

# Planning and Infrastructure Bill

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## RUNNING LIST OF ALL AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

*Tabled up to and including  
2 July 2025*

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*[Amendments marked ★ are new or have been altered]*

### **Before Clause 1**

BARONESS PINNOCK

Before Clause 1, insert the following new Clause —

#### **“Purpose of this Act**

The purpose of this Act is to —

- (a) accelerate the delivery of new homes and critical infrastructure,
- (b) improve the planning and consenting processes,
- (c) support nature recovery through more effective development and restoration, and
- (d) increase community acceptability of infrastructure and development.”

### **Clause 2**

BARONESS COFFEY

Clause 2, page 3, line 20, after “subsections” insert “(1A),”

BARONESS COFFEY

Clause 2, page 3, line 20, at end insert —

“(1A) In section 5 (national policy statements), omit subsection (4)(a).”

#### ***Member's explanatory statement***

*This to ensure that Parliament through the House of Commons formally approves the NPS by resolution rather than non-resolution; this reflects that in the House of Commons, it is not*

*straightforward for backbenchers or the Opposition to timetable appropriate resolutions within the required scrutiny period. This was introduced via the Localism Act, so is being rescinded, as are other Government amendments in this Part.*

BARONESS COFFEY

Clause 2, page 3, line 24, leave out paragraph (c)

BARONESS COFFEY

Clause 2, page 3, line 33, leave out subsection (3)

***Member's explanatory statement***

*This amendment seeks to prevent the removal of a requirement for the Government to reply to any resolutions by Parliament or recommendations from a select committee.*

BARONESS COFFEY

Clause 2, page 4, line 31, leave out “or begun”

BARONESS COFFEY

Clause 2, page 4, line 31, leave out “(as well as after)”

**Clause 3**

BARONESS COFFEY

Clause 3, page 5, leave out lines 28 to 32

***Member's explanatory statement***

*This is to probe why it is necessary for Government-imposed NSIPs to have no planning consent or public engagement.*

BARONESS COFFEY

Clause 3, page 7, line 33, leave out “may by regulations” and insert “must”

BARONESS COFFEY

Clause 3, page 7, line 34, leave out “make provision about time limits for decisions about” and insert “within three months of the qualifying request, determine”

## BARONESS COFFEY

Clause 3, page 7, line 36, leave out from “requests” to end of line 37

## BARONESS COFFEY

Clause 3, page 7, line 38, leave out “make provision for and in connection with” and insert “publish statutory guidance about”

## BARONESS COFFEY

Clause 3, page 7, line 40, at end insert –

- “(1A) The Secretary of State may grant a further period of a month after the initial determination to consider further interventions before reaching a final determination.”

## BARONESS COFFEY

Clause 3, page 8, line 3, leave out subsection (5)

***Member's explanatory statement***

*This amendment seeks to ensure that power generation applications go through a local or national planning application process rather than determination of the Secretary of State via a special development order.*

**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.*

BARONESS COFFEY

*Baroness Coffey gives notice of her intention to oppose the Question that Clause 4 stand part of the Bill.*

**Clause 5**

BARONESS MCINTOSH OF PICKERING  
BARONESS COFFEY

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 COFFEY

Clause 5, page 9, line 4, leave out “for subsection (1) substitute” and insert “after subsection (1) insert”

BARONESS MCINTOSH OF PICKERING  
BARONESS COFFEY

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 COFFEY

Clause 5, page 10, line 15, at end insert —

“(5A) In section 48 (duty to publicise), at the end of subsection (1) insert “including a deadline for receipt by the applicant of responses to the publicity”. ”

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 COFFEY

Clause 5, page 10, leave out lines 25 to 27

BARONESS MCINTOSH OF PICKERING  
BARONESS COFFEY

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 COFFEY

Clause 5, page 11, line 6, leave out paragraph (a)

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.*

BARONESS COFFEY

Clause 5, page 11, line 8, leave out sub-paragraph (i)

BARONESS COFFEY

Clause 5, page 11, line 10, sub-paragraphs (iii) and (iv)

**After Clause 12**

LORD LUCAS

After Clause 12, insert the following new Clause —

**“Livestock markets and abattoirs**

The Secretary of State must, on the day on which this Act is passed, set in train the creation of a national policy statement under section 5 of the Planning Act 2008 (national policy statements) covering the development of livestock markets and abattoirs.”

***Member's explanatory statement***

*Giving livestock markets and abattoirs the privileges accorded to national infrastructure would provide the foundations for the creation of a new network of livestock markets and abattoirs, with good communications and outside town centres, ensuring that animals could be dealt with locally and humanely and profitably.*

LORD HUNT OF KINGS HEATH

★

After Clause 12, insert the following new Clause —

**“Carbon capture and storage**

(1) The Planning Act 2008 is amended as follows.

(2) In section 14(1), after paragraph (q) insert —

- “(r) carbon dioxide spur pipelines;
- (s) carbon capture equipment.”

(3) After section 21 insert —

**“21A Carbon capture and storage**

(1) The construction of a carbon dioxide spur pipeline is within section 14 (1)(r) if it is a pipeline used wholly or mainly for the conveyance of carbon dioxide for the purposes of carbon capture and storage.

(2) The construction of carbon capture equipment is within section 14 (1)(s) if it constitutes infrastructure or facilities used wholly or mainly for the capture, compression, or processing of carbon dioxide for the purposes of carbon capture and storage.

(3) A developer is not limited from seeking consent for infrastructure projects which fall under sections 14(1)(r) and 14(1)(s) through alternative consenting routes available under any other legislation.””

***Member's explanatory statement***

*This amendment amends the Planning Act 2008 to clarify that carbon dioxide spur pipelines and carbon capture equipment are eligible for designation as Nationally Significant Infrastructure Projects (NSIPs).*

**After Clause 17**

EARL RUSSELL

★ After Clause 17, insert the following new Clause –

**“Increasing grid capacity**

The Secretary of State must, within three months of the passing of this Act, lay before Parliament a plan to –

- (a) reduce the cost of, and time taken to make, connections to the transmission or distribution system;
- (b) permit local energy grids.”

***Member's explanatory statement***

*This new clause would require the Secretary of State to produce a plan to reduce the time and financial cost of connections to the electricity grid and to allow local energy grids.*

**After Clause 27**

EARL RUSSELL

After Clause 27, insert the following new Clause –

**“Extension of permitted development**

The Secretary of State must, within 12 months of the day on which this Act is passed –

- (a) make provision for the following to be included as permitted development –
  - (i) upgrading of existing electricity lines from single to three phase;
  - (ii) alteration of conductor type;
  - (iii) increase in the height of distribution network supports to maintain minimum ground clearances under the Electricity Safety, Quality and Continuity Regulations 2002;
  - (iv) increase in the distance of supporting structures by up to 60m from their existing position when replacing an existing overhead line;
  - (v) in relation to new connections from an existing line, an increase in nominal voltage to a maximum of 33kV and related increase in pole heights;
  - (vi) upgrading of existing lines from 6.6kV to 11kV;
  - (vii) installation of additional stays supporting wooden poles;
  - (viii) upgrading of existing apparatus, including the increase of capacity of pole mounted transformers, subject to the provisions of section 37(1) of the Electricity Act 1989 (consent required for overhead lines) and the Electricity Safety, Quality and Continuity Regulations 2002 (S.I. 2002/2665);
  - (ix) temporary placement of a line for a period of up to two years;

- (b) consult on the introduction of further measures for the purposes of enabling electricity distribution network upgrades and reinforcements to be delivered as permitted development.”

***Member's explanatory statement***

*This new Clause would expand permitted development rights for upgrades to the transmission network.*

EARL RUSSELL

★

After Clause 27, insert the following new Clause –

**“Zero carbon standard for new homes**

- (1) 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 new homes must –
  - (a) be built to a net zero carbon building standard, and
  - (b) include provision for solar power generation.
- (2) Regulations must include a presumption that, as far as is reasonably practicable, new developments will include facilities for the rooftop generation of solar power.”

***Member's explanatory statement***

*This new clause would require that new homes to be built to a net zero carbon building standard and include provision for the generation of solar power.*

EARL RUSSELL

★

After Clause 27, insert the following new Clause –

**“Electricity distribution networks: land and access rights**

- (1) The Secretary of State must, within 12 months of the passing of this Act, consult on and implement measures to give electricity distribution network operators powers in relation, but not limited, to –
  - (a) the acquisition of rights over land for new and existing overhead lines and underground cables;
  - (b) the acquisition of land for new substations or the extension of existing substations;
  - (c) the entering into of land for the purposes of maintaining existing equipment;
  - (d) the entering into of land for the purposes of managing vegetation growth which is interfering with the safety or operation of overhead equipment.
- (2) Any powers granted must be compatible with the need to complete works related to development in a timely, inexpensive and uncomplicated manner, and may include the provision of compensation to relevant landowners.”



***Member's explanatory statement***

*This new clause would require the Secretary of State to consult on giving electricity distribution network operators powers in relation to the acquisition of and access to land.*

**After Clause 28**

BARONESS HODGSON OF ABINGER

After Clause 28, insert the following new Clause—

**“Prohibition of solar power development on higher-quality agricultural land**

No permission may be granted for the building or installation of provision for solar power generation where the development would involve—

- (a) the building on or development of agricultural land at grade 1, 2, or 3a, and
- (b) building or installation at ground level.”

***Member's explanatory statement***

*This new Clause would prohibit the development of solar power generation on higher-quality agricultural land.*

EARL RUSSELL

After Clause 28, insert the following new Clause—

**“Local Area Energy Plans**

- (1) All local authorities and combined authorities must create a Local Area Energy Plan.
- (2) For the purposes of this section, a “Local Area Energy Plan” means an outline of how the relevant authority proposes to transition its area’s energy system to achieve net zero greenhouse gas emissions.”

***Member's explanatory statement***

*This new Clause would require all local and combined authorities to develop Local Area Energy Plans which set out how they will meet their Net Zero goals.*

EARL RUSSELL

★

After Clause 28, insert the following new Clause—

**“Community benefit from major energy infrastructure projects**

- (1) The Secretary of State must by regulations establish a scheme under which communities with a specified connection to a major energy infrastructure project are entitled to financial benefits.

- (2) In subsection (1), “major energy infrastructure project” and “specified connection” have such meaning as the Secretary of State may by regulations specify, provided that any such definition includes all newly consented renewable energy projects.
- (3) Financial benefits provided for by a scheme under this section must –
  - (a) be provided by the owner of the relevant major energy infrastructure project, and
  - (b) amount to 5% of the annual revenue of the relevant project.
- (4) Where a major energy infrastructure project is onshore, regulations made under this section must –
  - (a) provide for two-thirds of the financial benefits accruing to a community under this section to be paid to the local authority, and
  - (b) provide for one third of the financial benefits accruing to a community under this section to be paid into a strategic fund operated by the council.
- (5) Where a major energy infrastructure project is offshore, regulations made under this section must provide for the financial benefits accruing to a community under this section to be paid into a strategic fund operated by the relevant council.
- (6) Regulations made under this section may, among other things –
  - (a) specify the powers, purposes, responsibilities and constitution of a council strategic fund;
  - (b) make further provision determining which communities are qualifying under this section, and defining community for this purpose;
  - (c) confer functions in connection with the scheme;
  - (d) provide for delegation of functions conferred in connection with the scheme.”

***Member's explanatory statement***

*This new clause sets out a scheme for providing financial benefits to communities in areas connected with major energy infrastructure schemes.*

**Clause 47**

BARONESS PIDGEON  
LORD LANSLEY

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  
LORD LANSLEY

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  
LORD RANDALL OF UXBRIDGE

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.*

LORD GASCOIGNE

After Clause 47, insert the following new Clause –

**“Guidance on planting along highways**

- (1) The Secretary of State must, within six months of the day on which this Act is passed, issue guidance for developers, local planning authorities and other relevant parties on the planting of trees, shrubs, plants or grass alongside highways constructed as part of –
  - (a) any new transport infrastructure;
  - (b) any other development for which consent has been granted.
- (2) Guidance issued under this section must outline how licence conditions under section 142(5) of the Highways Act 1980 (licence to plant trees, shrubs, etc., in a highway) are to be applied and complied with in a way which –
  - (a) is not unreasonably burdensome on applicants for licences, and
  - (b) does not prevent or discourage the planting of trees, shrubs, plants or grass,
 and must provide model licence conditions, standard designs, and planting palettes.”

***Member's explanatory statement***

*This new Clause would require the Secretary of State to publish guidance on the planting of trees and other plants alongside new highways.*

## LORD LUCAS

After Clause 47, insert the following new Clause –

**“Reservoir development: enabling regulations for milestones and enforcement**

- (1) The Secretary of State may by regulations made by statutory instrument make provision for securing the timely planning, construction, commissioning and bringing into operation of reservoirs in England intended for public water supply.
- (2) Regulations under this section may –
  - (a) confer power on the Secretary of State to require a water undertaker to commit to and achieve specified milestones, by specified dates, in relation to a specified reservoir,
  - (b) confer power on the Secretary of State to give directions to the undertaker for the purpose of meeting those milestones, and
  - (c) where any such milestone is not achieved, confer power on the Secretary of State to transfer to, and (where appropriate) return from, a specified person any powers, assets, liabilities and responsibilities of the undertaker as the Secretary of State considers necessary to secure the reservoir’s delivery and bringing into operation.
- (3) Regulations under this section may –
  - (a) define milestones and the evidence required to demonstrate compliance,
  - (b) make provision about the transfer, vesting or return of land, property, rights, liabilities or statutory functions (including provisions of the Water Industry Act 1991 or other enactments) and about consideration or compensation payable on transfer,
  - (c) apply, disapply or modify any enactment relating to planning, compulsory purchase, environmental permitting or water resources in connection with the reservoir,
  - (d) make provision for dispute resolution and appeals,
  - (e) require the publication of progress reports, and
  - (f) make consequential, supplementary, incidental, transitional or saving provision, including provision amending or repealing any enactment.
- (4) Before making regulations under this section the Secretary of State must consult –
  - (a) the Water Services Regulation Authority (Ofwat),
  - (b) the Environment Agency,
  - (c) any water undertaker likely to be affected, and
  - (d) any such other persons as the Secretary of State considers appropriate.
- (5) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

***Member’s explanatory statement***

*This new Clause gives the Secretary of State a two-step power: first, to make regulations; second, for those regulations to (i) oblige a named water undertaker to commit to and achieve binding construction milestones for a specified reservoir and (ii) transfer any necessary powers, assets and*

*responsibilities to another entity if the milestones are missed, ensuring critical water-supply infrastructure is delivered on time.*

#### **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**

LORD CAMERON OF DILLINGTON

★ Clause 51, page 69, line 8, leave out from “apply” to end of line 11

#### **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  
LORD LUCAS  
VISCOUNT HANWORTH

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.*

BARONESS COFFEY

After Clause 51, insert the following new Clause —

**“Permitted development and demolition: assets of community value**

- (1) The Town and Country Planning (General Permitted Development) (England) Order 2015 is amended as follows.
- (2) In paragraph B.1 of Part 11 of Schedule 2, after sub-paragraph (e) insert —
  - “(f) the building is designated as an asset of community value under the Localism Act 2011.””

***Member's explanatory statement***

*This amendment seeks to ensure that buildings which have been designated as assets of community value cannot be demolished through permitted development rights.*

LORD LUCAS

After Clause 51, insert the following new Clause —

**“Planning decisions: termite-resistant wood**

- (1) A local planning authority may not consent to the development of new-build homes if any wood used in the construction is not termite resistant.
- (2) Wood is “termite resistant” if it is —
  - (a) a species of wood that is recognised as being naturally resistant to termites such that the risk of consumption by termites is acceptably low, or
  - (b) sufficiently treated so as to resist satisfactorily consumption by termites.
- (3) “New build homes” has the same meaning as in subsection 138(5) of the Building Safety Act 2022.”

## LORD LUCAS

After Clause 51, insert the following new Clause –

**“Planning: duty of candour**

After Section 8A of the Town and Country Planning Act 1990, insert –

**“8B Planning: duty of candour**

- (1) A local planning authority who have the function of determining applications for planning permission or permission in principle shall, in its interactions with applicants and those who make representations in connection to such applications, operate with a duty of candour.
- (2) A local planning authority operates with a duty of candour where –
  - (a) in general, it acts in an open and transparent way with respect to its decision-making process in determining whether an application should be approved, and in making determinations in connection with the approvals process of such applications;
  - (b) where it has made a decision, including with respect to the approval or otherwise of a planning application, the acceptance or otherwise of submissions or representations with respect to a planning application, or in connection with other activities inherent in the processing of a planning application, it outlines the reasoning for that decision in a way that is –
    - (i) publicly accessible;
    - (ii) written in clear language.
- (3) An officer of a local planning authority shall, in their interactions with elected members of the authority, operate with a duty of candour.
- (4) An officer of a local planning authority operates with a duty of candour where they explain, clearly, accurately and in accessible language, what the rights and duties of the local planning authority are in respect of any application or potential application, regardless of the policies or preferences of the elected member concerned.”

LORD INGLEWOOD  
BARONESS FREEMAN OF STEVENTON

★

After Clause 51, insert the following new Clause –

**“Gardens Trust to be statutory consultees for planning applications**

In Schedule 4 of the Town and Country Planning (Development Management Procedure) Order 2015, after paragraph (zf) insert –

“(zg)	Development likely to affect historic parks or gardens	The Gardens Trust”
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## BARONESS HODGSON OF ABINGER

★ After Clause 51, insert the following new Clause —

**“Rainwater harvesting and recycling**

- (1) A local planning authority may not grant planning permission for a development of houses that does not incorporate rainwater harvesting in its design.
- (2) For the purposes of this section, rainwater harvesting includes —
  - (a) rain collected from roofs and other surfaces above ground level, and
  - (b) rain collected via a system of above ground pipes and tanks,
 and cannot include any rainwater harvesting which interferes with normal groundwater flow.”

*Member's explanatory statement*

*This amendment seeks to ensure that rainwater harvesting systems are a compulsory part of a new developments, so as to ‘future proof’ housing in the light of climate change.*

## BARONESS HODGSON OF ABINGER

★ After Clause 51, insert the following new Clause —

**“Communal ground source heat pump installation**

For a development consisting of five or more houses in close proximity, a local planning authority may not grant planning permission unless the development incorporates a communal ground source heat pump serving all houses in the development.”

## BARONESS HODGSON OF ABINGER

★ After Clause 51, insert the following new Clause —

**“Solar panels**

A local planning authority may not grant planning permission for a development of housing that does not incorporate roof-mounted solar panels on each dwelling.”

**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.*

THE LORD BISHOP OF NORWICH  
THE EARL OF CAITHNESS  
VISCOUNT TRENCHARD

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

- “(6A) A spatial development strategy must –
- (a) list any chalk streams identified in the strategy area,
  - (b) identify the measures to be taken to protect any identified chalk 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 chalk 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 BENNETT OF MANOR CASTLE  
LORD GASCOIGNE

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.*

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.*

**After Clause 52**

LORD LUCAS

After Clause 52, insert the following new Clause—

**“Urban land readjustment schemes: enabling power**

- (1) The Secretary of State may by regulations made by statutory instrument make provision for the establishment and operation in England of land readjustment schemes designed to facilitate the comprehensive redevelopment or densification of urban land where fragmented ownership is an impediment to efficient use.
- (2) Regulations under subsection (1) may be made only where the Secretary of State is satisfied that such provision is necessary—
  - (a) to secure the effective use of land for housing, economic development or associated infrastructure, and
  - (b) to do so in a manner consistent with the public interest and with the protection of owners' property rights.
- (3) Regulations under this section may—
  - (a) specify the circumstances and areas in which a land readjustment scheme may be proposed;
  - (b) set participation thresholds or voting requirements for the approval of a scheme;
  - (c) confer powers and duties on a scheme body—which may be a local authority, a development corporation or another body corporate—to prepare, submit and implement a scheme;
  - (d) provide for the pooling, re-plotting and redistribution of land, and for the apportionment of any increase or decrease in value, together with provision for consideration or compensation where appropriate;
  - (e) apply, disapply or modify enactments relating to planning, compulsory purchase, highways, land registration or environmental assessment so far as necessary for the purposes of a scheme;
  - (f) make provision for the resolution of disputes (including reference to the Upper Tribunal (Lands Chamber));
  - (g) require the preparation and publication of viability assessments, progress reports or other information;
  - (h) make consequential, supplementary, incidental, transitional or saving provision, including provision amending or repealing any enactment.
- (4) Before making regulations under this section the Secretary of State must consult—
  - (a) representatives of local government,
  - (b) HM Land Registry,



- (c) professional bodies representing surveyors and valuers,
  - (d) organisations representing owners and occupiers of urban land, and
  - (e) any such other persons as the Secretary of State considers appropriate.
- (5) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (6) In this section –
- “land readjustment scheme” means a scheme under which urban land held in multiple ownerships is pooled, re-plotted and redistributed, with or without the compulsory transfer of land or rights, for the purpose of comprehensive redevelopment or densification;
  - “scheme body” has the meaning given by regulations under subsection (3)(c).”

***Member's explanatory statement***

*This new Clause inserts an enabling power – subject to consultation and the affirmative resolution procedure – allowing the Secretary of State to introduce land readjustment schemes in England. Such schemes would permit fragmented urban sites to be pooled and replotted by broad agreement of owners, thereby unlocking regeneration and higher-density development, with detailed safeguards set out in secondary legislation.*

**Clause 53**

BARONESS COFFEY  
THE EARL OF CAITHNESS

Clause 53, page 90, line 8, leave out “by Natural England”

BARONESS COFFEY  
THE EARL OF CAITHNESS

Clause 53, page 90, line 13, leave out “by or on behalf of Natural England”

BARONESS COFFEY  
THE EARL OF CAITHNESS

Clause 53, page 90, line 15, leave out “to Natural England”

LORD ROBOROUGH  
THE EARL OF CAITHNESS

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  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 53 stand part of the Bill.*

**Clause 54**

BARONESS COFFEY  
THE EARL OF CAITHNESS

Clause 54, page 91, line 16, leave out “Natural England” and insert “the Secretary of State”

LORD CAMERON OF DILLINGTON

- ★ Clause 54, page 91, line 27, after “date”),” insert “which must be no later than six months after a planning permission has been granted,”

THE EARL OF CAITHNESS

- ★ Clause 54, page 91, line 28, at end insert “appropriate to the conservation measures proposed, and
- (c) include a review date”

LORD CAMERON OF DILLINGTON

★

Clause 54, page 91, line 30, at end insert –

“(c) the intended plan for ongoing management of the land covered by the EDP after the EDP end date.”

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 54 stand part of the Bill.*

**Clause 55**

LORD GASCOIGNE

Clause 55, page 92, line 1, leave out paragraph (b)

BARONESS COFFEY  
THE EARL OF CAITHNESS

Clause 55, page 92, line 3, leave out “Natural England” and insert “the Secretary of State”

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 GASCOIGNE

Clause 55, page 92, line 7, at end insert –

“(c) comply with the principles of the mitigation hierarchy.”

BARONESS COFFEY  
THE EARL OF CAITHNESS

Clause 55, page 92, line 9, leave out “Natural England” and insert “the Secretary of State”

## 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.*

## THE EARL OF CAITHNESS

★

Clause 55, page 92, line 20, at end insert “and monitored,

- (c) the scientific basis for the conservation measure proposed,
- (d) how the EDP relates to local policies and in particular local nature recovery strategies, and
- (e) the timeframe required to address the environmental impact of development on the identified environmental feature (see also section 54(7)(b)),”

***Member's explanatory statement***

*This amendment seeks to provide greater detail around the making of an EDP.*

## 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  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 55 stand part of the Bill.*

**After Clause 55**VISCOUNT TRENCHARD  
LORD ROBOROUGH  
THE EARL OF CAITHNESS

After Clause 55, insert the following new Clause –

**“Designation of chalk streams as protected sites**

Within six months of the day on which this Act is passed, the Secretary of State must designate all chalk streams as protected sites under section 55.”

***Member's explanatory statement***

*This amendment would require the Secretary of State to designate chalk streams as protected sites for the purposes of Clause 55 of the Bill.*

## LORD GASCOIGNE

After Clause 55, insert the following new Clause –

**“Protected species not suitable for inclusion in an EDP**

- (1) The Joint Nature and Conservation Committee (JNCC) must publish a list of protected species which would not be suitable for inclusion in an EDP under section 55(2)(b) because their inclusion would be unlikely to contribute to the overall improvement in their conservation status.
- (2) The JNCC assessment required under subsection (1) may consider among other criteria –

- (a) the tendency of a species to be loyal to a specific site,
  - (b) the difficulty in translocating a particular species to a new location, and
  - (c) the need for a site-specific assessment to be undertaken in order to assess the presence of a species.
- (3) The list required under subsection (1) must be published by the end of June 2026.”

### 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  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 56 stand part of the Bill.*

### Clause 57

BARONESS COFFEY  
THE EARL OF CAITHNESS

Clause 57, page 93, line 7, leave out “Natural England” and insert “the Secretary of State”

BARONESS COFFEY  
THE EARL OF CAITHNESS

Clause 57, page 93, line 16, leave out “Natural England” and insert “the Secretary of State”

BARONESS COFFEY  
THE EARL OF CAITHNESS

Clause 57, page 93, line 18, leave out “Natural England” and insert “the Secretary of State”

BARONESS COFFEY

Clause 57, page 93, line 23, at end insert –

- “(6A) When preparing the EDP, the Secretary of State must have due regard to the Local Nature Recovery Strategy published by the appropriate public authority or authorities for that area.”

***Member's explanatory statement***

*This amendment is to make sure the EDP considers the Local Nature Recovery Strategy.*

BARONESS COFFEY  
THE EARL OF CAITHNESS

Clause 57, page 93, line 24, leave out “Natural England” and insert “the Secretary of State”

BARONESS COFFEY

Clause 57, page 93, line 26, leave out subsection (8)

THE EARL OF CAITHNESS

★ Clause 57, page 93, line 27, at end insert –

- “(8A) An EDP must specify certain tests which must be met to avoid a challenge under section 65, including –
- (a) undertaking appropriate consultation;
  - (b) cost effectiveness;
  - (c) following the mitigation hierarchy.”

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 57 stand part of the Bill.*

**Clause 58**

BARONESS COFFEY

Clause 58, page 93, line 32, leave out subsection (1)

BARONESS COFFEY  
THE EARL OF CAITHNESS

Clause 58, page 93, line 35, leave out “Natural England” and insert “the Secretary of State”

LORD CAMERON OF DILLINGTON

★ Clause 58, page 93, line 38, at end insert –

“(ca) the land use framework,”

BARONESS COFFEY  
THE EARL OF CAITHNESS

Clause 58, page 94, line 2, leave out “Natural England” and insert “the Secretary of State”

THE EARL OF CAITHNESS

★ Clause 58, page 94, line 2, at end insert –

“(2A) In preparing an EDP, Natural England must –

- (a) define the proposed conservation measures required to address the development,
- (b) seek expressions of interest to deliver those measures from appropriate persons or bodies during a pre-consultation period, and
- (c) publish the expressions of interests should the EDP proceed.”

***Member's explanatory statement***

*This amendment would require Natural England to define at an early stage the proposed conservation measures and seek expressions of interest from persons or organisations for their suitability to deliver these. This would also help Natural England meet their obligation under section 57(2).*

BARONESS COFFEY  
THE EARL OF CAITHNESS

Clause 58, page 94, line 4, leave out “Natural England” and insert “the Secretary of State”

BARONESS COFFEY  
THE EARL OF CAITHNESS

Clause 58, page 94, line 9, leave out “Natural England” and insert “the Secretary of State”

BARONESS COFFEY  
THE EARL OF CAITHNESS

Clause 58, page 94, line 27, leave out “by Natural England”



LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 58 stand part of the Bill.*

**Clause 59**

BARONESS COFFEY  
THE EARL OF CAITHNESS

Clause 59, page 94, line 29, leave out “Natural England” and insert “the Secretary of State”

BARONESS COFFEY

Clause 59, page 94, line 30, at end insert –

“(za) any local public authority that has created a Local Nature Recovery Strategy for an area that is wholly or partly within or adjacent to the development area,”

***Member's explanatory statement***

*This amendment is to require the authorities with a Local Nature Recovery Strategy in or adjacent to the area to be consulted.*

BARONESS COFFEY

Clause 59, page 94, line 30, at end insert –

“(za) Natural England,”

***Member's explanatory statement***

*This amendment is to require Natural England to be consulted.*

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.*

BARONESS COFFEY  
THE EARL OF CAITHNESS

Clause 59, page 95, line 14, leave out “Natural England” and insert “the Secretary of State”

BARONESS COFFEY  
THE EARL OF CAITHNESS

Clause 59, page 95, line 19, leave out “Natural England” and insert “the Secretary of State”

BARONESS COFFEY

Clause 59, page 95, line 20, leave out “may (but is not obliged to)” and insert “is obliged to”

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their 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.*

THE EARL OF CAITHNESS

★

Clause 60, page 96, line 4, leave out “outweigh” and insert “demonstrate a net gain in addressing”

***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  
THE EARL OF CAITHNESS

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  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 60 stand part of the Bill.*

**Clause 61**

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their 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  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 62 stand part of the Bill.*

**Clause 63**LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their 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  
THE EARL OF CAITHNESS

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  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 64 stand part of the Bill.*

**Clause 65**

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 65 stand part of the Bill.*

**Clause 66**

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 66 stand part of the Bill.*

**Clause 67**

LORD GRAYLING  
LORD RANDALL OF UXBRIDGE

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  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 67 stand part of the Bill.*

**Clause 68**

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 68 stand part of the Bill.*

**Clause 69**

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 69 stand part of the Bill.*

**Clause 70**

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 70 stand part of the Bill.*

**Clause 71**

LORD GASCOIGNE

Clause 71, page 104, line 20, after “charged” insert “within the boundary of the same local planning authority from which the levy received originated”

THE EARL OF CAITHNESS

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

- “(d) require Natural England to consider a delivery hierarchy such that preference is given to those bodies and persons implementing the EDP;
- (e) require Natural England to take reasonable steps to apply the mitigation hierarchy;
- (f) require Natural England in applying the mitigation hierarchy to consider those areas where the overall improvement test would be most achievable (including but not limited to designated areas).”

***Member's explanatory statement***

*This amendment and others in the name of the Earl of Caithness to clause 71 seek to provide further clarity on the criteria to be developed in secondary legislation.*

LORD ROBOROUGH  
THE EARL OF CAITHNESS

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.*

THE EARL OF CAITHNESS

- ★ Clause 71, page 105, line 5, at end insert “including to third parties where obligations are assumed through receipt of the levy in implementation of the EDP”

***Member's explanatory statement***

*This amendment and others in the name of the Earl of Caithness to clause 71 seek to provide further clarity on the criteria to be developed in secondary legislation.*

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.*

THE EARL OF CAITHNESS

- ★ Clause 71, page 105, line 22, after “authority” insert “or appropriate body”

***Member's explanatory statement***

*This amendment and others in the name of the Earl of Caithness to clause 71 seek to provide further clarity on the criteria to be developed in secondary legislation.*



LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 71 stand part of the Bill.*

**Clause 72**

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 72 stand part of the Bill.*

**Clause 73**

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 73 stand part of the Bill.*

**Clause 74**

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 74 stand part of the Bill.*

**Clause 75**

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 75 stand part of the Bill.*

**Clause 76**

THE EARL OF CAITHNESS

★

Clause 76, page 109, line 1, after “another” insert “appropriate”

***Member's explanatory statement***

*This amendment seeks to ensure that those paid by Natural England to deliver EDPs have the appropriate expertise for the role.*

## THE EARL OF CAITHNESS

- ★ Clause 76, page 109, line 1, after “person” insert “or body to prepare an environmental delivery plan and”

*Member's explanatory statement*

*This amendment, and another in the name of the Earl of Caithness to clause 76, seeks to ensure that those paid by Natural England to deliver EDPs have the appropriate expertise for the role.*

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 76 stand part of the Bill.*

**Clause 77**

## LORD CAMERON OF DILLINGTON

- ★ Clause 77, page 109, line 10, after “unless” insert “21 days”

## LORD CAMERON OF DILLINGTON

- ★ Clause 77, page 109, line 11, delete from “occupier” to end of line 14

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 77 stand part of the Bill.*

**Clause 78**LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 78 stand part of the Bill.*

**Clause 79**LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 79 stand part of the Bill.*

**Clause 80**

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 80 stand part of the Bill.*

**Clause 81**

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 81 stand part of the Bill.*

**Clause 82**

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 82 stand part of the Bill.*

**Clause 83**

LORD CAMERON OF DILLINGTON

★ Clause 83, page 114, line 6, at end insert “set out in an EDP”

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.*

BARONESS HODGSON OF ABINGER

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

“(2A) The power under subsection (1) may not be exercised in relation to land —  
(a) that is in personal use for the grazing of animals, and  
(b) that is agricultural land of grades 1, 2 or 3a.”

***Member's explanatory statement***

*This amendment seeks to ensure that (1) fields used by people to graze their animals, and (2) high quality agricultural land which could be used for food production, cannot be compulsorily purchased under the provision in Clause 83.*

LORD ROBOROUGH  
BARONESS MCINTOSH OF PICKERING  
BARONESS JONES OF MOULSECOOMB

*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  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 84 stand part of the Bill.*

**Clause 85**

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 85 stand part of the Bill.*

**Clause 86**

THE EARL OF CAITHNESS

- ★ Clause 86, page 116, line 6, after “another” insert “appropriate”

THE EARL OF CAITHNESS

- ★ Clause 86, page 116, line 6, after “person” insert “or body”

LORD CAMERON OF DILLINGTON

- ★ Clause 86, page 116, line 7, at end insert “including the farmers and landowners affected by the EDP”

## THE EARL OF CAITHNESS

- ★ Clause 86, page 116, line 9, after “designated” insert “appropriate”

## THE EARL OF CAITHNESS

- ★ Clause 86, page 116, line 9, after “person” insert “or body”

## THE EARL OF CAITHNESS

- ★ Clause 86, page 116, line 10, after “designated” insert “appropriate”

## THE EARL OF CAITHNESS

- ★ Clause 86, page 116, line 10, after “person” insert “or body”

## 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  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 86 stand part of the Bill.*

**Clause 87**LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their 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  
LORD RANDALL OF UXBRIDGE

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  
LORD RANDALL OF UXBRIDGE

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.*

## BARONESS COFFEY

After Clause 87, insert the following new Clause —

**“Permitted development: ponds**

In Part 13 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596), after paragraph D.2 insert —

*“Class E – ponds*

**Permitted development**

1. Development of ponds with a surface area of less than 1 hectare.

**Interpretation of Class E**

2. For the purpose of Class E, “pond” means a permanent or seasonal standing body of water with a surface area not exceeding 1 hectare.””

## BARONESS MCINTOSH OF PICKERING

After Clause 87, insert the following new Clause –

**“National Standards for Sustainable Drainage Systems**

In section 106(4) of the Water Industry Act 1991 (right to communicate with public sewers), in paragraph (b), after “system” insert “; or –

- (c) is such that the predicted or actual volume of water to be discharged thereafter into the public sewer would increase flood risk due to lack of capacity;

or if the current National Standards for Sustainable Drainage Systems have not first been applied.””

***Member's explanatory statement***

*The amendment adds weight to the Government's newly-introduced National Standards for Sustainable Drainage Systems (SuDS) by making the right to communicate with the public sewer conditional on having applied the standards first. Changing the right to connect to the public sewer to be conditional upon first having followed the new Standards will provide a more robust incentive to developers to follow this guidance, in the absence of full implementation of Schedule 3 of the Flood and Water Management Act 2010.*

## THE EARL OF CAITHNESS

★

After Clause 87, insert the following new Clause –

**“Independent oversight of administration of Part 3**

- (1) The Secretary of State must establish an independent body to monitor the success of EDPs in achieving the overall improvement test and the administration of the nature restoration levy by Natural England.
- (2) The independent body may request information from Natural England relating to Natural England's powers and duties under sections 76 and 83.
- (3) The independent body may request information from Natural England relating to Natural England's administration of the nature restoration levy.
- (4) The independent body must report to the Office of Environmental Protection and the National Audit Office.
- (5) The independent body may report to the Secretary of State on –
  - (a) any concerns relating to Natural England's powers and duties under Part 3, and
  - (b) any other matters relating to Natural England's powers and duties under Part 3 as the independent body deems appropriate.”

***Member's explanatory statement***

*This new clause would provide for independent oversight of Natural England's powers and duties under Part 3.*

**Clause 88**

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 88 stand part of the Bill.*

**Clause 89**

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 89 stand part of the Bill.*

**Clause 90**

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their intention to oppose the Question that Clause 90 stand part of the Bill.*

**Clause 91**

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their 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.”

BARONESS COFFEY  
THE EARL OF CAITHNESS

Clause 92, page 121, line 36, at end insert –

““Secretary of State” means the Secretary of State for the Department for Environment,  
Food and Rural Affairs;”

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB

*The above-named Lords give notice of their 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  
LORD LUCAS

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  
LORD LUCAS

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  
LORD LUCAS  
VISCOUNT HANWORTH

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  
LORD LUCAS

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  
THE EARL OF CAITHNESS

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  
 LORD RANDALL OF UXBRIDGE  
 BARONESS COFFEY  
 LORD HINTZE

After Clause 106, insert the following new 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.”

***Member's explanatory statement***

*This amendment seeks to probe the effect of the Bill on rights of way, including unrecorded rights of way which are due to be extinguished on 31 December 2030.*



## LORD HODGSON OF ASTLEY ABBOTTS

After Clause 106, insert the following new Clause –

**“Review: impact on food and water security**

- (1) At the end of the period of 12 months, beginning with the day on which this Act is passed, and annually thereafter, the Secretary of State must publish a report detailing the total area, in hectares, of any land that has been taken out of food production as a result of the provisions of this Act –
  - (a) in the previous twelve months, and
  - (b) cumulatively since the Act came into force.
- (2) The report must include the total area, in hectares, of any land taken out of food production and used for –
  - (a) the construction of houses and associated infrastructure,
  - (b) the construction of reservoirs or other water catchment devices,
  - (c) the installation of solar panels, and
  - (d) the production of maize and other crops grown to support the generation of electricity.
- (3) The report must provide an assessment of the increased risk, if any, to the food and water security of the United Kingdom.”

***Member's explanatory statement***

*This amendment seeks to ensure that the Government provides annual updates on any agricultural land lost as a result of this Bill and any consequent risks to this country's food and water security.*

## BARONESS HODGSON OF ABINGER

After Clause 106, insert the following new Clause –

**“Protection of villages**

- (1) The Secretary of State must, within six months of the day on which this Act is passed, issue guidance for local planning authorities, or update any relevant existing guidance, relating to the protection of villages from overdevelopment and change of character.
- (2) Any guidance issued under this section must provide villages with equivalent protection, so far as is appropriate, as is provided for towns in relation to –
  - (a) preventing villages from merging into one another, and
  - (b) preserving the setting and special character of historic villages,under the National Planning Policy Framework.”

***Member's explanatory statement***

*This amendment seeks to provide existing villages with protection equivalent to that currently provided to towns under the NPPF.*

## LORD CAMERON OF DILLINGTON

★ After Clause 106, insert the following new Clause –

**“Compulsory purchase for planning and development: code of practice**

- (1) Within six months of the day on which this Act is passed, the Secretary of State must publish a code of practice to be followed by all bodies or individuals exercising powers of compulsory purchase for the purposes of planning and development.
- (2) On publication of the code of practice, the Secretary of State must by regulations establish –
  - (a) an enforcement mechanism for the code of practice, including establishing a responsible body or individual for monitoring compliance,
  - (b) penalties for non-compliance with the code of practice, and
  - (c) a system for appealing against findings of non-compliance with the code of practice.
- (3) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

**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

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## RUNNING LIST OF ALL AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

*Tabled up to and including*

*2 July 2025*

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*2 July 2025*

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