

Planning and Infrastructure Bill

RUNNING LIST OF ALL AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

*Tabled up to and including
8 July 2025*

The amendments are listed in accordance with the following Instruction –

Clauses 1 to 12	Clauses 53 to 66
Clauses 29 to 41	Schedule 4
Schedule 2	Clauses 67 to 83
Clauses 42 to 47	Schedule 5
Clauses 13 to 23	Clauses 84 to 89
Schedule 1	Schedule 6
Clauses 24 to 28	Clauses 90 to 92
Clauses 48 to 52	Clauses 107 to 111
Schedule 3	Title
Clauses 93 to 106	

[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 This was introduced via the Localism Act, so is being rescinded, as are other Government amendments in this Part.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 45

LORD LANSLEY

After Clause 45, insert the following new Clause –

“Heritage assets

- (1) The Transport and Works Act 1992 is amended as follows.
- (2) After section 6(5) insert –
 - “(5A) Rules made under this section must incorporate requirements to reflect the provisions of sections 7 and 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990.””

Member's explanatory statement

This amendment would require that when making Transport and Works Act Orders, the Secretary of State must have regard to the procedures in the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to works for demolition or affecting the character of listed buildings.

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.

BARONESS MCINTOSH OF PICKERING

After Clause 47, insert the following new Clause —

“Deregulation of low hazard reservoirs

Within six months of the day on which this Act is passed, the Secretary of State must publish an assessment of the impact of the current regulatory regime for low hazard reservoirs, and set out proposals for the deregulation of such reservoirs to facilitate their construction.”

Member's explanatory statement

This is a probing amendment to encourage the consideration of measures to facilitate the construction of small reservoirs that pose little potential threat to local communities.

BARONESS PIDGEON

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After Clause 47, insert the following new Clause —

“Provision of solar panels in new transport infrastructure

- (1) The Secretary of State must, by regulations, require that all new transport infrastructure projects requiring approval under any enactment make provision for the installation of solar panels where reasonably practicable.
- (2) The regulations must include —
 - (a) criteria for determining when installation is reasonably practicable, including structural, environmental, and safety considerations;
 - (b) minimum surface area requirements for solar panel coverage where practicable;

- (c) the types of transport infrastructure to which the requirement applies.
- (3) “Transport infrastructure” includes but is not limited to –
 - (a) new or refurbished rail stations and rail lines,
 - (b) new or refurbished bus stations and depots,
 - (c) major road-building or upgrading projects, and
 - (d) other public transport hubs.
- (4) Regulations under this section must be made by statutory instrument.
- (5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

Member's explanatory statement

This new clause would require the Secretary of State to mandate the installation of solar panels in the construction of new transport infrastructure where reasonably practicable, through regulations made by statutory instrument.

BARONESS PIDGEON

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After Clause 47, insert the following new Clause –

“Installation programme for HGV electric charging points

- (1) The Secretary of State must, within two years of the passage of this Act, establish and implement an installation programme for electric charging points suitable for heavy goods vehicles (HGVs).
- (2) The programme must include –
 - (a) a timetable for the installation of charging points across key transport infrastructure;
 - (b) minimum targets for the number and capacity of charging points to be installed within the two-year period;
 - (c) provisions to ensure geographic coverage that supports efficient HGV operation nationwide;
 - (d) measures to monitor and report progress annually to Parliament.
- (3) The Secretary of State must lay a copy of the programme before Parliament within six months of the Act coming into force.
- (4) For the purposes of this section, “key transport infrastructure” includes freight terminals, motorway service stations, rest areas, and major roads.”

Clause 17

LORD LANSLEY

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Clause 17, page 22, line 33, leave out from “the” to end of line 35 and insert “strategic priorities set out in the current strategy and policy statement under section 165 of this Act”

Member's explanatory statement

This amendment, and others in the name of Lord Lansley to clause 17, would require the ISOP to have regard to the strategy and policy statement required by section 165 of the Energy Act 2023, rather than the designated strategic plan.

LORD LANSLEY

- ★ Clause 17, page 23, line 8, leave out “designated strategic plans” and insert “strategic priorities set out in the most recent strategy and policy statement under section 165 of the Energy Act 2023”

Member's explanatory statement

This amendment, and others in the name of Lord Lansley to clause 17, would require the ISOP to have regard to the strategy and policy statement required by section 165 of the Energy Act 2023, rather than the designated strategic plan.

LORD LANSLEY

- ★ Clause 17, page 23, line 10, leave out from “section,” to end of line 13 and insert ““strategic priorities” means those set out in the most recent strategy and policy statement required by section 165 of the Energy Act 2023”

Member's explanatory statement

This amendment, and others in the name of Lord Lansley to clause 17, would require the ISOP to have regard to the strategy and policy statement required by section 165 of the Energy Act 2023, rather than the designated strategic plan.

LORD LANSLEY

- ★ Clause 17, page 23, line 17, leave out “designated strategic plans” and insert “strategic priorities”

Member's explanatory statement

This amendment, and others in the name of Lord Lansley to clause 17, would require the ISOP to have regard to the strategy and policy statement required by section 165 of the Energy Act 2023, rather than the designated strategic plan.

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.

Clause 26

BARONESS PINNOCK

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Clause 26, page 36, line 7, at end insert —

- “(5A) Regulations under this section must also secure that any eligibility criteria established for determining entitlement to compensation under this section apply equally in relation to existing electricity transmission infrastructure, including infrastructure constructed or in operation prior to the coming into force of the regulations.”

Member's explanatory statement

This amendment ensures that the eligibility criteria for compensation under this section apply equally to areas with existing electricity transmission infrastructure.

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
BARONESS YOUNG OF OLD SCONE

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.

LORD HUNT OF KINGS HEATH

After Clause 28, insert the following new Clause —

“Compulsory purchase for carbon dioxide pipelines: Pipe-Lines Act 1962

- (1) In section 12A of the Pipe-Lines Act 1962 (compulsory purchase: carbon dioxide pipe-lines), after subsection (8), insert —
 - “(8A) Subsection (8)(a) does not apply to a compulsory purchase order in respect of a pipeline used wholly or mainly for the conveyance of carbon dioxide for the purposes of carbon capture and storage.
 - (8B) Such an order shall take effect without being subject to special parliamentary procedure.”
- (2) In section 66 (general interpretation provisions), after the definition for “agricultural unit” insert —

““carbon capture and storage” means the process of capturing carbon dioxide, transporting it, and permanently storing it underground.””

Member's explanatory statement

This amendment directly amends the Pipe-Lines Act 1962 to remove the requirement for special parliamentary procedure in cases where a compulsory purchase order is made for a CO2 pipeline used for carbon capture and storage.

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.

LORD BANNER

Clause 48, page 63, line 2, at end insert —

- “(7) In section 303ZA of the Town and Country Planning Act 1990 (fees for appeals), after subsection (3) insert —
 - “(3A) Any monies collected and regulations made under this section in relation to the Planning Inspectorate must be for the sole purpose of being used in connection with its functions in relation to appeals under this Act and the Planning (Listed Buildings and Conservation Areas) Act 1990.”.

Member's explanatory statement

This amendment would enable the existing provision for the Planning Inspectorate to be able to charge appeal fees to be brought into effect in a way that ensures the Planning Inspectorate obtains the benefit of such fees, thereby reinforcing its resources and operational bandwidth.

LORD BANNER

Revised version of the amendment printed on 4 July

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Clause 48, page 63, line 2, at end insert –

“(7) In section 303ZA(2) of the Town and Country Planning Act 1990 (fees for appeals), after paragraph (a) insert –

“(aa) make provision for optional fees payable by appellants in return for an appeal process in which, notwithstanding section 319A (determination of procedure for certain proceedings: England), the appellant has the right to elect for its appeal to be heard at public local inquiry, and the determination of which shall be no longer than five months after the appeal was made unless the Appellant agrees otherwise in writing;”.

Member's explanatory statement

This amendment would enable provision to be made for the Planning Inspectorate to operate an optional fee-paid bespoke fast track appeal process which would generate funding for the Planning Inspectorate.

Clause 50

LORD FULLER

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Clause 50, page 67, line 14, at end insert –

“319ZZBA Training: civil servants and Ministers of the Crown

- (1) The Secretary of State may by regulations make provision for and in connection with the training of civil servants and Ministers of the Crown in their exercise of such relevant planning functions as are prescribed.
- (2) Such regulations must provide for satisfactory completion of the training to be evidenced by a certificate valid for a prescribed period (a “certificate of completion”).
- (3) A civil servant or Minister of the Crown who does not hold a valid certificate of completion is prohibited from exercising the prescribed relevant planning functions on behalf of the Government.
- (4) Regulations under subsection (1) may, in particular –
 - (a) provide for accreditation by the Secretary of State of –
 - (i) courses of training, and
 - (ii) persons providing such courses;

- (b) impose requirements as to record-keeping, including by imposing such requirements on a training provider.
- (5) Regulations under subsection (1) must require the Department to publish on their website which of their members hold valid certificates of completion.
- (6) The validity of anything done in the exercise of a prescribed relevant planning function is not affected by any breach of subsection (3).
- (7) In this section –
 - (a) references to a civil servant are to civil servants working in the Ministry of Housing, Communities and Local Government, or any Department which carries out relevant planning functions;
 - (b) references to a Minister of the Crown are to Ministers working in the Ministry of Housing, Communities and Local Government, or any Department which carries out relevant planning functions.
- (8) The Secretary of State may by regulations define a “relevant planning function” for the purpose of this section.”

Member's explanatory statement

This amendment would require civil servants and Ministers of the Crown to complete equivalent training to that required for local planning authorities and mayoral authorities by new sections 319ZZA and 319ZZB in the Town and Country Planning Act 1990, inserted by clause 50.

Clause 51

LORD CAMERON OF DILLINGTON

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

Member's explanatory statement

This is a probing amendment to ascertain why the Secretary of State should not require National Park Authorities to arrange for certain decisions to be delegated to officers.

LORD LANSLEY

Clause 51, page 69, line 24, at end insert –

- “(3) In section 333 of the Town and Country Planning Act 1990 (regulations and orders), after subsection (3ZAA), insert –
 - “(3ZAB) No regulations may be made under sections 319ZZC or 319ZZD unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.””

Member's explanatory statement

This amendment would require that the regulations for a national scheme of delegation of planning decisions should be made by an affirmative resolution procedure.

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

Revised version of the amendment printed on 1 July

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After Clause 51, insert the following new Clause –

“Planning: duty of candour

After section 8A of the Town and Country Planning Act 1990 (The Homes and Communities Agency) insert –

“8B Planning: duty of candour

- (1) A local planning authority who have the function of plan-making and 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 preparing and approving the development plan for its area;
 - (b) in general, it acts in an open and transparent way with respect to its decision-making process in determining whether a planning application should be approved, and in making determinations in connection with the approvals process of such applications;
 - (c) 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,

- (iii) consistent with the Nolan Principles on Standards in Public Life, and
 - (iv) in accordance with national planning policy guidance.
- (3) An officer of a local planning authority shall, in their interactions with elected members of the authority, operate with a duty of candour in respect of their professional obligations.
- (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, potential application or development plan matter, 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.”

BARONESS PINNOCK

After Clause 51, insert the following new Clause –

“Pre-application consultation of emergency services

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

“(zg)	Development which is likely to affect operations of ambulance services	The ambulance trust concerned
(zh)	Development which is likely to affect operations of fire and rescue services	The fire and rescue service concerned”

Member's explanatory statement

This amendment would require pre-application consultation with emergency services in relation to Development management procedure.

BARONESS PINNOCK

After Clause 51, insert the following new Clause –

“Considerations when deciding an application for development consent

In section 55 of the Planning Act 2008 (acceptance of applications), after subsection (4) insert –

- “(4A) When deciding whether to accept an application, the Secretary of State must have regard to the extent to which consultation with affected communities has –

- (a) identified and resolved issues at the earliest opportunity,
- (b) enabled interested parties to understand and influence the proposed project, provided feedback on potential options, and encouraged the community to help shape the proposal to maximise local benefits and minimise any disbenefits,
- (c) enabled applicants to obtain relevant information about the economic, social, community and environmental effects of the project, and
- (d) enabled appropriate mitigation measures to be identified, considered and, if appropriate, embedded into the proposed application before the application was submitted.”

Member's explanatory statement

This new clause to the Planning Act would require the Secretary of State to consider the content and adequacy of consultation undertaken with affected communities when deciding an application for development consent.

BARONESS PINNOCK

After Clause 51, insert the following new Clause –

“Register of planning applications from political donors

- (1) A local planning authority must maintain and publish a register of planning applications in its area where –
 - (a) a determination has been made by the Secretary of State responsible for housing and planning, and
 - (b) the applicant has made a donation to the Secretary of State responsible for housing and planning within the period of ten years prior to the application being made.
- (2) A register maintained under this section must be published at least once each year.”

Member's explanatory statement

This new clause would require a local planning authority to keep and publish a register of applications decided by the Secretary of State where that Secretary of State has received a donation from the applicant.

LORD LANSLEY
LORD SHIPLEY
LORD BEST

After Clause 51, insert the following new Clause –

“Chief planner

- (1) The Town and Country Planning Act 1990 is amended as follows.

(2) After section 1, insert –

“1A Local planning authorities: chief planner

- (1) Each local planning authority must appoint an officer, to be known as chief planner, for the purposes of their functions as a local planning authority.
- (2) Two or more local planning authorities may, if they consider that the same person can efficiently discharge, for both or all of the planning authorities, the functions of chief planner, concur in the same appointment of a person as chief planner for both or all of these authorities.
- (3) A local planning authority may not appoint a person as chief planner unless satisfied that the person has appropriate qualifications and experience for the role.”

Member's explanatory statement

This amendment would provide for local planning authorities to appoint a Chief Planner, who could be appointed jointly by one or more authorities, to secure that decisions, including those delegated to officers, are made with professional leadership.

BARONESS PARMINTER
BARONESS YOUNG OF OLD SCONE

After Clause 51, insert the following new Clause –

“Local planning authority duty: statutory environment and climate change targets

In the exercise of any of its planning or development functions, a local planning authority must take all reasonable steps to contribute to –

- (a) the achievement of targets in sections 1 to 3 of the Environment Act 2021,
- (b) the achievement of targets set under Part 1 of the Climate Change Act 2008,
- (c) the programme for adaptation to climate change under section 58 of the Climate Change Act 2008, and
- (d) the achievement of targets set under the Air Quality Standards Regulations 2010.”

Member's explanatory statement

This new clause would impose a duty on local authorities to take reasonable steps to contribute to Environment Act and Climate Change Act targets.

LORD ADDINGTON

After Clause 51, insert the following new Clause –

“Preservation of playing fields and pitches

- (1) A local planning authority must, when exercising any of its functions, ensure the preservation of playing fields and playing pitches.

- (2) The duty in subsection (1) may, when granting permission for development, be met through the imposition of conditions or requirements relating to—
 - (a) the protection of playing fields or playing pitches affected by the development, or
 - (b) the provision of alternative, additional or expanded playing fields or playing pitches.
- (3) For the purposes of this section, “playing fields” and “playing pitches” have the same meanings as in the Town and Country Planning (Development Management Procedure) (England) Order 2010.”

LORD BANNER

After Clause 51, insert the following new Clause—

“Neighbourhood development orders and national planning policy

For Schedule 4B, paragraph 8(2)(a) of the Town and Country Planning Act 1990, substitute—

“(a) the order is consistent with national planning policy,””

Member's explanatory statement

This amendment requires new neighbourhood plans not merely to have regard to the National Planning Policy Framework and Planning Practice Guidance, but to be consistent with it, so as to avoid neighbourhood plans undermining national planning policy.

BARONESS MILLER OF CHILTHORNE DOMER

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After Clause 51, insert the following new Clause—

“Provision of green space in new housing developments

Any application for permission for the development of housing must include provision for—

- (a) green spaces including private and community gardens, play areas and such other green space as the community consultation has identified as essential to them;
- (b) the care and maintenance of the green spaces provided for under this section.”

Clause 52

LORD LANSLEY

Clause 52, page 71, line 4, at end insert—

- “(2A) The Secretary of State may establish a joint committee of authorities under subsection (2) in response to an application made to the Secretary of State by two or more principal authorities.”

Member's explanatory statement

This amendment would enable principal authorities as defined in section 12A(2) and (7) to propose that two or more of them should form a strategic planning board, subject to the Secretary of State making the necessary regulations.

LORD LANSLEY

Clause 52, page 73, line 14, at end insert –

- “(za) an amount or distribution of development for employment, industrial, logistic or commercial purposes, the provision of which the strategic planning authority considers to be of strategic importance to the strategy area;”

Member's explanatory statement

This amendment would secure that a spatial development strategy must include a description of the amount or distribution of development for employment, industrial, logistics or commercial purposes, which are instrumental in determining the land use and requirements for housing in the strategy area.

LORD BEST

Clause 52, page 73, line 18, leave out from “housing” to end of line 21 and insert “of which a majority is social rent housing.”

Member's explanatory statement

This amendment enables Spatial Development Strategies to specify a proportion of social rent housing.

LORD LANSLEY

Clause 52, page 73, line 21, at end insert –

- “(5A) A spatial development strategy may relate the provision of –
 - (a) infrastructure;
 - (b) affordable housing;
 - (c) nature recovery and restoration;
 - (d) biodiversity net gain;to the potential viability of development in the strategy area, indicating the levels of benchmark land value, developer contributions and community infrastructure levy charging schedules which may be required in the strategy area.
- (5B) The Secretary of State may issue guidance in relation to the assessment of benchmark land values, developer contributions and developer returns to inform the determination of the viability of development for the purposes of plan-making and delivery of development in the strategy area.”

Member's explanatory statement

This amendment would provide for spatial strategies prepared by strategic authorities to take into account the viability issues affecting the spatial distribution of development, including land values and the need for developer contributions for infrastructure and affordable housing; and for the Secretary of State to issue guidance.

BARONESS WHITAKER
THE LORD BISHOP OF MANCHESTER

Clause 52, page 73, line 21, at end insert –

- “(5A) For the purposes of subsection (5), “housing” and “affordable housing” include the amount and distribution of Gypsy and Traveller sites provided by private, local authority and other registered social landlords.”

Member's explanatory statement

This amendment would include Gypsy and Traveller sites in the strategically important housing identified in spatial development strategies.

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
BARONESS MILLER OF CHILTHORNE DOMER

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.

BARONESS WHITAKER

Clause 52, page 74, line 22, at end insert —

- “(15) In this section, “affordable housing” includes Gypsy and Traveller sites provided by local authorities and other registered social landlords, which are considered “social housing” for the purposes of the Housing and Regeneration Act 2008, including pitches and associated essential facilities.”

LORD BEST

Clause 52, page 74, line 22, at end insert –

- “(15) In subsection (5), “social rent housing” has the meaning given by paragraph 7 of the Direction on the Rent Standard 2019 and paragraphs 4 and 8 of the Direction on the Rent Standard 2023.”

Member's explanatory statement

This amendment explains that social rent housing is as defined in the Regulator of Social Housing's appropriate Direction.

LORD BEST

Clause 52, page 76, line 14, at end insert –

- “(iv) the housing needs of an ageing population;”

Member's explanatory statement

This amendment ensures the draft Spatial Development Strategy has regard to the housing needs of the ageing population.

BARONESS PINNOCK

Clause 52, page 77, line 17, insert –

- “(3A) A strategic planning authority must prepare and consult on a statement of community involvement which provides for persons affected by the strategy to have a right to be heard at an examination.”

Member's explanatory statement

This amendment would require strategic planning authorities to consider notifying disabled people about the publication of a draft spatial development strategy.

LORD LANSLEY

Clause 52, page 90, line 3, at end insert –

“Neighbourhood priorities statements

12Y Neighbourhood priorities statements

- (1) Any qualifying body may make a statement, to be known as a “neighbourhood priorities statement”, which summarises what the body considers to be the principal needs and prevailing views, of the community in the neighbourhood area in relation to which the body is authorised, in respect of local development and infrastructure.
- (2) Local matters” are such matters as the Secretary of State may prescribe, relating to –

- (a) development, or the management or use of land, in or affecting the neighbourhood area,
 - (b) the development of housing in the neighbourhood area,
 - (c) the natural environment in the neighbourhood area,
 - (d) development of public spaces in the neighbourhood area, or
 - (e) the infrastructure or facilities available in the neighbourhood area.
- (3) A qualifying body may modify or revoke a neighbourhood priorities statement that has effect, for the time being, for the neighbourhood area in relation to which the body is authorised.
- (4) A neighbourhood priorities statement has effect from the time it is published by a relevant local planning authority and ceases to have effect upon such an authority publishing a notice stating that it has been revoked by a qualifying body.
- (5) A modification of a neighbourhood priorities statement has effect from the time the modification, or modified statement, is published by a relevant local planning authority.
- (6) Regulations made by the Secretary of State may impose requirements which must be met for a neighbourhood priorities statement, or any modification or revocation of such a statement, to be made or published.
- (7) Regulations under subsection (6) or section 15LE(2)(k) may provide that a requirement may be met, or (as the case may be) procedure may be complied with, by virtue of things done by a parish council, or other organisation or body, before it becomes a qualifying body.
- (8) Regulations under subsection (6) and section 15LE must (between them) –
 - (a) require a qualifying body to publish any proposed neighbourhood priorities statement, so that people who live, work or carry on business in the neighbourhood area to which the statement relates can comment on the proposed statement before the body makes the statement,
 - (b) require a qualifying body to publish any proposed material modification of a neighbourhood priorities statement, so that people who live, work or carry on business in the neighbourhood area to which the statement relates can comment on the proposed modification before the body makes the modification,
 - (c) require a relevant local planning authority to publish a neighbourhood priorities statement, if the statement is made in accordance with this section and any regulations made under this Part,
 - (d) require a relevant local planning authority to publish a notice of the revocation of a neighbourhood priorities statement, if the statement has been revoked in accordance with this section and any regulations made under this Part, and
 - (e) require a relevant local planning authority, if a modification of a neighbourhood priorities statement is made in accordance with this

section and any regulations made under this Part, to publish the modification or a modified statement.

- (9) Subsection (10) applies if, as a result of a modification of a neighbourhood area under section 61G(6) of the principal Act, a neighbourhood priorities statement relates to more than one neighbourhood area.
- (10) Any modification, or revocation, of the neighbourhood priorities statement as it has effect for one of those areas does not affect the statement as it has effect in relation to the other area or areas.
- (11) Regulations under section 61G(11) of the principal Act (designation of areas as neighbourhood areas) may include provision about the consequences of the modification of designations –
 - (a) on proposals for neighbourhood priorities statements, or on neighbourhood priorities statements, that have already been made, or
 - (b) on proposals for the modification of neighbourhood priorities statements, or on modifications of neighbourhood priorities statements, that have already been made.
- (12) A authority mentioned in subsection (13) is a “relevant local planning authority”, in relation to a neighbourhood priorities statement, if some or all of the neighbourhood area to which the statement relates falls within the area of the authority.
- (13) The authorities are –
 - (a) a district council,
 - (b) a London borough council,
 - (c) a metropolitan district council,
 - (d) a county council in relation to an area in England for which there is no district council, or
 - (e) the Broads Authority.
- (14) In this section –
 - “material modification”, in relation to a neighbourhood priorities statement, means a modification which a relevant local planning authority considers –
 - (a) materially affects a summary, in the statement, of any needs or views, of the community in the neighbourhood area, in relation to a local matter, and
 - (b) does not only correct an obvious error or omission;
 - “neighbourhood area” has the meaning given by sections 61G and 61I(1) of the principal Act;
 - “qualifying body” means a parish council or an organisation or body designated as a neighbourhood forum, which is authorised to act in relation to a neighbourhood area as a result of section 61F of the principal Act (whether or not as applied by section 38C of this Act).”

Member's explanatory statement

This amendment reproduces some of the provision in Schedule 7 of the Levelling-up and Regeneration Act 2023, not currently in force, creating a power for local councils to produce a neighbourhood priorities statement to inform plan-making and infrastructure provision affecting their neighbourhood.

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.

LORD SHIPLEY

After Clause 52, insert the following new Clause –

“National Spatial Framework

- (1) There is to be a spatial plan for England to be known as the “National Spatial Framework”.
- (2) The National Spatial Framework is to set out the Secretary of State’s policies and proposals for the development and use of land in England.
- (3) The National Spatial Framework must contain –
 - (a) a strategy for England’s spatial development,
 - (b) a statement of what the Secretary of State considers to be priorities for that development,
 - (c) a statement about how the Secretary of State considers that development will contribute to each of the outcomes listed in subsection (4),
 - (d) targets for the use of land in different areas of England for housing, social and economic infrastructure, and
 - (e) an assessment of the likely impact of that development on the mitigation of and adaptation to climate change.
- (4) The outcomes are –
 - (a) meeting the housing needs of people living in England,
 - (b) improving the health and wellbeing of people living in England,

- (c) reducing inequality and eliminating discrimination,
 - (d) achieving the transition to the generation of predominantly clean energy,
 - (e) meeting any targets relating to the mitigation of and adaptation to climate change, and
 - (f) securing positive effects for biodiversity.
- (5) The National Spatial Framework may –
- (a) contain an account of such matters as the Secretary of State considers affect, or may come to affect, the development and use of land,
 - (b) describe –
 - (i) a development and designate it, or
 - (ii) a class of development and designate each development within that class, a “national development”, and
 - (c) contain any other matter which the Secretary of State considers it appropriate to include.
- (6) If the National Spatial Framework contains a designation under subsection (5)(b), the framework –
- (a) must have regard to any national infrastructure strategy published by His Majesty’s Government and include a statement setting out the ways the strategy has been taken into account in preparing the framework,
 - (b) must contain a statement by the Secretary of State of the reasons for considering that there is a need for the national development in question, and
 - (c) may contain a statement by the Secretary of State as regards other matters pertaining to that designation.
- (7) This section does not prevent the Secretary of State from setting out policies or proposals that relate to the development or use of land outwith the National Spatial Framework.
- (8) The Secretary of State must keep the National Spatial Framework under review and in any event, must –
- (a) review the framework no later than 10 years from the date on which the framework was last published,
 - (b) thereafter, review the framework at least once in every period of 10 years, and
 - (c) following each such review, prepare a revised framework or publish an explanation of why the Secretary of State has decided not to revise it.
- (9) In this section, “biodiversity” has the same meaning as “biological diversity” in the United Nations Environmental Programme Convention on Biological Diversity of 5 June 1992 as amended from time to time (or in any United Nations Convention replacing that Convention).”

Member's explanatory statement

This new clause would require the Secretary of State to prepare and keep under review a National Spatial Framework for England.

LORD LANSLEY

After Clause 52, insert the following new Clause –

“Definition of “relevant plan” in the Levelling-up and Regeneration Act 2023

In section 100 of the Levelling-up and Regeneration Act 2023, after subsection (5)(d), insert –

- “(e) spatial development strategies under the Planning and Infrastructure Act 2025, and
- (f) neighbourhood development plans strategies under the Planning and Infrastructure Act 2025.”

Member's explanatory statement

This amendment would add spatial development strategies (as in Clause 52) and Neighbourhood Plans to be added to the list of relevant plans in section 100 of LURA, which gives a power to require assistance with plan-making from other public bodies; in conjunction with another amendment in Lord Lansley's name to commence section 100.

LORD LANSLEY

After Clause 52, insert the following new Clause –

“Commencement of sections 98 and 100 of the Levelling-up and Regeneration Act 2023

The Secretary of State must, by regulations under section 255(3)(b) of the Levelling-up and Regeneration Act 2023, bring sections 98 and 100 of the Levelling-up and Regeneration Act 2023 into force on the day on which this Act is passed.”

Member's explanatory statement

This amendment would require the Secretary of State to bring into force the provisions in the Levelling-up and Regeneration Act 2023 on the contents of a neighbourhood development plan (section 98) and the power to require assistance with plan-making (section 100).

LORD BANNER

Revised version of the amendment printed on 4 July

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After Clause 52, insert the following new Clause –

“Principle of proportionality in planning

- (1) The principle of proportionality in planning shall apply to –
 - (a) applications for any permission, consent, or other approval within the scope of the Planning Acts, including the supporting evidence base,
 - (b) environmental impact assessment and habitats assessment,
 - (c) the exercise of any functions within the scope of the Planning Acts, including but not limited to procedural and substantive decision-making (by local planning authorities, the Planning Inspectorate and the Secretary

- of State), and the preparation and provision of consultation responses (by statutory and non-statutory consultees), and
- (d) the determination by the Courts of claims for judicial and statutory review.
- (2) Applications for any permission, consent or other approval within the scope of the Planning Acts, and appeals against the refusal or non-determination of such applications, must be determined in accordance with the principle of proportionality in planning.
- (3) So far as it is possible to do so, the Planning Acts and any secondary legislation enacted pursuant to them must be read and given effect in a way which is compatible with the principle of proportionality in planning.
- (4) The principle of proportionality in planning means that the nature and extent of information and evidence required to inform the determination of any permission, consent, or other approval within the scope of the Planning Acts shall be proportionate to the issues requiring determination, having regard to decisions already made (whether in the plan-making or development control context) and the extent to which those issues will or can be made subject to future regulation (whether by way of planning conditions and obligations, or other regulation whether or not pursuant to the Planning Acts).
- (5) The principle of proportionality in planning shall not be interpreted as diluting the requirement for local planning authorities to have a cogent, evidence-based justification for refusing or failing to determine any permission, consent, or other approval within the scope of the Planning Acts.
- (6) In this section the term “Planning Acts” includes all primary legislation relating to planning prevailing at the time of the relevant application, decision or exercise of functions, including –
- (a) the Town and Country Planning Act 1990,
 - (b) the Planning (Listed Buildings and Conservation Areas) Act 1990,
 - (c) the Planning and Compulsory Purchase Act 2004,
 - (d) the Planning Act 2008,
 - (e) the Localism Act 2011,
 - (f) the Housing and Planning Act 2016,
 - (g) the Levelling Up and Regeneration Act 2023,
 - (h) the Planning and Infrastructure Act 2025,
 - (i) any secondary legislation relating to environmental impact assessment or habitats assessment, and
 - (j) any other legislation relating to planning prevailing at the time of the relevant application, decision or exercise of functions.”

Member's explanatory statement

This amendment introduces a principle of proportionality in planning to give decision-makers, applicants, consultees and the Courts confidence that less can be more, so as to facilitate more focused decision-making and more effective public participation.

LORD BANNER

After Clause 52, insert the following new Clause –

“Duration of planning permission

In section 91 of the Town and Country Planning Act 1990 (general condition limiting duration of planning permission), after subsection (5) insert –

- “(6) When a grant of planning permission is challenged by way of judicial review or under Part XII of this Act (validity), the deadline for development to be commenced shall be extended by a period commensurate with the period beginning with the date on which the proceedings were issued by the Court and ending with the date of the final determination of the proceedings (including any appeals).”

Member's explanatory statement

This amendment stops the clock for the purposes of the time limit for development to be commenced when the relevant planning permission is subject to judicial or statutory review, thus avoiding the risk of a planning permission being timed out by protracted legal challenge, and to avoid the prospect of that risk being an incentive for meritless legal challenges.

LORD BANNER

After Clause 52, insert the following new Clause – .

“Relationship between overlapping permissions

After section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out), insert –

“73AA Relationship between overlapping permissions

- (1) Where there is more than one planning permission which relates to some or all of the same land, the lawfulness of both past and future development carried out pursuant to one of those planning permissions shall be unaffected by the carrying out of development pursuant to another of those planning permissions, except to the extent expressly stated in any of those permissions or in any obligation under section 106 of this Act (planning obligations) related to any of those permissions.
- (2) Subsection (1) applies only where one of the relevant planning permissions was granted after the day on which the Planning and Infrastructure Act 2025 is passed.
- (3) In this section “planning permission” means –
 - (a) a planning permission under Part 3 of this Act, and
 - (b) a planning permission granted by article 3 (permitted development) of the Town and Country Planning (General Permitted Development) Order 2015 (S.I. 2015/596).”

Member's explanatory statement

This amendment addresses the potentially deleterious implications of the Supreme Court's judgment in the Hillside Parks case.

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
VISCOUNT HANWORTH

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
VISCOUNT HANWORTH

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
VISCOUNT HANWORTH

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.

After Clause 96

LORD LANSLEY

After Clause 96, insert the following new Clause –

“Mayoral development corporations outside Greater London

- (1) Section 196 of the Localism Act 2011 (interpretation of chapter) is amended as follows.

- (2) In the definition of “the Mayor”, at end insert “and other mayors of established mayoral strategic authorities;”.
- (3) After the definition of “MDC”, insert –
 - “(2) For the purposes of this section, the Secretary of State may by regulations specify which mayoral strategic authorities are to be regarded as established for the purposes of this Chapter.
 - (3) References to “Greater London” in this Chapter are to be interpreted to mean the area of each mayor in relation to the area of that mayoral strategic authority.
 - (4) References to the “London Assembly” in this Chapter are to be interpreted to mean the constituent councils of the mayoral strategic authority in relation to each MDC established outside Greater London.
 - (5) In relation to the designation of an area of land in a mayoral strategic authority as a mayoral development area, the persons who have to be consulted include –
 - (a) constituent councils in the strategic authority area;
 - (b) each Member of Parliament whose constituency contains any part of the area;
 - (c) members of the strategic authority;
 - (d) any other person whom the mayor considers it appropriate to consult.
 - (6) The Secretary of State may, by regulations, make consequential amendments to this Act as may be required to reflect that mayors of established strategic authorities are to have functions comparable to those of the Mayor of London and Greater London in relation to mayoral development corporations in their area.”.

Member's explanatory statement

This amendment would extend the same powers to propose Mayoral Development Corporations to mayors in all established mayoral strategic authorities as are presently available to the Mayor of London and, with certain restrictions, to certain other metro mayors.

LORD LANSLEY

After Clause 96, insert the following new Clause –

“Commencement of provisions in Levelling-up and Regeneration Act 2023 relating to development corporations for locally-led new towns

The Secretary of State must, by regulations under section 255(7) of the Levelling-up and Regeneration Act 2023, bring sections 171(1) to (6), 172 and 173 of the Levelling-up and Regeneration Act 2023 into force two months after the day on which this Act is passed.”

Member's explanatory statement

This amendment would bring into force provisions in LURA providing for locally led (i.e. proposed by local authorities) new town corporations.

Clause 98

LORD LUCAS

Clause 98, page 134, line 23, at end insert –

“(A1) In section 7 of the Acquisition of Land Act 1981, after the definition of “local authority” insert –

““local news publisher” has the meaning prescribed to it in Schedule 2ZA.”

(A2) After Schedule 2 of the Acquisition of Land Act 1981, insert –

“SCHEDULE 2ZA**LOCAL NEWS PUBLISHERS***Definition of local news publisher*

1 The term “local news publisher” means –

(a) a business that –

- (i) has as its principal purpose the publication of original, local news content, where such material –
 - (A) concerns issues or events that are relevant in engaging the British public in public debate and in informing democratic decision-making,
 - (B) is reported and published in the United Kingdom,
 - (C) is published, online or in print, no less than once every 31 days, and
 - (D) is subject to editorial control,
- (ii) is legally resident in the United Kingdom,
- (iii) possesses at least one director who is legally resident in the United Kingdom,
- (iv) employs on a salaried, freelance or voluntary basis at least one journalist,
- (v) is not funded or operated by a government, political party or legislative institution,
- (vi) is subject to a code of ethical standards –
 - (A) which is recognised in this schedule, and
 - (B) which is published or administered by an independent regulator,
- (vii) has in place publicly available policies and procedures for handling complaints and resolving editorial

- inaccuracies and mistakes transparently, and that these policies and procedures are reasonably accessible to the public,
- (viii) maintains editorial independence from political parties, organisations that engage in lobbying or advocacy, and advertisers, and
 - (ix) can demonstrate strong connections to the locality in which it operates.
- 2 It is not relevant to the definition whether publication of such material as described in paragraph 1(a)(i) is done so with a view to making profit.
- 3 Material is “subject to editorial control” under paragraph 1(a)(i)(D) if it meets the like definition set out in section 41(2) of the Crime and Courts Act 2013.
- 4 For the purposes of paragraph 1(a)(v), “government” means—
- (a) the Government of the United Kingdom, or the government of the devolved nations, or local, municipal and regional governments within the United Kingdom, or any departments, agencies, corporations or subsidiary bodies thereof,
 - (b) the government of a foreign nation, whether recognised by the Government of the United Kingdom or otherwise, or any departments, agencies, corporations or subsidiary bodies thereof, or any devolved administrations, local, municipal or regional governments therein, or
 - (c) any other body or international movement holding itself out as the legitimate government of a foreign nation, and/or any departments, agencies, corporations or subsidiary bodies thereof.
- 5 For the purposes of paragraph 1(a)(v), “legislative institution” means—
- (a) the Parliament of the United Kingdom, or a constituent house or committee thereof, or any officer thereof,
 - (b) the devolved legislatures of the devolved nations, or a constituent house or committee thereof,
 - (c) the legislative assembly of a local, regional or municipal authority, such as the London Assembly, or a constituent house or committee thereof, or any officer thereof, or
 - (d) the legislative assembly, local, regional, municipal or national, in or of a foreign nation as described in paragraphs 4(b) or (c).
- 6 Further to paragraph 1(a)(vi)(B), the following organisations are considered valid independent regulators for the purpose of recognition as a local news publisher—
- (a) IMPRESS, and
 - (b) the Independent Press Standards Organisation (IPSO).
- 7 The Secretary of State may, by statutory instrument, amend paragraph 6 to add or remove organisations.

- 8 A statutory instrument containing regulations under paragraph 7 not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament
- 9 Any statutory instrument issued to effect the Secretary of State's authority under paragraph 7 must—
 - (a) be laid before Parliament for 60 days before enactment, and
 - (b) in the event that an organisation is to be delisted, be published and transmitted to the organisation at issue in such a way as to entitle them to make representations to the contrary.
- 10 A local news publisher is advantaged in demonstrating strong connections to the locality in which it operates under paragraph 1(a)(ix) where it—
 - (a) is owned and operated by or within its community;
 - (b) can demonstrate a high level of local readership;
 - (c) employs a large number of locally resident journalists;
 - (d) can demonstrate a positive relationship with its readership.
- 11 Where an authority is required under this Act to publish a notice with a local news publisher, as in section 11(1)(a), it is required to give preference to local news publishers that—
 - (a) can demonstrate high local readership comparative to other local news publishers in its locality, or
 - (b) can demonstrate low financial burden to access for customers in its locality.””

LORD LUCAS

Clause 98, page 134, line 27, after “order),” insert —

“(a) in subsection (1)(a) omit “newspapers” and insert “news publishers”;

LORD LUCAS

Clause 98, page 134, line 31, at end insert —

“(za) in subsection (3)(a), omit “newspapers” and insert “news publishers””

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.”

Member's explanatory statement

This is to ensure that all acquiring authorities, and their agents, are bound by the normal code of conveyancing practice exercised by a willing seller to a willing buyer.

BARONESS PINNOCK

After Clause 106, insert the following new Clause —

“Review of land value capture

- (1) The Secretary of State must, within six months of the passing of this Act, conduct a review of land value capture.
- (2) A review under this section must consider —
 - (a) the benefits of different methods of land value capture;
 - (b) international best practice;
 - (c) how changes to existing practice could assist in the meeting of housing targets and the delivery of critical infrastructure and public services;
 - (d) how any changes to existing practice could be incorporated into UK planning law.
- (3) The Secretary of State must, within six months of the conclusion of the review, lay before Parliament a report on the findings of the review.”

Member's explanatory statement

This amendment would require a review into methods of land value capture, to ensure the public benefit from instances where land value rises sharply, and for this to be considered to be incorporated into UK planning legislation.

BARONESS PINNOCK

After Clause 106, insert the following new Clause —

“Transfer of land to local authority following expiry of planning permission

After section 91 of the Town and Country Planning Act 1990, insert —

“91A Transfer of land to local authority following expiry of planning permission

- (1) This section applies —
 - (a) where a development includes the construction of 100 or more homes and has not begun within the applicable period, and
 - (b) where section 91(4) of this Act does not apply.

- (2) There is a compelling case in the public interest for the compulsory purchase under section 17 of the Housing Act 1985 of land on which any such development was permitted provided that such purchase is –
 - (a) in accordance with the terms of the Land Compensation Acts, and
 - (b) complies with the relevant provisions of the Human Rights Act 1998.
- (3) In this section –
 - (a) “applicable period” has the meaning given in section 91(5) of this Act;
 - (b) “Land Compensation Acts” means –
 - (i) the Land Compensation Act 1961;
 - (ii) the Compulsory Purchase Act 1965;
 - (iii) the Acquisition of Land Act 1981;
 - (iv) any other relevant Act which the Secretary of State may specify.”

Member's explanatory statement

This new clause would mean that, where permission for a development of 100 homes or more is not used within the applicable period, there is automatically a justifiable case for the compulsory purchase of the land under the Housing Act 1985.

BARONESS PINNOCK

After Clause 106, insert the following new Clause –

“Duty to complete development of local infrastructure

- (1) This section applies where –
 - (a) a Development Consent Order is made providing for, or
 - (b) a Strategic Development Scheme includes provision for, the development of local infrastructure.
- (2) Where subsection (1) applies, the developer must deliver the relevant local infrastructure in full.
- (3) For the purposes of this section, “local infrastructure” has such meaning as the Secretary of State may specify, but must include –
 - (a) schools,
 - (b) nurseries, and
 - (c) General Practice clinics.
- (4) A duty under this section may be disapplied with the consent of the relevant local planning authority.”

Member's explanatory statement

This new clause aims to ensure that commitments to provide local infrastructure such as schools and GP clinics, approved as part of a development, are permanent and legally binding.

BARONESS HODGSON OF ABINGER

After Clause 106, insert the following new Clause –

“Party Wall etc. Act 1996: review

- (1) Within 12 months of the day on which this Act is passed the Secretary of State must undertake a review on the Party Wall etc. Act 1996.
- (2) The review must include –
 - (a) a summary of all correspondence to date related to the implementation of the Act which is held by the relevant government department and its predecessor departments,
 - (b) consultation with industry bodies related to the construction, maintenance and negotiation and litigation in respect of party walls,
 - (c) consultation with members of the public who have made use of provisions of the Act within the last five years, and
 - (d) recommendations on how the Act could be amended to ensure that its provisions –
 - (i) are consistent with human rights legislation, and
 - (ii) uphold the principle that no criminal damage, trespass or interference should occur in relation to a person’s property.”

BARONESS HODGSON OF ABINGER

After Clause 106, insert the following new Clause –

“Brownfield sites: review

- (1) Within six months of the day on which this Act is passed, the Secretary of State must commission a review of brownfield sites.
- (2) The review must investigate –
 - (a) the cost effectiveness of building on brownfield sites compared to greenfield sites,
 - (b) potential incentives for building on brownfield sites, and
 - (c) the merits of financial support for developers cleaning and clearing brownfield sites.”

BARONESS HODGSON OF ABINGER

After Clause 106, insert the following new Clause –

“Party Wall etc. Act 1996: amendment

After section 9 of the Party Wall etc. Act 1996 insert –

“9A Right to maintain structural integrity

A building owner or developer cannot exercise any right conferred on them under this Act for development that will interfere with the

structural integrity of a neighbouring property without the owner of that property's written permission.””

Member's explanatory statement

This amendment seeks to probe the effectiveness of the Party Wall etc. Act 1996 and to ensure that the structural integrity of homes is protected.

BARONESS HODGSON OF ABINGER

After Clause 106, insert the following new Clause –

“Repurposing buildings: VAT costs

- (1) The Secretary of State must, within six months of the day on which this Act is passed, make provision by regulations made by statutory instrument to establish a VAT exemption scheme for building materials used for repurposing and developing an existing building to provide housing.
- (2) 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.”

BARONESS FREEMAN OF STEVENTON

After Clause 106, insert the following new Clause –

“Building regulations: bird safety of buildings

- (1) The Secretary of State must, within six months of the day on which this Act is passed –
 - (a) introduce regulations under section 1 of the Building Act 1984 (power to make building regulations) to ensure that buildings incorporate, to the extent practicable, features, practices and strategies to reduce bird fatalities resulting from collisions with buildings, and
 - (b) issue guidance on such features, practices and strategies to reduce bird fatalities resulting from collisions with buildings.
- (2) The regulations under subsection (1)(a) must apply to any building that is constructed, or of which more than 50 per cent of the façade is substantially altered, after the date of the regulations coming into force.
- (3) The Secretary of State may issue exemptions to the regulations under subsection (1)(a) for listed buildings.
- (4) The guidance under subsection (1)(b) must include –
 - (a) features for reducing bird fatality resulting from collisions with buildings throughout all stages of construction, taking into account the risks and available information on bird fatalities that occur at different types of buildings, and

- (b) methods and strategies for reducing bird fatality resulting from collisions with buildings during the operation and maintenance of such buildings, including using certified bird-safe glass.
- (5) The Secretary of State must review the guidance under subsection (1)(b) on a regular basis to ensure that it reflects current knowledge on effective methods to reduce bird fatalities.”

Member's explanatory statement

This amendment seeks to introduce bird safety (in design and in the use of bird-safe glass) into building regulations for new builds and non-heritage buildings being extensively modified.

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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,”

Member's explanatory statement

This seeks to ensure that there is no time drift from the granting of planning permission to the start of the delivery of the EDP.

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.”

Member's explanatory statement

This seeks to ensure that the “overall improvement” achieved by the EDP is maintained and nurtured after the designated EDP end date.

LORD ROBOROUGH
BARONESS JONES OF MOULSECOOMB
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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

Clause 55

LORD LANSLEY

Clause 55, page 91, line 33, leave out “one or more” and insert “the”

Member's explanatory statement

This amendment and another in the name of Lord Lansley to Clause 55, line 35 would secure that each of the environmental features which are likely to be negatively affected by a development are identified in the EDP and the ways in which that effect is caused is also identified.

LORD LANSLEY

Clause 55, page 91, line 35, leave out “one or more” and insert “the”

Member's explanatory statement

This amendment and another in the name of Lord Lansley to clause 55, line 33 would secure that each of the environmental features which are likely to be negatively affected by a development are identified in the EDP and the ways in which that effect is caused is also identified.

LORD LANSLEY

Clause 55, page 91, line 38, at end insert “unless they are environmental impacts expected to result directly from the development to which the EDP relates.”

Member's explanatory statement

This amendment would require that an EDP must identify the environmental impacts on an environmental feature if they result directly from the development to which the EDP relates.

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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,”

Member's explanatory statement

This is to ensure that the choice of land for use in an EDP works in coordination with the land use priorities as devised by national and local bodies.

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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 LANSLEY

Clause 60, page 96, line 10, at end insert—

“(5A) In determining whether an EDP passes the overall improvement test, the Secretary of State must specify whether conservation measures identified under section 55(5) are included in the EDP.”

Member's explanatory statement

This amendment would provide that, in making an EDP which passes the overall improvement test, the Secretary of State must specify whether conservation measures which were not expected to be needed (as provided for in Clause 55(5)) have been taken into account in meeting the 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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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

Clause 61LORD ROBOROUGH
BARONESS JONES OF MOULSECOOMB
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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

Schedule 4

LORD ROBOROUGH
BARONESS YOUNG OF OLD SCONE

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
BARONESS YOUNG OF OLD SCONE

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.

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 LANSLEY

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

- “(3) Nature restoration levy regulations may make provision for those potentially liable to pay the levy to be consulted by Natural England in relation to the charging schedule for a prospective EDP and for the development of the EDP to which it relates to be the subject of a prospective viability assessment.”

Member's explanatory statement

This amendment would provide for those potentially liable to pay a levy in relation to an EDP to be consulted by Natural England about the charging schedule for the levy and for a provisional assessment of the effect on the viability of development to be undertaken.

LORD ROBOROUGH
BARONESS JONES OF MOULSECOOMB
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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”

Member's explanatory statement

This amendment, and another in the name of Lord Cameron of Dillington to clause 77, seeks to ensure that both statutory undertakers and private individual land managers are given equal treatment as regards the powers of entry to be exercised by Natural England.

LORD CAMERON OF DILLINGTON

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

Member's explanatory statement

This amendment, and another in the name of Lord Cameron of Dillington to clause 77, seeks to ensure that both statutory undertakers and private individual land managers are given equal treatment as regards the powers of entry to be exercised by Natural England.

LORD ROBOROUGH
BARONESS JONES OF MOULSECOOMB
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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”

Member's explanatory statement

This is to ensure that Natural England can only exercise compulsory purchase powers connected to an EDP, as suggested in the explanatory notes to the Bill.

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
 EARL RUSSELL

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
 EARL RUSSELL
 BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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”

Member's explanatory statement

This is a probing amendment to find out who or what is envisaged as “other persons” suitable to take on the responsibilities of Natural England under this part and whether they include the farmers and occupiers involved.

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
BARONESS YOUNG OF OLD SCONE

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
BARONESS COFFEY
EARL RUSSELL

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
BARONESS YOUNG OF OLD SCONE

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 wildbelts 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.

LORD LANSLEY

After Clause 87, insert the following new Clause —

“Duty to inform Natural England about development plans

When making a development plan, a local planning authority must inform Natural England of potential sites for development in relation to whether an EDP may be required.”

Member’s explanatory statement

This amendment would require plan-making authorities to tell Natural England when it allocates potential sites for development where an EDP would be needed.

BARONESS GRENDER

After Clause 87, insert the following new Clause —

“Heritage tree preservation orders

- (1) A local planning authority may make a heritage tree preservation order in respect of a heritage tree.

- (2) The Secretary of State must make provision by regulations for heritage tree preservation orders, which must include provision –
 - (a) for a heritage tree to have all the protections afforded to a tree by a tree preservation order under section 198 of the Town and Country Planning Act 1990 (power to make tree preservation orders);
 - (b) requiring the owner of a heritage tree, or any other occupier of the land where the tree stands, to advertise appropriately its status as such, and the penalties for harming it, to persons approaching the tree or planning activities in its vicinity;
 - (c) enabling the responsible planning authority, Natural England or the Secretary of State to order the owner of a heritage tree or any other occupier of the land where the tree stands to take specified reasonable steps to maintain and protect the tree and, if the owner or occupier does not take such steps in reasonable time, to take such steps itself and to recover the reasonable cost of doing so from the owner or occupier;
 - (d) for the responsible planning authority, Natural England, the Secretary of State or another prescribed responsible body to enter into an agreement with the owner or occupier about the care and preservation of the heritage tree (a “heritage tree partnership agreement”), including about costs;
 - (e) for additional or higher penalties for breach of a heritage tree preservation order.
- (3) The Secretary of State must make provision for the creation, publication and maintenance of a register of heritage trees in respect of which heritage tree preservation orders have been made.
- (4) For the purposes of this section, “heritage tree” means a tree listed as such by Natural England on grounds of exceptional historic, landscape, cultural or ecologic importance.
- (5) Natural England must create, publish and maintain a list of heritage trees in England for the purposes of this section.”

Member's explanatory statement

This new Clause provides for the protection of heritage trees.

Clause 88

BARONESS COFFEY

Clause 88, page 117, line 31, leave out “Natural England” and insert “the Secretary of State”

BARONESS COFFEY

Clause 88, page 117, line 36, leave out “Natural England” and insert “the Secretary of State”

LORD ROBOROUGH
BARONESS JONES OF MOULSECOOMB
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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

Clause 91

BARONESS COFFEY

Clause 91, page 119, line 37, leave out subsection (9)

LORD ROBOROUGH
BARONESS JONES OF MOULSECOOMB
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

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
EARL RUSSELL
BARONESS YOUNG OF OLD SCONE

The above-named Lords give notice of their intention to oppose the Question that Clause 92 stand part of the Bill.

Clause 110

THE EARL OF CAITHNESS

Clause 110, page 152, line 25, leave out subsection (3) and insert –

- (3) Section (*Independent oversight of administration of Part 3*) comes into force on the day on which this Act is passed.
- (3A) The rest of Part 3 (including Schedules 4, 5 and 6) comes into force on such a day as the Secretary of State may by regulations appoint, but not before the independent body as specified in section (*Independent oversight of administration of Part 3*) has been established.”

LORD LANSLEY

Clause 110, page 152, line 27, leave out “on such a day as the Secretary of State may by regulations appoint” and insert “two months after the day on which this Act is passed”

Member's explanatory statement

This amendment would require commencement of Part 4 two months after the day on which the Act is passed, instead of a date to be set by the Secretary of State.

BARONESS NEVILLE-ROLFE

Leave out Clause 110 and insert the following new Clause –

“Commencement

- (1) Section 1, section 2 and this section come into force on the day on which this Act is passed.
- (2) The rest of this Act comes into force subject to the following conditions –
 - (a) each section comes into force on such a day as the Secretary of State may by regulations appoint;
 - (b) but no section can come into force until the Secretary of State has updated each national policy statement.
- (3) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

Member's explanatory statement

This amendment seeks to ensure that the Secretary of State updates all national policy statements before the Act can be commenced.

BARONESS NEVILLE-ROLFE

Leave out Clause 110 and insert the following new Clause –

“Commencement (No. 2)

- (1) This section comes into force on the day on which this Act is passed.
- (2) The rest of this Act comes into force subject to the conditions in subsections (3) and (4).
- (3) Apart from this section, no part of this Act can come into force until the Secretary of State has published a review of whether the provision in each section will, individually, increase or decrease the amount of time taken for a development to receive planning permission and be constructed.
- (4) All sections of this Act, apart from this section, come into force on such a day as the Secretary of State may by regulations appoint.
- (5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

Member's explanatory statement

This amendment seeks to ensure that the Secretary of State publishes an analysis of how each section of the Bill will affect the speed of the planning process and construction before they can commence any provisions.

Planning and Infrastructure Bill

RUNNING LIST OF ALL AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

Tabled up to and including

8 July 2025

8 July 2025

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS