

Planning and Infrastructure Bill

RUNNING LIST OF ALL AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

*Tabled up to and including
27 June 2025*

[Amendments marked ★ are new or have been altered]

Clause 4

BARONESS MCINTOSH OF PICKERING

★ Leave out Clause 4 and insert the following new Clause —

“Applications for development consent: consultation with Category 3 persons

- (1) In the Planning Act 2008 —
 - (a) in section 44 (categories of persons to be consulted), omit subsections (4) to (6);
 - (b) in section 56 of the Planning Act 2008 (notifying persons of accepted application), after subsection (9) insert —
 - “(10) The Secretary of State must issue guidance to applicants about how to identify persons within Category 3 (within the meaning of section 57) for the purposes of complying with their duty under subsection (2)(d) so far as relating to such persons.
 - (11) The guidance must be published in such manner as the Secretary of State considers appropriate.”;
 - (c) in Schedule 12 (application of Act to Scotland: modifications), omit 30 paragraph 5(c).
- (2) In the Localism Act 2011, omit section 135(8).”

Member's explanatory statement

This reinstates the requirement to consult with category 1 and 2 persons.

Clause 5

BARONESS MCINTOSH OF PICKERING

- ★ Clause 5, page 8, line 31 leave out subsections (2) and (3)

Member's explanatory statement

This amendment, connected with others in the name of Baroness McIntosh of Pickering, seeks to reinstate the requirement to consult with category 1 and 2 persons.

BARONESS MCINTOSH OF PICKERING

- ★ Clause 5, page 9, line 28 leave out paragraph (b)

Member's explanatory statement

This amendment, connected with others in the name of Baroness McIntosh of Pickering, seeks to reinstate the requirement to consult with category 1 and 2 persons.

BARONESS MCINTOSH OF PICKERING

- ★ Clause 5, page 10, line 16 leave out subsections (6) to (8)

Member's explanatory statement

This amendment, connected with others in the name of Baroness McIntosh of Pickering, seeks to reinstate the requirement to consult with category 1 and 2 persons.

BARONESS MCINTOSH OF PICKERING

- ★ Clause 5, page 10, line 30 leave out subsection (10)

Member's explanatory statement

This amendment, connected with others in the name of Baroness McIntosh of Pickering, seeks to reinstate the requirement to consult with category 1 and 2 persons.

BARONESS MCINTOSH OF PICKERING

- ★ Clause 5, page 11, line 7 leave out paragraph (b)

Member's explanatory statement

This amendment, connected with others in the name of Baroness McIntosh of Pickering, seeks to reinstate the requirement to consult with category 1 and 2 persons.

Clause 47

BARONESS PIDGEON

Clause 47, page 59, line 25, at end insert –

“(5A) After subsection (5), insert –

“(6) References in this Part to public charge points are to be taken as including cross-pavement charging solutions.””

Member's explanatory statement

This amendment clarifies that cross-pavement charging solutions are to be considered public charge points for the purposes of the legislation. It ensures such infrastructure falls within the scope of relevant regulatory provisions governing public electric vehicle charging.

After Clause 47

BARONESS PIDGEON

After Clause 47, insert the following new Clause –

“Permitted development and charging points

- (1) Part 2 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 is amended as follows.
- (2) In paragraph D, after “parking”, insert “or adjacent to a public highway lawfully used for on-street parking where a local highway authority approved cross-pavement charging solution is installed,”.
- (3) In paragraph D.1, for sub-paragraph (a) substitute “overhang the footway by more than 150mm perpendicular to the property boundary including the cable plug when it is plugged in;”.
- (4) After paragraph E.3 insert –

“Class EA - Ancillary equipment for electrical upstands for recharging electric vehicles

Permitted development

EA The installation, alteration or replacement, within an area lawfully used for off-street parking, of equipment or storage facilities to support the operation of electrical outlets for recharging electric vehicles.

Development not permitted

EA.1 Development is not permitted by Class E if the equipment and storage facilities upstand and the outlet would –

- (a) not be located in a non-domestic off-street ground level car park,
- (b) result in the installation of more than unit being provided for the car park,

- (c) exceed 29 cubic metres,
- (d) exceed 3 metres in height,
- (e) be within 5 metres of the highway, or
- (f) be within 10 metres of the curtilage of a dwelling house or block of flats.

Conditions

EA.2. Development is permitted by Class E subject to the conditions that when the development is no longer needed as equipment or storage to support the operation of charging points for electric vehicles –

- (a) the development is removed as soon as reasonably practicable, and
- (b) the land on which the development was mounted or into which the development was set is, as soon as reasonably practicable, and so far as reasonably practicable, reinstated to its condition before that development was carried out.””

Member's explanatory statement

This new clause extends permitted development relating to electric vehicle charge points. street, including where a Local Highways Authority approved cross-pavement charging solution is present and the charger does not overhang the footway by more than 15cm.

BARONESS COFFEY

After Clause 47, insert the following new Clause –

“Water infrastructure project licences

Omit sub-paragraph (a) of regulation 4(3) of the Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013 (S.I. 2013/1582).”

Member's explanatory statement

This new clause would amend the Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013 to remove the “size and complexity” test for the awarding of a licence for a water infrastructure project, meaning that projects would be considered on value for money alone.

Clause 48

BARONESS MCINTOSH OF PICKERING

Clause 48, page 61, line 27, at end insert, “but may also include the cost of enforcement functions.”

Member's explanatory statement

Clause 48 enables local planning authorities to set their own planning charges at a level up to, but not exceeding, cost recovery for planning applications for which a fee is payable. The Bill's explanatory notes state that enforcement activity would not be covered. This amendment would

allow the cost of enforcement measures, such as checking whether any specified flood mitigation or resilience measures have been installed adequately, to be included in the fees.

Clause 51

BARONESS BENNETT OF MANOR CASTLE

Clause 52, page 74, line 7, at end insert —

“(11A) A spatial development strategy must include policies relating to the provision and protection of land for community gardening and allotments.”

Member's explanatory statement

This amendment would require planning authorities to include their policies in relation to the provision of allotment and community garden land in their spatial development strategy.

After Clause 51

BARONESS PIDGEON

After Clause 51, insert the following new Clause —

“New car parks to include solar panels

- (1) No local planning authority may approve an application for the building of an above-ground car park which does not make the required provision of solar panels.
- (2) The required provision of solar panels is an amount equivalent to 50% of the surface area of the car park.”

Member's explanatory statement

This new clause would require solar panels to be provided with all new car parks.

BARONESS MILLER OF CHILTHORNE DOMER

After Clause 51, insert the following new Clause —

“Applications for development consent: modelling and simulation

In section 42 of the Planning Act 2008 (duty to consult), after subsection (2) insert —

- “(3) In conducting a consultation under subsection (1), the applicant must provide and publish a digital twin model and simulation of the proposed development.
- (4) In this section, a “digital twin model and simulation” must—
 - (a) be constructed to a standard at least equivalent to Building Information Modelling Level 3 (BIM 3) as defined or recognised by the Secretary of State,

- (b) include a virtual replica of all principal physical and environmental features of the development and its site,
 - (c) simulate anticipated impacts on land, water, air, biodiversity, transport infrastructure and the built environment, and
 - (d) describe the data sources, assumptions, validation methodology, and range of scenarios tested.
- (5) The Secretary of State may by regulations—
- (a) define technical standards for digital twin and simulation methodologies;
 - (b) determine what constitutes compliance with BIM 3.”.

Member's explanatory statement

This new Clause requires that applicants for Development Consent Orders provide and publish a digital twin model, meeting at least Building Information Modelling Level 3 standards, as part of the consultation process.

BARONESS MCINTOSH OF PICKERING

After Clause 51, insert the following new Clause—

“Local plans and planning applications: flooding

- (1) Local plans prepared by local authorities must apply a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impacts of climate change, so as to avoid, where possible, flood risk to people and property.
- (2) Local authorities must fulfil their obligations under subsection (1) by—
 - (a) applying the sequential test and then, if necessary, the exception test under subsection (7);
 - (b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
 - (c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management);
 - (d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.
- (3) A sequential risk-based approach should also be taken to individual planning applications in areas known to be at risk now or in future from any form of flooding.
- (4) The sequential test must be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable

elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).

- (5) Applications for some minor development and changes of use should not be subject to the sequential test, nor the exception test, but should still meet the requirements for site-specific flood risk assessments.
- (6) Having applied the sequential test, if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.
- (7) To pass the exception test it should be demonstrated that –
 - (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk, and
 - (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- (8) Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again, but the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account.
- (9) When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- (10) Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that –
 - (a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - (b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
 - (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - (d) any residual risk can be safely managed;
 - (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”

Member's explanatory statement

The Sequential and Exception Tests are planning tools that help (a) ensure new development is directed away from areas at the highest risk of flooding and (b) make development that is necessary in areas of flood risk safe throughout its lifetime, without increasing flood risk elsewhere. However, these tests are currently only guidance. A statutory basis would help ensure that Local Planning Authorities place due regard on them when preparing Local Plans and considering individual planning applications.

BARONESS MCINTOSH OF PICKERING

After Clause 51, insert the following new Clause —

“Strategic flood risk assessment maps

Local planning authorities must ensure that the maps included in their Strategic Flood Risk Assessments are based on the most up-to-date flood risk assessments provided by the Environment Agency.”

Member's explanatory statement

Strategic Flood Risk Assessments ensure that planning decisions take into account risks from all sources of flooding. Placing a duty on local planning authorities to keep Strategic Flood Risk Assessments up to date will ensure that they can reliably inform the development of local plans and incorporate the latest information from the Environment Agency's new National Flood Risk Assessment.

BARONESS MCINTOSH OF PICKERING

★

After Clause 51, insert the following new Clause —

“Residential buildings on floodplains

- (1) Local planning authorities must not grant permission for residential properties to be built on functional floodplains or areas at high risk of flooding.
- (2) An area is a functional floodplain or at high risk of flooding for the purposes of subsection (1) if the Environment Agency assesses it as a Zone 3a or 3b flood zone.”

Member's explanatory statement

This amendment seeks to ensure that local authorities cannot grant planning permission for residential properties to be built on floodplains or on areas at high risk of flooding.

BARONESS MCINTOSH OF PICKERING

★

After Clause 51, insert the following new Clause —

“Property flood resilience measures: planning permission

- (1) Planning permission for the building of new homes at higher risk of flooding can only be granted if property flood resilience measures are implemented as part of the construction.
- (2) For the purposes of implementing subsection (1) and within six months of the passing of this Act, the Secretary of State must make regulations under section 1 of the Building Act 1984 to require that property flood resilience measures are included in any new homes at higher risk of flooding.
- (3) Property flood resilience measures under this section may include —
 - (a) raised electrical sockets;

- (b) non-return valves on utility pipes;
- (c) airbrick covers;
- (d) resilient wall plaster;
- (e) any other measure as the Secretary of State may specify.”

BARONESS MCINTOSH OF PICKERING

★

After Clause 51, insert the following new Clause—

“Agent of change: integration of new development with existing businesses and facilities

- (1) In this section—
 - “agent of change principle” means the principle requiring planning policies and decisions to ensure that new development can be integrated effectively with existing businesses and community facilities so that those businesses and facilities do not have unreasonable restrictions placed on them as a result of developments permitted after they were established;
 - “development” has the same meaning as in section 55 of TCPA 1990 (meaning of “development” and “new development”);
 - “licensing functions” has the same meaning as in section 4(1) of the Licensing Act 2003 (general duties of licensing authorities);
 - “provision of regulated entertainment” has the same meaning as in Schedule 1 to the Licensing Act 2003 (provision of regulated entertainment);
 - “relevant authority” means a relevant planning authority within the meaning of section 84 of this Act, or a licensing authority within the meaning of section 3 of the Licensing Act 2003 (licensing authorities).
- (2) In exercising any functions under TCPA 1990 or any licensing functions concerning development which is or is likely to be affected by an existing business or facility, a relevant authority shall have special regard to the agent of change principle.
- (3) An application for development within the vicinity of any premises licensed for the provision of regulated entertainment shall contain, in addition to any relevant requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I. 2015/595), a noise impact assessment.
- (4) In determining whether noise emitted by or from an existing business or community facility constitutes a nuisance to a residential development, the decision-maker shall have regard to—
 - (a) the chronology of the introduction of the relevant noise source and the residential development, and
 - (b) what steps have been taken by the developer to mitigate the entry of noise from the existing business or facility to the residential development.”

BARONESS MCINTOSH OF PICKERING

★ After Clause 51, insert the following new Clause –

“General duty of local authorities

In exercising or performing any –

- (a) licensing functions within the meaning of section 4(1) of the Licensing Act 2003 (general duties of licensing authorities);
- (b) planning functions within the meaning of Schedule 1 to the Town and Country Planning Act 1990 (local planning authorities: distribution of functions);

concerning development (within the meaning of section 55 of the Town and Country Planning Act 1990 (meaning of “development” and “new development”)) which is or is likely to be affected by an existing business or facility, a relevant local authority must have special regard to the desirability of preventing unreasonable restrictions for that business or facility resulting from the implementation of the development.”

BARONESS GRENDER

★ After Clause 51, insert the following new Clause –

“Identification and protection of green belt

- (1) Within two years of the passing of this Act, a local planning authority must identify land within its area which it is necessary to protect from development.
- (2) It is necessary to protect land from development under subsection (1) if such protection would –
 - (a) limit the expansion of large built-up areas;
 - (b) prevent neighbouring towns merging into one another;
 - (c) preserve the setting and special character of historic towns;
 - (d) encourage the development of previously-developed land in urban areas.
- (3) A local planning authority may designate as green belt any land identified under subsection (1) as necessary to protect, including undeveloped land within, and green wedges of land that extend into, built up areas.
- (4) A local planning authority must prevent any development of land designated as green belt under this section for a minimum period of 20 years starting on the day on which it is so designated.”

Member's explanatory statement

This new clause would ensure that a local planning authority can identify land which it deems necessary to protect from development.

Clause 52

LORD ROBOROUGH

Clause 52, page 73, line 24, at end insert –

- “(6A) A spatial development strategy must –
- (a) list any rivers or streams identified in the strategy area,
 - (b) identify the measures to be taken to protect any identified rivers or streams from pollution, abstraction, encroachment and other forms of environmental damage, and
 - (c) impose responsibilities on strategic planning authorities in relation to the protection and enhancement of chalk stream habitats.”

Member's explanatory statement

This amendment would require a special development strategy to list any rivers and streams in the strategy area, outline measures to protect them from environmental harm, and impose responsibility on strategic planning authorities to protect and enhance chalk stream environments.

BARONESS GRENDER

★

Clause 52, page 74, line 7, at end insert –

- “(11A) A spatial development strategy must –
- (a) take account of Local Wildlife Sites in or relating to the strategy area, and
 - (b) avoid development or land use change which would adversely affect or hinder the protection or recovery of nature in a Local Wildlife Site.”

Member's explanatory statement

This amendment would ensure that spatial development strategies take account of Local Wildlife Sites.

Clause 53

LORD ROBOROUGH

Clause 53, page 90, line 29, at end insert –

- “(4) The Secretary of State may issue guidance to Natural England or a person designated under section 86 of this Act, about the making of an EDP and they must comply with any such guidance.
- (5) Guidance issued under subsection (4) above may include –
- (a) where and how draft EPDs should be published for public consultation,
 - (b) guidance on minimum development thresholds for an EDP,
 - (c) the types of measures that may be included as conservation measures, and

- (d) the use of its compulsory purchase powers, with a particular view to ensuring that—
 - (i) the powers are not used in a manner which would threaten the viability of an existing agricultural business,
 - (ii) the use of the powers takes account of the need to protect domestic food security, and
 - (iii) to ensure that the impacts of the use of such powers on important social and cultural traditions, such as those that exist around common land, are protected.”

Member's explanatory statement

This amendment confirms that the Secretary of State has a power to issue guidance to Natural England or a designated person about the preparation of an EDP.

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 53 stand part of the Bill.

Clause 54

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 54 stand part of the Bill.

Clause 55

BARONESS GRENDER

★

Clause 55, page 92, line 6, leave out “an” and insert “a significant”

Member's explanatory statement

This amendment would require that an improvement made to the conservation status of an identified environmental feature within environmental delivery plans should be significant.

LORD ROBOROUGH

Clause 55, page 92, line 12, at end insert—

- “(4A) Subsection (4) does not apply where an identified environmental feature is a protected feature of a protected site and is—
- (a) a river or stream,
 - (b) a chalk stream, or
 - (c) a blanket bog.”

Member's explanatory statement

This amendment ensures waterways and blanket bogs would have to be protected in situ from the environmental impact of development and prevents them from being subject to the provisions which allow for the impact to be offset elsewhere.

LORD ROBOROUGH

Clause 55, page 92, line 25 after “imposed” insert “in relation to development which falls within the scope of the EDP”

Member's explanatory statement

This amendment clarifies that conservation measures can only be in the form of a requirement for Natural England to seek planning conditions to be imposed on development of a type which would fall within the scope of the EDP.

LORD ROBOROUGH

★ Clause 55, page 92, line 29, at end insert —

“(9) For the purposes of this section, any river or stream must be treated as a protected feature of a protected site, regardless of whether it is a protected site under Section 92.”

LORD ROBOROUGH

★ Clause 55, page 92, line 29, at end insert —

“(9) Where an EDP identifies environmental features that are likely to be negatively affected by any invasive non-native species that is present at the site of the development, Natural England, or a body acting on behalf of Natural England, must take all reasonable steps to eradicate the invasive non-native species that has been identified at the site.”

Member's explanatory statement

This amendment seeks to protect all environmental features identified as at risk by invasive non-native species.

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 55 stand part of the Bill.

Clause 56

LORD ROBOROUGH

Clause 56, page 92, line 37, at end insert —

- “(4) When considering the rates or other criteria to be set out in a charging schedule in the course of preparing an EDP, Natural England must not include any potential capital costs for the purposes of acquiring land.”

Member's explanatory statement

This amendment prevents Natural England from including Compulsory Purchase Order costs within their budgeting for an EDP.

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 56 stand part of the Bill.

Clause 57

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 57 stand part of the Bill.

Clause 58

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 58 stand part of the Bill.

Clause 59

LORD ROBOROUGH

Clause 59, page 95, line 10, at end insert —

- (m) any impacted landowner,
- (n) sea fishing businesses, where the EDP covers an area which is adjacent to their fishing grounds, and
- (o) the owners of fishing rights, where the EDP includes or otherwise affects rivers or lakes used for fishing.”

Member's explanatory statement

This amendment adds three additional parties as statutory consultees on any new Environmental Delivery Plan created by Natural England.

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 59 stand part of the Bill.

Clause 60

BARONESS GRENDER

★ Clause 60, page 96, line 4, leave out “are likely to” and insert “will”

Member's explanatory statement

This amendment seeks to strengthen the overall improvement test.

LORD ROBOROUGH

Clause 60, page 96, line 12, at end insert –

“(6A) The Secretary of State may choose not to make the EDP if the Secretary of State reasonably considers that the EDP would be contrary to the public interest.”

Member's explanatory statement

This amendment allows the Secretary of State to reject an EDP if they feel it is not in the public interest.

LORD ROBOROUGH

Clause 60, page 96, line 14, at end insert –

“(8) Where the Secretary of State chooses not to make an EDP, the Secretary of State must also seek to return any land obtained under a compulsory purchase order for the purposes of the EDP to the original owner.”

Member's explanatory statement

This amendment requires the Secretary of State to seek to return any land obtained under a compulsory purchase order where the Secretary of State has decided not to make the connected Environmental Delivery Plan.

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 60 stand part of the Bill.

Clause 61

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 61 stand part of the Bill.

Clause 62

LORD ROBOROUGH

Clause 62, page 96, line 28, at end insert —

“(c) annually, a report on an EDP covering the previous year.”

Member's explanatory statement

This amendment requires Natural England to report on EDPs more regularly than just at the halfway, and completion point of the EDP.

BARONESS GRENDER

★

Clause 62, page 96, line 37, at end insert —

“(2A) An EDP may not be amended if the amendment would reduce the amount, extent or impact of conservation measures that are to be taken to protect the identified environmental features.”

Member's explanatory statement

This amendment would mean that the Secretary of State could not amend an environmental delivery plan so as to reduce the measures to be taken to mitigate the negative environmental impact of a development.

LORD ROBOROUGH

Clause 62, page 97, line 19, at end insert —

“(h) what impact the EDP has had on the local economy and community of the relevant area.”

Member's explanatory statement

This amendment requires EDP reports to include impact assessments on the local community and economy rather than purely environmental consequences.

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 62 stand part of the Bill.

Clause 63

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 63 stand part of the Bill.

Clause 64

LORD ROBOROUGH

★ Clause 64, page 98, line 27, at end insert –

“(2A) The Secretary of State must revoke an EDP if the Secretary of State determines that any invasive non-native species is present at the site of the development 5 years after the EDP has been made.”

Member's explanatory statement

This amendment would ensure that an EDP is revoked if the Secretary of State determines that any invasive non-native species is present 5 year after the inception of the EDP.

LORD ROBOROUGH

★ Clause 64, page 99, line 20, at end insert –

“(c) taking, or directing another public authority to take, measures to eradicate any invasive non-native species where the presence of an invasive non-native species was a factor in the Secretary of State’s decision to revoke an EDP.”

Member's explanatory statement

This amendment would enable the Secretary of State, or a public authority so instructed by the Secretary of State, to take measures to eradicate a non-native species where the presence of an invasive non-native species was a factor in the Secretary of State’s decision to revoke an EDP.

LORD ROBOROUGH

Clause 64, page 99, line 20, at end insert –

“(9) Where the Secretary of State revokes an EDP, the Secretary of State must also seek to return any land obtained under a compulsory purchase order for the purposes of the EDP to the original owner.”

Member's explanatory statement

This amendment requires the Secretary of State to seek to return any land obtained under a compulsory purchase order where the Secretary of State revokes a connected Environmental Delivery Plan.

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 64 stand part of the Bill.

Clause 65

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 65 stand part of the Bill.

Clause 66

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 66 stand part of the Bill.

Clause 67

LORD GRAYLING

Clause 67, page 102, line 2, at end insert –

- “(3) The regulations made under subsection (1) must also require Natural England to offer a reduction in the amount of the nature restoration levy payable by a developer where the developer demonstrates, to the satisfaction of Natural England, that the proposed development incorporates measures to, and is taking steps to, enhance or restore biodiversity on the development site or on land immediately adjoining that site, beyond any minimum statutory requirement.
- (4) For the purposes of subsection (3), the reduction must be proportionate to the scale and ecological value of the biodiversity enhancement or restoration delivered on or adjoining the site, and must be designed to incentivise the maximisation of such local biodiversity outcomes.
- (5) The Secretary of State may, by regulations, make further provision about –
 - (a) the criteria and methodology for assessing the biodiversity enhancement or restoration for the purposes of subsection (3),
 - (b) the process by which a developer may demonstrate satisfaction to Natural England,
 - (c) the methodology for calculating the proportionate reduction in the nature restoration levy, and
 - (d) any exemptions to the requirement for a reduction where such on-site or adjoining-site action is not ecologically viable or would contravene other statutory duties.”

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 67 stand part of the Bill.

Clause 68

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 68 stand part of the Bill.

Clause 69

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 69 stand part of the Bill.

Clause 70

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 70 stand part of the Bill.

Clause 71

LORD ROBOROUGH

Clause 71, page 104, line 36, at end insert —

“(3A) The regulations may not permit Natural England to spend money received by virtue of the nature restoration levy for the purposes of acquiring land through a compulsory purchase order.”

Member's explanatory statement

This amendment seeks to prevent Natural England from spending money received from a nature restoration levy on acquiring land through compulsory purchase.

LORD ROBOROUGH

Clause 71, page 104, line 40, leave out paragraph (b)

Member's explanatory statement

This amendment prevents funds raised by virtue of the nature restoration levy from being reserved for future expenditure.

LORD ROBOROUGH

Clause 71, page 105, line 6, leave out “use” and insert “return”

Member's explanatory statement

This amendment grants the Secretary of State the regulation making power to make provisions for the return of excess funds raised through the nature restoration levy to the contributor.

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 71 stand part of the Bill.

Clause 72

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 72 stand part of the Bill.

Clause 73

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 73 stand part of the Bill.

Clause 74

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 74 stand part of the Bill.

Clause 75

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 75 stand part of the Bill.

Clause 76

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 76 stand part of the Bill.

Clause 77

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 77 stand part of the Bill.

Clause 78

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 78 stand part of the Bill.

Clause 79

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 79 stand part of the Bill.

Clause 80

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 80 stand part of the Bill.

Clause 81

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 81 stand part of the Bill.

Clause 82

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 82 stand part of the Bill.

Clause 83

LORD ROBOROUGH

Clause 83, page 114, line 6, at end insert—

“(2A) The power under subsection (1) may not be exercised in relation to land which is, or forms part of, a legally occupied dwelling or a private garden.”

Member's explanatory statement

This amendment prevents land that is part of a home or garden being subject to a compulsory purchase order in relation to an Environmental Delivery Plan.

LORD ROBOROUGH
BARONESS MCINTOSH OF PICKERING

The above-named Lords give notice of their intention to oppose the Question that Clause 83 stand part of the Bill.

Clause 84

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 84 stand part of the Bill.

Clause 85

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 85 stand part of the Bill.

Clause 86

BARONESS MCINTOSH OF PICKERING

★

Clause 86, page 116, line 18, at end insert—

“(5) For the purposes of this section a “designated person” must be a public body.”

Member's explanatory statement

This amendment clarifies that the powers given to Natural England under Part 3 can only be delegated to a public body.

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 86 stand part of the Bill.

Clause 87

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 87 stand part of the Bill.

After Clause 87

LORD ROBOROUGH

After Clause 87, insert the following new Clause—

“Joint Nature Conservation Committee report

- (1) The Joint Nature Conservation Committee must publish a report on how best to consolidate the provisions of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) into the Wildlife and Countryside Act 1981 in so far as they relate to planning and development.
- (2) The report required by subsection (1) must be published by the end of 2025.”

Member’s explanatory statement

This new clause would require the Joint Nature Conservation Committee to report on how to consolidate the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981, in so far as they relate to planning and development.

LORD GRAYLING

After Clause 87, insert the following new Clause—

“Pre-application biodiversity audit

- (1) Before a relevant planning application or application for development consent may be considered by a planning authority or the Secretary of State, the applicant must carry out and submit a comprehensive biodiversity audit of the proposed development site.
- (2) A “relevant planning application” means any application for planning permission, development consent, or reserved matters approval that involves—
 - (a) land disturbance exceeding a prescribed area,
 - (b) the creation or alteration of buildings exceeding a prescribed footprint or volume, or
 - (c) any development within or adjacent to a site of ecological designation or significance.

- (3) For the purposes of this section, a “comprehensive biodiversity audit” means an assessment of the existing habitat types and their condition, and the ecological features present on the site and within its immediate vicinity, sufficient to establish a robust baseline biodiversity value.
- (4) The biodiversity audit must –
 - (a) be undertaken by a suitably qualified and competent ecological professional,
 - (b) employ a recognised methodology for habitat classification and condition assessment, and
 - (c) include, but not be limited to, an assessment of habitat distinctiveness and ecological connectivity potential.
- (5) The results of the biodiversity audit, including a baseline biodiversity value calculation, must be submitted as part of the planning application or application for development consent.
- (6) A planning authority or the Secretary of State must not consider an application referred to in subsection (1) to be duly made unless the requirements of this section have been met.
- (7) The Secretary of State may, by regulations, make further provision about –
 - (a) the prescribed areas, footprints, or volumes for the purposes of subsection (2),
 - (b) the methodology and scope of biodiversity audits under subsection (3) and (4),
 - (c) the qualifications and competence of professionals undertaking biodiversity audits, and
 - (d) any exemptions from the requirements of this section for specified types of development or sites of negligible biodiversity value.”

LORD GRAYLING

After Clause 87, insert the following next Clause –

“Transparency of off-site biodiversity mitigation decisions

- (1) Where a planning authority or the Secretary of State grants a relevant consent for development where residual adverse impacts on biodiversity are to be compensated for, in whole or in part, by biodiversity gains delivered off-site, the planning authority or the Secretary of State, as the case may be, must, at the time of granting consent, publish a statement setting out the scientific basis for that decision.
- (2) For the purposes of this section, a “relevant consent” means –
 - (a) a grant of planning permission under the Town and Country Planning Act 1990, or
 - (b) a grant of development consent under the Planning Act 2008.
- (3) The statement required under subsection (1) must include, but is not limited to –

- (a) a clear exposition of the methodology and data used to assess the biodiversity value of both the site of the proposed development and available off-site mitigations,
 - (b) the ecological rationale demonstrating how the proposed off-site biodiversity gains are scientifically assessed to be equivalent to, or greater than, the biodiversity losses incurred on the development site, taking into account habitat distinctiveness, condition, and connectivity,
 - (c) an explanation of how the decision to permit off-site mitigation aligns with the mitigation hierarchy, demonstrating that avoidance and on-site mitigation of biodiversity damage have been prioritised where feasible, and
 - (d) a justification of how the specific off-site mitigation chosen contributes demonstrably towards the achievement of the United Kingdom's biodiversity targets, including but not limited to the target to halt the decline in species abundance by 2030, as set out in the Environment Act 2021.
- (4) The statement must be published in an accessible manner, including on the relevant planning authority's website or, in the case of the Secretary of State's decision, on a publicly accessible government website, alongside the decision notice for the relevant consent.
- (5) The Secretary of State may, by regulations, make further provision about the form, content, and publication of statements required under this section.”

BARONESS MCINTOSH OF PICKERING

After Clause 87, insert the following new Clause –

“Sustainable drainage

The Secretary of State must bring into force in England all uncommenced parts of Schedule 3 of the Water Management Act 2010 (sustainable drainage) within three months of the day on which this Act is passed.”

Member's explanatory statement

In England, developers have the automatic right to connect surface water arising from new homes to the public sewerage system, irrespective of whether there is capacity for this. Implementation of Schedule 3 of the Flood and Water Management Act (2010) would end this automatic right to connect and provide a framework for the approval and adoption of Sustainable Drainage Systems (SuDS), paving the way for their widespread use.

BARONESS GRENDER

★ After Clause 87, insert the following new Clause —

“Environmental infrastructure in new developments

- (1) Within six months of to the passing of this Act, the Secretary of State must make regulations under section 1 of the Building Act 1984 (power to make building regulations) for the purpose of protecting and enhancing biodiversity.
- (2) Regulations made under this section must —
 - (a) take account of biodiversity targets and interim targets set out in sections 1(2), 1(3)(c), 11 and 14 of the Environment Act 2021;
 - (b) include measures to enable the provision in new developments of —
 - (i) bird boxes;
 - (ii) bat boxes;
 - (iii) swift bricks;
 - (iv) hedgehog highways;
 - (v) biodiverse roofs and walls.”

Member's explanatory statement

This new clause would require the Secretary of State to introduce regulations to protect and enhance biodiversity in new developments.

BARONESS GRENDER

★ After Clause 87, insert the following new Clause —

“Inclusion of wildbelt in planning considerations

- (1) The Secretary of State must, within six months of the day on which this Act is passed —
 - (a) create a category of protection for wildbelt areas in England for the purpose of permanently protecting such areas from or during development, and
 - (b) issue guidance for local planning authorities and other relevant parties on how wildbelt land is to be protected.
- (2) For the purposes of subsection (1), “permanently protecting” areas means protecting or restoring the natural environment in a wildbelt area, and in ecosystems functionally connected to a wildbelt area.
- (3) Guidance issued under subsection (1)(b) must —
 - (a) provide assistance to local planning authorities and others on the identification of wildbelt sites;
 - (b) impose responsibilities on strategic planning authorities in relation to the development of spatial development strategies regarding —
 - (i) the use of Local Nature Recovery Strategies to protect and enhance wildbelt;

- (ii) the reporting of progress towards the development of wildbelt sites;
 - (iii) the reporting of progress towards the use of wildbelt designation to increase public access to nature.
- (4) For the purposes of this section, “wildbelt” has such meaning as the Secretary of State may specify in guidance, but must include –
 - (a) areas of land;
 - (b) bodies of water and adjacent land;
 - (c) wetlands.”

Member's explanatory statement

This new clause would enable the creation of new wildbelt areas and associated ecosystems, and require guidance to be issued regarding the use of provisions of the bill to protect wildbelt areas.

BARONESS GRENDER

★

After Clause 87, insert the following new Clause –

“Steps to be taken when exercising functions under Part 3

When exercising any function or fulfilling any duty under Part 3 of this Act, the Secretary of State and Natural England must take all reasonable steps to –

- (a) avoid, prevent and reduce any identified significant adverse effects on the environment, and only permit such adverse effects where they cannot be avoided and where the adverse effects will be compensated for,
- (b) enhance biodiversity,
- (c) permit a significant adverse effect on a European site or Ramsar site only where justified by imperative reasons of overriding public importance and where the adverse effect will be compensated for, and
- (d) prevent the loss of irreplaceable habitats, including ancient woodland and veteran and ancient trees, unless there are wholly exceptional reasons and any loss will be compensated for.”

Member's explanatory statement

This new clause would ensure that the Secretary of State and Natural England must take all reasonable steps to avoid causing adverse environmental effects.

Clause 88

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 88 stand part of the Bill.

Clause 89

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 89 stand part of the Bill.

Clause 90

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 90 stand part of the Bill.

Clause 91

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 91 stand part of the Bill.

Clause 92

LORD ROBOROUGH

★ Clause 92, page 121, line 6, at end insert —

“(e) a river or stream,”

VISCOUNT TRENCHARD

★ Clause 92, page 121, line 6, at end insert —

“(e) a chalk stream, or

(f) a blanket bog.”

LORD ROBOROUGH

Lord Roborough gives notice of his intention to oppose the Question that Clause 92 stand part of the Bill.

After Clause 94

BARONESS GRENDER

★ After Clause 94, insert the following new Clause —

“Development corporations: green spaces

A development corporation must provide or facilitate the provision of —

- (a) green spaces, including private gardens, balconies, and community gardens;
- (b) the care and maintenance of the green spaces provided for under this section.”

Member's explanatory statement

This new clause would ensure development corporations include provision for green spaces in new developments.

Clause 95

BARONESS MILLER OF CHILTHORNE DOMER

Clause 95, page 123, line 33, at end insert —

- “(ba) to undertake modelling and simulation (to Building Information Management Level 3 standards) to demonstrate the effect of activities carried out under paragraph (b).”

Member's explanatory statement

This amendment outlines the enhanced responsibilities of New Town Development Corporations in England to utilise modelling and simulation technologies in accordance with Building information Modelling Level 3 standards.

BARONESS MILLER OF CHILTHORNE DOMER

Clause 95, page 124, line 2, at end insert —

- “(ii) after paragraph (c) insert —

- “(ca) to undertake modelling and simulation (to Building Information Management level 3 standards) to demonstrate the effect of activities carried out under paragraph (b) and (c);”

Member's explanatory statement

This amendment outlines the enhanced responsibilities of New Town Development Corporations in Wales to utilise modelling and simulation technologies in accordance with Building Information Modelling Level 3 standards.

BARONESS MILLER OF CHILTHORNE DOMER

Clause 95, page 125, line 10, at end insert –

- “(ba) undertake modelling and simulation (to Building Information Management Level 3 standards) to demonstrate the effect of activities carried out under paragraph (b).”

Member's explanatory statement

This amendment outlines the enhanced responsibilities of urban development corporations to utilise modelling and simulation technologies in accordance with Building Information Modelling Level 3 standards.

BARONESS MILLER OF CHILTHORNE DOMER

Clause 95, page 126, line 13, at end insert –

“(11A) In section 206(4) (powers in relation to land), after paragraph (b) insert –

- (ba) modelling and simulation (to Building Information Management Level 3) of standards to demonstrate the effect of activities carried out under paragraph (b).”

Member's explanatory statement

This amendment outlines the enhanced responsibilities of mayoral development corporations to utilise modelling and simulation technologies in accordance with Building Information Modelling Level 3 standards.

Clause 105

LORD ROBOROUGH

Leave out Clause 105, and insert the following new Clause –

“Land Compensation Act 1961: amendment

Omit section 14A of the Land Compensation Act 1961 (cases where prospect of planning permission to be ignored).”

Member's explanatory statement

This amendment removes the Levelling Up and Regeneration Act 2023's changes to Compulsory Purchase Orders (CPOs) which enabled Secretary of State to ignore hope value and removes Clause 105's amendments relating to section 14A of the Land Compensation Act 1961 which would enable local authorities to ignore hope value when using CPOs.

After Clause 106

LORD ROBOROUGH

After Clause 106, insert the following new Clause –

“Return of compulsorily purchased land

- (1) Natural England must return land acquired under a compulsory purchase order to the person from whom it was compulsorily purchased where the following conditions have been met –
 - (a) the owner of the land has refused to agree to a contract offered by Natural England,
 - (b) any works specified under the contract have been undertaken on behalf of Natural England and relate to an environmental development plan,
 - (c) a compulsory purchase order has been made by Natural England in relation to the land, and
 - (d) the cost of work undertaken on the land by Natural England exceeds the value of the contract offered by Natural England to the owner.
- (2) When returning land under subsection (1), Natural England must not –
 - (a) impose any charge on, or
 - (b) require any sum from,the person from whom the land was compulsorily purchased.”

Member's explanatory statement

This amendment requires Natural England to return land that has been subject to a Compulsory Purchase Order to the original owner if Natural England spends more on the contracted work than the money they were originally offering the landowner.

LORD GOLDSMITH OF RICHMOND PARK

After Clause 106 insert the following Clause –

“Building regulations: swift bricks

- (1) The Secretary of State must, within six months of the day on which this Act is passed, introduce regulations under section 1 of the Building Act 1984 (power to make building regulations) to make provision for the installation of an average of one swift brick per dwelling or unit greater than 5 metres in height.
- (2) Regulations must require the installation of swift bricks in line with best practice guidance, except where such installation is not practicable or appropriate.
- (3) For the purposes of this section –
 - “swift brick” means an integral nest box integrated into the wall of a building suitable for the nesting of the common swift and other cavity nesting species;
 - “best practice guidance” means the British Standard BS 42021:2022.”

Member's explanatory statement

This new clause would require the Secretary of State to introduce regulations to require the installation of integral bird nest boxes and swift boxes in developments greater than 5 metres in height. Swift bricks provide nesting habitat for all bird species reliant on cavity nesting habitat in buildings to breed.

LORD HODGSON OF ASTLEY ABBOTTS

★

After Clause 106, insert the following new Clause –

“Review: rights of way

Within six months of the day on which this Act is passed, the Secretary of State must publish a review of the effect of the provisions in this Act on –

- (a) access to,
 - (b) enjoyment of, and
 - (c) preservation of,
- rights of way, especially unrecorded rights of way.”

Schedule 4

LORD ROBOROUGH

Schedule 4, page 163, line 31 after “feature” insert “, as identified in the EDP,”

Member's explanatory statement

This amendment confirms that only impacts addressed by an EDP are to be disregarded for the purposes of the Habitats Regulations.

LORD ROBOROUGH

Schedule 4, page 164, line 5 after “feature” insert “, as identified in the EDP,”

Member's explanatory statement

This amendment confirms that only impacts addressed by an EDP are to be disregarded for the purposes of the Habitats Regulations.

Planning and Infrastructure Bill

RUNNING LIST OF ALL AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

Tabled up to and including

27 June 2025

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