

Planning and Infrastructure Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Marshalled List]

After Clause 12

BARONESS KRAMER
LORD SHIPLEY

After Clause 12, insert the following new Clause—

“Whistleblowing and oversight body for nationally significant infrastructure projects

- (1) The Secretary of State must, within six months of the day on which this Act is passed, by regulations establish an independent body for the purpose of receiving and investigating protected disclosures in connection with nationally significant infrastructure projects.
- (2) The body must have responsibility for—
 - (a) receiving disclosures of information from individuals or organisations relating to suspected misconduct, mismanagement, breach of environmental regulations, or any other matter of public interest connected to nationally significant infrastructure projects;
 - (b) assessing whether such disclosures fall within its remit and merit investigation;
 - (c) undertaking investigations where appropriate and referring matters to relevant regulatory, law enforcement, or oversight bodies;
 - (d) providing advice and guidance to individuals considering making protected disclosures in relation to such projects;
 - (e) reporting to the Secretary of State on the nature, volume, and outcome of disclosures received, with appropriate protections for confidentiality and whistleblower anonymity;
 - (f) establishing and maintaining a framework setting out the protections afforded to whistleblowers, including remedies for individuals who suffer detriment as a result of making a disclosure, and procedures for seeking redress.

- (3) For the purposes of this section, “protected disclosures” are those that meet the conditions set out in section 43B of the Employment Rights Act 1996 (disclosures qualifying for protection), as they relate to the planning, development, or operation of nationally significant infrastructure projects.
- (4) The Secretary of State may by regulations make further provision about —
 - (a) the governance structure of the body;
 - (b) the process and criteria for assessing disclosures;
 - (c) collaboration between the body and other statutory regulators or planning authorities.
- (5) Regulations under this section are to be made by statutory instrument.
- (6) 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 would require the Secretary of State to establish an independent body to receive and investigate whistleblowing disclosures relating to nationally significant infrastructure projects, including responsibilities for oversight, guidance, referral, and protections for whistleblowers.

Clause 29

LORD MOYLAN

Clause 29, page 42, line 19, at end insert —

- “(4A) Apart from regulations made under subsection (5)(b), regulations under this section must specify —
- (a) whether highway authorities may use their general fund, specific highway maintenance budgets, or other funding sources to pay fees charged under this section;
 - (b) whether highway authorities may recover such costs through local taxation, government grants, or other means;
 - (c) the accounting treatment required for fees paid under this section.”

Member's explanatory statement

This amendment would clarify how highway authorities are expected to fund these new charges.

LORD MOYLAN

Clause 29, page 42, line 23, at end insert —

- “(5A) Before making regulations under this section, the appropriate national authority must publish and lay before Parliament —
- (a) a list identifying each prescribed public authority that will be empowered to charge fees under this section,

- (b) a description of the specific relevant services each such authority will charge for,
- (c) an estimate of the total fees each highway authority is likely to face annually, and
- (d) a statement confirming that the income from the fees or charges by each prescribed public authority does not exceed the cost of performing the relevant functions.”

Member's explanatory statement

This amendment would require the Government to identify upfront which public bodies will be charging fees, what those charges will cover, and ensure that the charges are set on a cost-recovery basis, providing transparency about the scope, scale, and proportionality of the new charging regime before it takes effect.

After Clause 47

LORD MOYLAN

After Clause 47, insert the following new Clause –

“Designation of parking bays for electric vehicle charging

- (1) A local traffic authority in England may not designate more than 10 per cent of on-street parking spaces on any given street for exclusive use by electric vehicles at public charge points unless –
 - (a) an equal number of general parking spaces are provided within 200 metres of the affected street, or
 - (b) the authority has published a notice setting out the reasons for the designation and has conducted a public consultation of not less than 30 days.
- (2) In this section, “local traffic authority” has the same meaning as in section 121A of the Road Traffic Regulation Act 1984.
- (3) This section applies to designations made by traffic regulation order under section 6 or section 45 of the Road Traffic Regulation Act 1984.”

Member's explanatory statement

This amendment imposes a proportional limit on the conversion of on-street parking bays for exclusive EV use unless compensatory parking or public consultation is provided. It aims to preserve equitable access to street parking during the EV rollout.

After Clause 52

BARONESS YOUNG OF OLD SCONE

After Clause 52, insert the following new Clause —

“Local plan compliance with Habitats Regulations assessments

When developing a local plan, a local planning authority must consider whether the plan complies with the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) and conduct full environmental impact assessments for all sites being proposed as suitable for development.”

Member's explanatory statement

This amendment seeks to enable local plans to guide developers towards sites most appropriate for development and speed up and simplify the subsequent planning application process by conducting Habitats Regulations assessments at local plan stage, rather than individual planning application stage.

BARONESS YOUNG OF OLD SCONE

After Clause 52, insert the following new Clause —

“Spatial development strategies compliance with Habitats Regulations assessments and provisions of land use framework

When developing a spatial development strategy, a strategic planning authority and strategic planning board must consider whether the strategy complies with —

- (a) the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) and conduct full environmental impact assessments for all sites being proposed as suitable for development, and
- (b) the provisions of the land use framework.”

Member's explanatory statement

This amendment seeks to enable spatial development strategies to guide developers towards sites most appropriate for development and speed up and simplify the subsequent planning application process by conducting Habitats Regulations assessments at spatial development strategy stage rather than individual planning application stage.

After Clause 87

LORD OFFORD OF GARVEL
Reprinted to reflect revised placement

After Clause 87, 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
Reprinted to reflect revised placement

After Clause 87, 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
Reprinted to reflect revised placement

After Clause 87, 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.

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