STATUTORY INSTRUMENTS

2026 No. 655

ENVIRONMENTAL PROTECTION, ENGLAND

TOWN AND COUNTRY PLANNING, ENGLAND

The Environmental Delivery Plans (Appropriate Prioritisation) Regulations 2026

Made - - - -	*16th June 2026*
Laid before Parliament	*18th June 2026*
Coming into force - -	*9th July 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 63(9) and (10) of the Planning and Infrastructure Act 2025(**a**).

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Environmental Delivery Plans (Appropriate Prioritisation) Regulations 2026.

(2) These Regulations come into force on 9th July 2026.

(3) These Regulations extend to England and Wales.

(4) These Regulations apply in relation to England only.

Interpretation

2. In these Regulations—

"the Act" means the Planning and Infrastructure Act 2025,

"avoidance measures" are conservation measures(**b**) which are intended to avoid the negative effect of the EDP development on the conservation status of an identified environmental feature(**c**),

"compensation measures" are conservation measures which are intended to compensate for the negative effect of the EDP development on the conservation status of an identified environmental feature,

"EDP development" means the maximum amount of development to which the EDP may apply, as specified in accordance with section 60(5) of the Act,

(**a**) 2025 c. 34.
(**b**) "Conservation measures" is defined in section 61(3) of the Planning and Infrastructure Act 2025 (c. 34).
(**c**) "Environmental feature" has the meaning given in section 61 of the Planning and Infrastructure Act 2025 (c. 34).

"mitigation measures" are conservation measures which are intended to mitigate the negative effect of the EDP development on the conservation status of an identified environmental feature, and

"negative effect of the EDP development" has the same meaning as section 65(5) of the Act.

Appropriate prioritisation

3.—(1) When preparing a draft EDP Natural England must prioritise—

(a) avoidance measures over mitigation measures and compensation measures, and

(b) mitigation measures over compensation measures,

where they consider it is appropriate to do so.

(2) When considering making a request to the Secretary of State to amend an EDP, Natural England must prioritise—

(a) avoidance measures over mitigation measures and compensation measures, and

(b) mitigation measures over compensation measures,

where they consider it is appropriate to do so.

(3) When considering whether it is appropriate to prioritise conservation measures Natural England should have regard to the extent to which they deliver value for money.

(4) Natural England must set out in a draft EDP or an EDP as proposed to be amended which conservation measures proposed will, in whole or in part, be—

(a) avoidance measures,

(b) mitigation measures, or

(c) compensation measures.

(5) Nothing in this regulation affects the order in which Natural England implements the conservation measures set out in an EDP after it has been made or amended by the Secretary of State.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Matthew Pennycook
Minister of State
16th June 2026 Ministry of Housing, Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out how Natural England should prioritise different types of conservation measures when preparing or considering requesting an amendment to an Environmental Delivery Plan ("EDP") under Part 3 of the Planning and Infrastructure Act 2025 (c. 34).

Conservation measures are the ways an EDP addresses the negative effects of development on a protected species or a protected feature of a protected site.

Regulation 3 sets out how conservation measures must be prioritised, provided that in Natural England's view it is appropriate to do so. This regulation requires Natural England to consider value for money as part of the determination of appropriateness.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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