

Planning and Infrastructure Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Marshalled List]

After Clause 12

LORD OFFORD OF GARVEL

After Clause 12, insert the following new Clause—

“Exemption for new nuclear power station sites from obligations under habitats regulations

- (1) The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) do not apply to the development of new nuclear power station sites.
- (2) Accordingly, no planning authority, statutory body, arms-length body, or court may—
 - (a) withhold planning permission,
 - (b) require mitigation or compensatory measures, or
 - (c) prevent or delay the grant of consent,for a new nuclear power station on the basis of any obligation, assessment, or procedure under the Conservation of Habitats and Species Regulations 2017
- (3) Site-specific obligations from which nuclear power station site developers are exempted under subsection (1) include, but are not limited to—
 - (a) wildlife mitigation measures such as bat tunnels and acoustic deterrents for fish, and similar infrastructure, whether proposed under regulatory advice or statutory process, and
 - (b) application of mitigation hierarchies or appropriate assessments under the Conservation of Habitats and Species Regulations 2017.”

Member's explanatory statement

This amendment disapplies all the provisions of the Conservation of Habitats and Species Regulations 2017 to the development of nuclear power stations, and so prevents planning authorities, statutory bodies, arms-length bodies, and courts from blocking development consent or imposing mitigations on the basis of those regulations.

LORD OFFORD OF GARVEL

After Clause 12, insert the following new Clause –

“Exemption for new nuclear power station sites from obligations under environmental impact assessments

- (1) Notwithstanding any requirement under the planning enactments, no planning authority or statutory body –
 - (a) shall be required to withhold or delay development consent for a new nuclear power station on the basis of any anticipated environmental impact;
 - (b) may impose mitigation conditions or design alterations to a nuclear power station solely in consequence of an environmental impact assessment.
- (2) Site-specific obligations which may not be required solely on the basis of an environmental impact assessment include, but are not limited to –
 - (a) wildlife mitigation measures such as bat tunnels and acoustic deterrents for fish, and
 - (b) application of mitigation hierarchies under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/1012).
- (3) For the purposes of this section, “planning enactments” means the Town and Country Planning Act 1990, the Planning Act 2004, the Planning Act 2008, the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, and this Act.”

Member's explanatory statement

This amendment gives a planning authority, including the Secretary of State, the power to grant planning consent to a nuclear power station regardless of the findings of an environmental impact assessment, and prevents planning authorities and statutory bodies from imposing mitigations or conditions on nuclear power stations based on the findings of an environmental impact assessment.

LORD OFFORD OF GARVEL

After Clause 12, insert the following new Clause –

“Limitation of judicial review for new nuclear power station sites

- (1) No court or tribunal may entertain –
 - (a) an application for judicial review of, or
 - (b) an appeal against,a decision by the Secretary of State to grant a development consent order for a nuclear power station and any associated infrastructure under the Planning Act 2008.
- (2) Subsection (1) includes any claim brought on the basis that –
 - (a) the proposed development has not complied with the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012),

- (b) any environmental plan, programme or delivery obligation has not been fulfilled, or
 - (c) any provision of the planning enactments relating to environmental protection has not been complied with.
- (3) Subsections (1) and (2) apply notwithstanding –
- (a) any other provision or rule of domestic law (including any common law), and
 - (b) any interpretation of international law by the court or tribunal.
- (4) For the purposes of this section, “Planning Acts” means the Town and Country Planning Act 1990, the Planning Act 2004, the Planning Act 2008, the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, and this Act.”

Member's explanatory statement

This amendment prevents applications for judicial review of the Secretary of State's decision to grant development consent for a nuclear power station, including on the grounds of non-compliance with habitat regulations or environmental protection obligations.

Clause 29

LORD MOYLAN

Clause 29, page 41, line 37, at end insert –

- “(ca) that fees charged must not exceed the reasonable cost of providing the relevant service;
- (cb) requiring prescribed public authorities to publish annual accounts showing fee income and associated service costs;”

Member's explanatory statement

This amendment would prevent public authorities from using the fee-charging power as a revenue-raising mechanism by limiting charges to actual service costs and requiring transparent reporting of income and expenditure.

LORD MOYLAN

Clause 29, page 42, line 12, at end insert –

- “(k) requiring the appropriate national authority to assess whether highway authorities have sufficient financial capacity to meet the proposed fees before regulations come into force;
- (l) for a mechanism to review and adjust fees where payment would cause financial hardship to a highway authority.”

Member's explanatory statement

This amendment would ensure that the financial impact on highway authorities is properly assessed before fees are imposed, preventing situations where authorities cannot afford essential services or face budget crises due to unexpected charges.

Clause 30

LORD MOYLAN

Clause 30, page 44, line 3, at end insert –

- “(4H) Before making an order under this section, a strategic highways company must consult for a period of not less than 12 weeks –
- (a) neighbouring highway authorities;
 - (b) local planning authorities whose area the highway passes through or would pass through;
 - (c) where applicable, combined mayoral authorities whose area the highway passes through or would pass through.”

Member's explanatory statement

This amendment would require strategic highways companies to undertake a minimum 12-week consultation with neighbouring highway authorities, local planning authorities, and combined mayoral authorities before making trunk road designation orders.

Clause 31

LORD MOYLAN

Clause 31, page 44, line 22, leave out “30” and insert “28”

Member's explanatory statement

This amendment would bring the notice period in line with that used in the Planning Act 2008 by reducing the required notice from 30 days to 28 days.

Clause 34

LORD MOYLAN

Lord Moylan gives notice of his intention to oppose the Question that Clause 34 stand part of the Bill.

Clause 36

LORD MOYLAN

Clause 36, page 49, line 35, at end insert –

- “(1A) In subsection (2) (hearing after objection under section 10) omit “may” and insert “must””

Member's explanatory statement

This amendment would make it mandatory for the Secretary of State to provide an opportunity for objectors to appear before and be heard by an appointed person.

Clause 37

LORD MOYLAN

Clause 37, page 50, line 35, at end insert –

“(4A) After subsection (6) insert –

“(7) No costs order made under this section may be imposed on any person who has objected to an application under section 6, except where that person has acted maliciously or unreasonably.””

Clause 38

LORD MOYLAN

Lord Moylan gives notice of his intention to oppose the Question that Clause 38 stand part of the Bill.

Clause 40

LORD MOYLAN

Clause 40, page 52, line 31, at end insert –

“(2A) Fees charged under regulations made under subsection (1) must not exceed the reasonable costs actually incurred by the prescribed public authority in providing the relevant service.”

Member's explanatory statement

This amendment would ensure that fees charged by public authorities for services related to Transport and Works Act applications are limited to the actual reasonable costs of providing those services.

Clause 42

LORD MOYLAN

Clause 42, page 55, line 4, after “may” insert “, subject to the approval of the environment agency,”

Clause 45

LORD MOYLAN

Clause 45, page 57, line 5, leave out paragraph (a) and insert –

“(a) the Transport and Works Act 1992, or”

LORD MOYLAN

Clause 45, page 57, line 8, after “may” insert “only”

Clause 47

LORD MOYLAN

Clause 47, page 59, line 7, at end insert –

- “(3ZB) Before granting a street works permit under subsection (3ZA), the relevant authority must –
- (a) assess the likely impact of the proposed works on the availability of parking for vehicles not using electric propulsion,
 - (b) consider mitigation measures to ensure reasonable access remains for the general motoring public, and
 - (c) publish the assessment for public consultation if the works will result in the loss of more than two general-use parking spaces.”

Member's explanatory statement

This amendment would require local authorities to conduct and publish a parking impact assessment before permitting EV charge point works that may displace general-use parking. It ensures the wider motoring public is not disproportionately affected by the transition to electric infrastructure.

LORD LUCAS

Clause 47, page 60, after line 27, insert –

- “(10) Within 12 months of the day on which this Act is passed, the Secretary of State must by regulations amend the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596) to include within permitted development rights the installation of cable channels embedded within the pavement or footway, for the purpose of connecting electric vehicle charge points to domestic or commercial premises.
- (11) Within 12 months of the day on which this Act is passed, the Secretary of State must, by regulations, amend section 178 of the Highways Act 1980 (restriction on placing rails, beams etc. over highways) to provide that subsection (1) of that section does not apply to cable channels embedded within the surface of the highway for the purposes of electric vehicle charging, where such installations comply with regulations made by the Secretary of State.
- (12) Regulations made under subsections (10) and (11) must include provisions regarding –
- (a) minimum standards for the design, installation, and operational maintenance of cable channels, including provisions to ensure public safety and accessibility,
 - (b) requirements for inspection and ongoing compliance with safety standards,

- (c) public liability insurance to cover injury, loss, or damage arising from the installation or use of the cable channels, and
 - (d) assignment of responsibility for the cost of maintenance, repair, and safe operation of each cable channel, or its removal, to the owner of the associated electric vehicle charge point or other party designated by the local authority.
- (13) A statutory instrument containing regulations under subsection (11) 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 amendment would extend permitted development rights for electric vehicle charging points to include the installation of cable channels.

After Clause 52

LORD LUCAS

After Clause 52, insert the following new Clause –

“Double glazing: extension of permitted development

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must by regulations amend The Town and Country Planning (General Permitted Development) (England) Order 2015 (SI 2015/596) to classify the development described in subsection (2) as permitted development, subject to the condition in subsection (3).
- (2) The development is the installation of double glazing within existing windows in conservation areas.
- (3) The condition is that the appearance, materials and design of the replacement windows are in keeping with the character and appearance of the building and the surrounding area.”

Member's explanatory statement

This amendment seeks to expand permitted development rights to include the installation of double glazing in existing windows in conservation areas.

LORD LUCAS

After Clause 52, insert the following new Clause –

“Wind turbines: extension of permitted development

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must by regulations amend The Town and Country Planning (General Permitted Development) (England) Order 2015 (SI 2015/596) to classify the development described in subsection (2) as permitted development, subject to the condition in subsection (3).

- (2) The development is the installation of a small-scale onshore wind turbine or turbines.
- (3) The conditions are that—
 - (a) the wind turbine is not more than 30 metres in height,
 - (b) the development complies with all applicable requirements of the Town and Country Planning Act 1990,
 - (c) the base of the wind turbine is sited at least 100 metres away from any dwelling, and
 - (d) the development is not located within a conservation area.”

Member's explanatory statement

This amendment seeks to expand permitted development rights for small-scale onshore wind turbines up to a height of 30 metres.

LORD PARKINSON OF WHITLEY BAY

After Clause 52, insert the following new Clause—

“Parliamentary procedure for listed building consent orders

- (1) In section 93 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (regulations and orders), in subsection (5), after “section” insert “26C,”.
- (2) In Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (heritage planning regulation), in paragraph 18, omit sub-paragraph (3).”

Member's explanatory statement

This amendment provides for national Listed Building Consent Orders made under Section 26C of the Planning (Listed Buildings and Conservation Areas) Act 1990 to be subject to the negative resolution procedure.

BARONESS JONES OF MOULSECOOMB

After Clause 52, insert the following new Clause—

“Purposes and principles to be followed by parties exercising planning or development functions

- (1) Any party exercising any function in relation to planning and development must—
 - (a) have regard to the purpose of the planning system outlined in subsection (2), and
 - (b) apply the principles outlined in subsection (3) for the purposes of achieving sustainable development.
- (2) The purpose of the planning system is to promote the spatial organisation of land and resources to achieve the long-term sustainable development of the nation and the health and wellbeing of individuals.
- (3) The principles are—
 - (a) living within environmental limits,

- (b) ensuring a strong, healthy and just society,
 - (c) achieving a sustainable economy,
 - (d) promoting good governance including promoting democratic engagement and accountability, and
 - (e) using scientific research responsibly.
- (4) For the purposes of this section –
- “environmental limits” means the minimum environmental impact that can lead to irreversible damage or negative consequences for ecosystems, biodiversity, and human well-being;
- “sustainable development” means managing the use, development and protection of land and natural resources in a way which enables people and communities to provide for their legitimate social, economic and cultural wellbeing while ensuring the health and integrity of terrestrial and marine ecosystems and the species within them, as well as the wellbeing of future generations.”

Member's explanatory statement

The new clause would define the purpose of the planning system and of planning as promoting the efficient spatial organisation of land and resources to achieve the long-term sustainable development of the nation and the health and wellbeing of individuals.

LORD FOSTER OF BATH

After Clause 52, insert the following new Clause –

“Planning permission relating to gambling: impact assessment

A local planning authority may publish a document (“a cumulative impact assessment”) stating that the authority considers that the number of premises licences granted under section 163 of the Gambling Act 2005 (determination of application) in one or more parts of its area described in the assessment is such that it is likely that it would be –

- (a) inconsistent with the licensing objectives in section 1 of that Act (the licensing objectives), or
- (b) harmful to the well-being of the community,

for the planning authority to grant any further planning permission, including in relation to applications for change of use, which would result in an increase in the number of such premises in that part or those parts.”

Clause 55

BARONESS TAYLOR OF STEVENAGE

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

- “(3A) An EDP must set out the anticipated sequencing of the implementation of the conservation measures by reference to the development to which the EDP applies.”

Member's explanatory statement

This amendment would require Natural England to include in an EDP an indication of the sequencing of the conservation measures vis-a-vis the development.

BARONESS TAYLOR OF STEVENAGE

Clause 55, page 92, line 9, leave out “, if Natural England considers it appropriate,”

Member's explanatory statement

This amendment is consequential on my amendment to clause 55 inserting a new subsection (4A).

BARONESS TAYLOR OF STEVENAGE

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

- “(4A) But an EDP may include conservation measures of the type mentioned in subsection (4) only if Natural England considers that such measures would make a greater contribution to the improvement of the conservation status of the feature than measures that address the environmental impact of development on the feature at the protected site itself.”

Member's explanatory statement

The effect of this amendment would be that network conservation measures can only be included in an EDP if Natural England considers that they will be more effective, in contributing to the improvement of the conservation status of the affected feature, than onsite measures.

BARONESS TAYLOR OF STEVENAGE

Clause 55, page 92, line 13, leave out subsection (5) and insert –

- “(5) An EDP must include conservation measures that are not, at the time the EDP is made, expected to be needed but which must be implemented in the circumstances set out in the EDP.
- (5A) Those circumstances must relate to the effectiveness of the conservation measures that have already been implemented, as revealed by the monitoring of the EDP (see section 76(4)(a)).”

Member's explanatory statement

This amendment would require Natural England to include backup conservation measures in an EDP, in case the primary ones prove to be ineffective, and to specify the circumstances in which the backup measures will be implemented. (See also my amendment to clause 76 inserting a new subsection (4) about monitoring.)

BARONESS TAYLOR OF STEVENAGE

Clause 55, page 92, line 23, leave out “the”

Member's explanatory statement

This amendment would be a drafting correction so that subsection (6) refers to “the environmental impact of development” which is the defined term in subsection (8).

Clause 57

BARONESS TAYLOR OF STEVENAGE

Clause 57, page 93, line 5, leave out “the conservation measures are considered” and insert “Natural England considers the conservation measures to be”

Member's explanatory statement

This would be a minor drafting change to align the style of paragraph (a) of clause 57(2) with that of paragraph (aa) (as inserted by my another of my amendments to clause 57) and paragraph (b).

BARONESS TAYLOR OF STEVENAGE

Clause 57, page 93, line 5, at end insert –

“(aa) Natural England’s opinion on how the conservation measures will enable the EDP to pass the overall improvement test, and”

Member's explanatory statement

This amendment would require an EDP to expressly state how Natural England considers the conservation measures will enable the EDP to pass the overall improvement test.

BARONESS TAYLOR OF STEVENAGE

Clause 57, page 93, line 7, at end insert –

“(2A) Where an EDP includes conservation measures of the type mentioned in section 55(4) (network conservation measures), it must state how, in the opinion of Natural England, the measures comply with the requirement in section 55(4A) (network measure to make a greater contribution to improvement of conservation status of the feature than onsite measure).”

Member's explanatory statement

This amendment would require that, where an EDP includes network conservation measures, it must state how Natural England considers that these meet the requirement in section 55(4A) (inserted by my amendment to clause 55 at page 92 line 12) that they are more effective than onsite measures.

BARONESS TAYLOR OF STEVENAGE

Clause 57, page 93, line 19, leave out “58(2) and (3)” and insert “(General duties when exercising functions relating to EDPs)(3) and (4)”

Member's explanatory statement

This amendment is consequential on my amendment leaving out clause 58 and my amendment inserting a new clause before clause 88.

BARONESS TAYLOR OF STEVENAGE

Clause 57, page 93, line 24, leave out from first “the” to end of line 27 and insert “EDP (see section 76(4) and (5)).”

Member's explanatory statement

This amendment is consequential on my amendment to clause 76 inserting a new subsection (4).

Clause 59

BARONESS TAYLOR OF STEVENAGE

Clause 59, page 94, line 28, at end insert –

- “(A1) When Natural England decides to prepare an EDP, it must –
- (a) notify the Secretary of State of that decision, and
 - (b) publish the notification given to the Secretary of State.”

Member's explanatory statement

See the explanatory statement for my amendment leaving out clause 58.

Clause 60

BARONESS TAYLOR OF STEVENAGE

Clause 60, page 96, line 4, leave out “conservation measures are likely to be sufficient to” and insert “effect of the conservation measures will materially”

Member's explanatory statement

This amendment would make changes to strengthen the overall improvement test, which the Secretary of State must consider before making an EDP.

Clause 62

BARONESS TAYLOR OF STEVENAGE

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

- “(5A) A report under subsection (1)(a) (midpoint report) must also include an assessment of whether the EDP is likely to pass the overall improvement test.
- (5B) A report under subsection (1)(b) (final report) must also include –
- (a) an assessment of whether the EDP has passed the overall improvement test, and

- (b) if the assessment is that the EDP has not passed the test, the extent to which the conservation measures have failed to outweigh the negative effect of the EDP development as mentioned in section 60(4).
- (5C) A report under subsection (2) (revocation report) must also include—
- (a) an assessment of whether the EDP would be likely to pass the overall improvement test if it were not being revoked, but reading section 60 as if—
 - (i) the reference in subsection (4) to the conservation measures were a reference to the conservation measures that have been or will be taken despite the EDP’s revocation (but not including any measures taken by way of remedial action under section (*Remedial action by Secretary of State where EDP ends or is revoked*)(4));
 - (ii) the reference in subsection (5) to the maximum amount of development to which the EDP may apply were a reference to all of the development in respect of which a developer has paid or will pay the nature restoration levy despite the EDP’s revocation;
 - (b) if the assessment is that the EDP would be unlikely to pass the test, the extent to which those conservation measures are likely to fail to outweigh the negative effect of that development.”

Member's explanatory statement

This amendment would require Natural England to include more detail in its reports about the effect of any conservation measures that have been implemented.

Clause 63

BARONESS TAYLOR OF STEVENAGE

Clause 63, page 97, line 33, at end insert—

- “(2A) Where Natural England requests, or the Secretary of State is minded to make, an amendment to an EDP that—
- (a) increases the maximum amount of development to which the EDP may apply, as specified under section 54(5),
 - (b) changes the development area to include a new area to which the EDP does not currently apply, or
 - (c) adds new conservation measures that are of a kind not currently included in the EDP,
- the Secretary of State must direct Natural England to consult on the EDP as proposed to be amended.”

Member's explanatory statement

This amendment would require Natural England to consult when an amendment is proposed to an EDP which would increase the maximum amount of development covered by the EDP, include new places in the development area or add new types of conservation measures.

BARONESS TAYLOR OF STEVENAGE

Clause 63, page 97, line 35, leave out first “an” and insert “any other type of”

Member's explanatory statement

This amendment is consequential on my amendment to clause 63, inserting a new subsection (2A).

BARONESS TAYLOR OF STEVENAGE

Clause 63, page 98, line 6, leave out subsection (5) and insert –

“(5) The Secretary of State may make an amendment to an EDP only if the Secretary of State considers that the EDP as amended passes the overall improvement test.”

Member's explanatory statement

This would be a drafting change to align the drafting of clause 63(5) with that in clause 60(3).

BARONESS TAYLOR OF STEVENAGE

Clause 63, page 98, line 18, leave out “(2)” and insert “(3)”

Member's explanatory statement

This amendment would correct an incorrect cross-reference in clause 63(10).

Clause 64

BARONESS TAYLOR OF STEVENAGE

Clause 64, page 99, line 5, leave out subsections (6) to (8)

Member's explanatory statement

This amendment is consequential on my amendment inserting a new clause after clause 64.

After Clause 64

BARONESS TAYLOR OF STEVENAGE

After Clause 64, insert the following new Clause –

“64A Remedial action by Secretary of State where EDP ends or is revoked

- (1) This section applies where a report under section 62(1)(b) or (2) (report at end or on revocation of EDP) contains an assessment that the EDP has not passed, or would be unlikely to pass, the overall improvement test (see section 62(5B) and (5C)).
- (2) The Secretary of State must take such action (“remedial action”) as the Secretary of State considers proportionate for the purpose of seeking to materially outweigh

the negative effect on the conservation status of the identified environmental feature that is (or is likely to be) caused by the environmental impact (as identified in the EDP in accordance with section 55(1)(b)) of any development in respect of which a developer has paid or will pay the nature restoration levy.

- (3) In deciding whether remedial action is proportionate, the Secretary of State must take into account—
 - (a) the extent of the negative effect on the conservation status of the identified environmental feature,
 - (b) the extent to which the remedial action would remedy that negative effect, and
 - (c) the cost of the remedial action.
- (4) Remedial action may include—
 - (a) taking (or continuing to take) any conservation measures included in the EDP, or directing another public authority to take (or continue to take) such measures;
 - (b) taking, or directing another public authority to take, any other measures to improve the conservation status of the identified environmental feature.
- (5) The Secretary of State must, before the end of the period of six months beginning with the date on which the report mentioned in subsection (1) is published, publish a statement setting out—
 - (a) the remedial action that the Secretary of State intends to take, and
 - (b) the effect that the remedial action is expected to have on the identified environmental feature.
- (6) The Secretary of State must, before the end of the period of two years beginning with the date on which the statement mentioned in subsection (5) is published, publish a report setting out—
 - (a) the extent to which the remedial action has remedied the negative effect mentioned in subsection (2), and
 - (b) whether the remedial action has had its expected effect, as set out in the statement under subsection (5)(b).
- (7) If any measures taken by way of remedial action have not been fully implemented by the time the report mentioned in subsection (6) is published—
 - (a) that report must set out when the measures are expected to be fully implemented, and
 - (b) the Secretary of State must publish a further report, containing the information required under subsection (6)(a) and (b), before the end of the period of six months beginning with the day on which the measures are fully implemented.”

Member's explanatory statement

This amendment would require the Secretary of State to take remedial action in any case where an EDP ends (not only in cases of revocation) and its conservation measures have been assessed not to have been effective. It would also require the Secretary of State to publish a statement of the remedial action that will be taken and to report on it when it has been taken.

Clause 76

BARONESS TAYLOR OF STEVENAGE

Clause 76, page 108, line 35, at end insert –

“(c) monitoring EDPs.”

Member's explanatory statement

This amendment would move the requirement on Natural England to monitor EDPs (currently in clause 57(7)) into clause 76.

BARONESS TAYLOR OF STEVENAGE

Clause 76, page 109, line 1, at end insert –

- “(4) In monitoring an EDP, Natural England must take sufficient measures to monitor –
- (a) the effectiveness of the conservation measures that have been implemented, and
 - (b) the effects of the EDP in general.
- (5) In deciding how to monitor an EDP, Natural England must have regard to guidance issued by the Secretary of State.”

Member's explanatory statement

This amendment would provide more detail about exactly how Natural England must monitor its EDPs. It would also move the provision about guidance from clause 57 into clause 76.

Clause 82

BARONESS TAYLOR OF STEVENAGE

Clause 82, page 112, line 36, leave out “revoked EDP” and insert “remedial action”

Member's explanatory statement

This amendment is consequential on my amendment inserting a new clause after clause 64.

BARONESS TAYLOR OF STEVENAGE

Clause 82, page 113, line 5, leave out “revoked EDP” and insert “remedial action”

Member's explanatory statement

This amendment is consequential on my amendment inserting a new clause after clause 64.

BARONESS TAYLOR OF STEVENAGE

Clause 82, page 113, line 32, leave out subsection (6) and insert –

- “(6) In this section “remedial action purposes” means purposes connected with the taking by the Secretary of State or another public authority of –
- (a) a conservation measure as mentioned in section (*Remedial action by Secretary of State where EDP ends or is revoked*)(4)(a), or
 - (b) any other measure to improve the conservation status of an identified environmental feature as mentioned in section (*Remedial action by Secretary of State where EDP ends or is revoked*)(4)(b).”

Member's explanatory statement

This amendment is consequential on my amendment inserting a new clause after clause 64.

BARONESS TAYLOR OF STEVENAGE

Clause 82, page 113, line 41, leave out “64(8)(a) or (b)” and insert (*Remedial action by Secretary of State where EDP ends or is revoked*)(4)(a) or (b).”

Member's explanatory statement

This amendment is consequential on my amendment inserting a new clause after clause 64.

Clause 84

BARONESS TAYLOR OF STEVENAGE

Clause 84, page 115, line 3, leave out “revoked EDP” and insert “remedial action”

Member's explanatory statement

This amendment is consequential on my amendment inserting a new clause after clause 64.

BARONESS TAYLOR OF STEVENAGE

Clause 84, page 115, line 4, leave out subsection (2) and insert –

- “(2) In subsection (1), “remedial action purposes” means purposes connected with the taking by the Secretary of State or another public authority of –
- (a) a conservation measure as mentioned in section (*Remedial action by Secretary of State where EDP ends or is revoked*)(4)(a), or
 - (b) any other measure to improve the conservation status of an identified environmental feature as mentioned in section (*Remedial action by Secretary of State where EDP ends or is revoked*)(4)(b).”

Member's explanatory statement

This amendment is consequential on my amendment inserting a new clause after clause 64.

Clause 85

BARONESS TAYLOR OF STEVENAGE

Clause 85, page 115, line 26, leave out paragraph (d)

Member's explanatory statement

This amendment would remove the need for an annual report on EDPs to include an assessment of the effectiveness of all EDPs in force, which is considered no longer necessary in view of the changes made by my amendment to clause 62.

Clause 86

LORD LUCAS

As an amendment to Amendment 333

At end insert “or trusted partner as appropriate.

- (6) For the purposes of this section a “trusted partner” is a body or organisation selected by the Secretary of State or Natural England as having the track record, expertise and accreditation necessary to exercise the functions of Natural England under this part.”

Member's explanatory statement

This amendment expands the definition of a designated person to include those bodies and organisations which are already working closely with Natural England and which are able to perform the necessary functions.

Before Clause 88

BARONESS TAYLOR OF STEVENAGE

Before Clause 88, insert the following new Clause –

“87A General duties when exercising functions relating to EDPs

- (1) This section applies where –
- (a) Natural England or the Secretary of State is exercising any functions in relation to the preparation, amendment or revocation of an EDP, or
 - (b) the Secretary of State is considering whether to take, or is taking, remedial action under section (*Remedial action by Secretary of State where EDP ends or is revoked*).
- (2) Natural England or the Secretary of State must take account of the best available scientific evidence.
- (3) Natural England or the Secretary of State must have regard to –
- (a) the development plan for the development area,
 - (b) the current environmental improvement plan,

- (c) any Environment Act strategies, and
 - (d) any other strategies or plans,so far as Natural England or the Secretary of State considers them to be relevant.
- (4) Where an EDP specifies as the development area an area that includes waters adjacent to England (see section 54(2)(b)), Natural England or the Secretary of State must also have regard to –
 - (a) any marine plan,
 - (b) the marine policy statement, and
 - (c) the UK marine strategy,so far as Natural England or the Secretary of State considers them to be relevant.
- (5) Where an EDP includes as an identified environmental feature a protected feature of a protected site, Natural England or the Secretary of State must have regard to any conservation objectives of the site that relate to the feature, so far as Natural England or the Secretary of State considers them to be relevant.
- (6) Where an EDP includes as an identified environmental feature a protected species, Natural England or the Secretary of State must have regard to the need to achieve favourable conservation status for that species in their natural range.
- (7) Subsection (8) applies where –
 - (a) an EDP includes as an identified environmental feature a protected feature of a protected site, and
 - (b) the EDP includes conservation measures of the type mentioned in section 55(4) (network conservation measures).
- (8) Natural England or the Secretary of State must have regard to the need to protect the overall coherence of each relevant site network of which the protected site forms a part, so far as it relates to the protected feature.
- (9) The Secretary of State may by regulations make provision about other things that must be done by Natural England when exercising functions in relation to the preparation, amendment or revocation of an EDP.
- (10) In this section –
 - “current environmental improvement plan” has the same meaning as in Part 1 of the Environment Act 2021 (see section 8 of that Act);
 - “development plan” has the same meaning as in section 38 of the Planning and Compulsory Purchase Act 2004;
 - “Environment Act strategy” means a strategy prepared under any of the following provisions of the Environment Act 2021 –
 - (a) section 104 (local nature recovery strategies);
 - (b) section 109 (species conservation strategies);
 - (c) section 110 (protected site strategies);
 - “marine plan” has the meaning given in section 51(3) of the Marine and Coastal Access Act 2009;
 - “marine policy statement” has the same meaning as in the Marine and Coastal Access Act 2009 (see section 44 of that Act);

“relevant site network” means –

- (a) the national site network within the meaning of the Habitats Regulations 2017 (see regulation 3 of those Regulations);
- (b) the national Ramsar site series within the meaning of the Habitats Regulations 2017 (see regulation 3 of those Regulations);
- (c) the network referred to in section 123(2) of the Marine and Coastal Access Act 2009 (marine protected area network).

“the UK marine strategy” means the strategy developed under the Marine Strategy Regulations 2010 (S.I. 2010/1627).”

Member's explanatory statement

Clause 58 sets out matters to which Natural England must have regard when preparing an EDP. This amendment would extend that duty to the exercise of other functions relating to an EDP (e.g. amendment and revocation) by both Natural England and the Secretary of State. It would also add in additional matters to which Natural England and the Secretary of State must have regard when exercising functions.

Schedule 6

BARONESS TAYLOR OF STEVENAGE

Schedule 6, page 173, line 1, after “(1)” insert “ –

- (a) after the definition of “marine area” insert –

““the national Ramsar site series” means all the wetlands in the United Kingdom that have been designated under paragraph 1 of article 2 of the Ramsar Convention for inclusion in the list of wetlands of international importance referred to in that article;”;

Member's explanatory statement

This amendment would be a drafting correction to insert a definition of “the national Ramsar site series” into the Habitats Regulations.

Planning and Infrastructure Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Marshalled List]

17 July 2025

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS