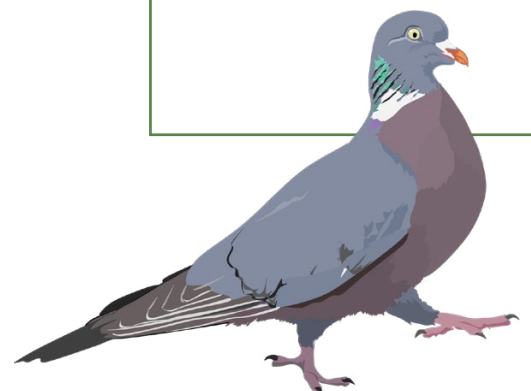
This provides a valuable model for councils elsewhere. [You can read more about it in our longer report.](#)



2

Fund local councils to manage new build public space

Bringing public space into local authority maintenance (and charging developers an ongoing fee to cover at least a proportion of the cost, for example ringfencing revenues via BNG for this purpose) means that there is some assurance that quality standards of ecological maintenance are upheld. It also avoids creating a conflict between people and nature, and an unjust situation where residents of new build estates pay more money to maintain public spaces, many of which are also used by the local community who do not have the same financial burden.



→ 3

Ensure landscape and management plans are ambitious

We found evidence of unambitious landscaping plans, where developers were installing very few ecological mitigation and enhancement measures. This means that many opportunities to do much more for nature are being missed. For example, replacing ecologically low value planting around houses with equally attractive but more ecologically valuable native species could significantly boost the amount of habitat that new build estates provide.

→ 4

Make developers pay for failed features

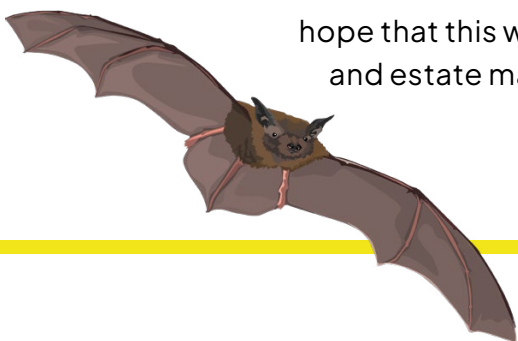
A percentage of ecological mitigations and enhancements will fail. We need clear rules about who pays for replacements when this happens.

It is **unfair** that communities should bear these costs. We think that developers should pay for mitigations and enhancements that are missing or that fail. Biodiversity Net Gain requires that the ecological features that are created to produce a 10% uplift are managed for 30 years, but for smaller and non-BNG related enhancements, this can be for a shorter period. We think that 30 years should be the timescale over which developers are responsible for replacing all failed ecological features.

5 ←

Join an army of ecological enforcers!

The kind of audit that we did in this research is something that can be done by anyone with a bit of time, patience, a few computer skills, and a bit of knowledge of nature. **We want to support ordinary people to hold developers to account by producing a 'how to' guide** to evaluate a new development for ecological mitigations and enhancements, and alert local authorities to breaches of planning conditions so that enforcement action can be taken. We hope that this will force developers, landscape contractors and estate management companies to support nature.



Why mitigation and enhancement matters

The ecological mitigation and enhancement strategy for a site is tailored to its particular ecology. It is designed to help the wildlife that had a home there before development was even considered.

The replacement habitats in question are not hypothetical environments for imaginary creatures that live on documents or in spreadsheets. They are real, material interventions to help living, breathing beings to survive a devastating change in land use.

People sometimes try to sugar-coat this, imagining that, when development starts, wildlife happily decamps from one site to another equally favourable one close by. While some creatures may escape destructive effects in this way, the reality is that many will simply perish. A site where there are dormice, but where all the mitigations for this species are absent, is quite likely to lead to the death of these creatures on that site.

Many such erasures, happening here and there across the local area, can be a form of death by a thousand cuts, leading to the local extinction of a species.

Multiply that picture at a regional, national, and international scale of development, and the implications for a much wider biodiversity crisis are obvious.



**Our wildlife
deserves better.**



NATURE'S CLOSE



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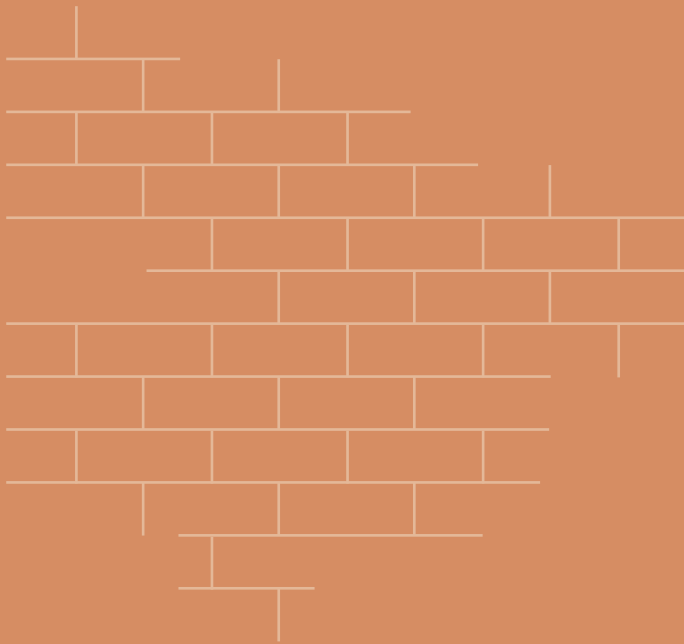
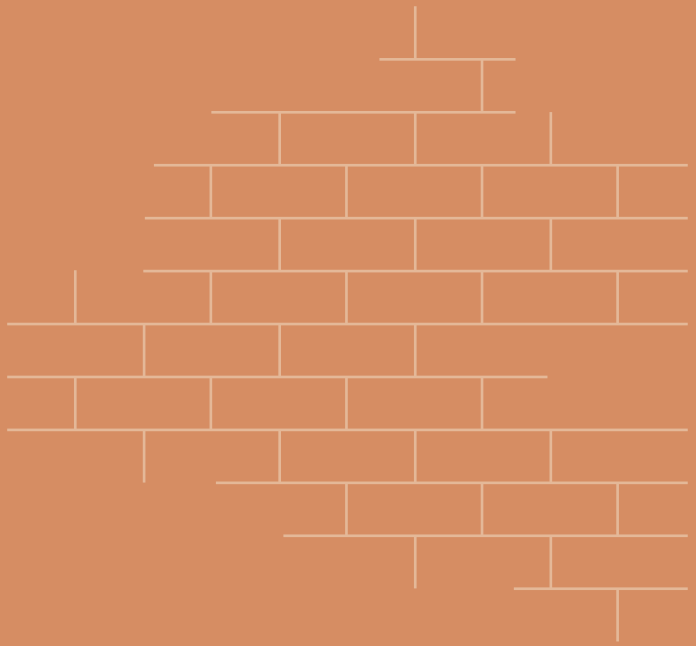
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