Planning and Infrastructure Bill

SECOND MARSHALLED

LIST OF AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

The amendments have been marshalled in accordance with the Instruction of 7th July 2025, as follows –

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*]

Amendment No.

After Clause 12

LORD LUCAS

50 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

51 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).

LORD HUNT OF KINGS HEATH
LORD RAVENSDALE
VISCOUNT HANWORTH

52 After Clause 12, insert the following new Clause—

"Decisions in cases of development consent orders for critical national priority projects

(1) In the Planning Act 2008, after section 117 insert—

"117A Orders granting development consent: critical national priority projects

(1) The Secretary of State may determine that an application for development consent relates to a project that is a critical national priority.

(2) The Secretary of State may only make a determination under subsection (1) if requested in writing to do so by the applicant for development consent.

(3) Where the Secretary of State makes an order granting development consent for a project that they have determined under subsection (1) to be a critical national priority—

(a) the Secretary of State must set out the reasons for the determination in the statement of reasons referred to in section 116(1), and

(b) Schedule 3A applies in relation to the order granting development consent."

(2) After Schedule 3 to the Planning Act 2008, insert—

"SCHEDULE 3A Section 117A(2)(b)

PARLIAMENTARY CONFIRMATION OF ORDERS GRANTING DEVELOPMENT CONSENT FOR CRITICAL NATIONAL PRIORITY PROJECTS

Orders granting development consent subject to this Schedule

1 (1) An order granting development consent to which this Schedule applies may only come into force if approved by an Act of Parliament passed in accordance with this Schedule.

(2) Sections 130 to 132 (special parliamentary procedure in relation to National Trust land, commons, open spaces, etc) do not apply to an order granting development consent to which this Schedule applies.

Introduction of order confirmation Bill

2 (1) As soon as practicable after making an order granting development consent to which this Schedule applies, the Secretary of State must introduce into Parliament a Bill for confirmation of the order, which is to be treated as a public Bill.

(2) The Bill must include the order as a Schedule to the Bill and must be accompanied by an Environmental Report prepared by the Secretary of State.

(3) The Environmental Report mentioned in sub-paragraph (2) must set out a summary of the likely significant effects on the environment of the project granted development consent by the order and the main measures proposed to be taken to avoid, reduce and, if possible, offset the major adverse effects of the project.

Petitions against order confirmation Bill

3 (1) If, within the period of 21 days beginning with the day on which a Bill to which this Schedule applies is introduced into either House of Parliament, a petition is deposited against the Bill in that House, the petition stands referred to the Chairmen for examination in accordance with this paragraph and Standing Orders.

(2) Within the period of seven days beginning with the day on which any such petition is deposited, the Secretary of State responsible for the Bill or the applicant for the order may deposit a memorial objecting to the

petition, or any part of the petition, being certified as proper to be received, stating specifically the grounds of their objection.

(3) As soon as practicable after the expiration of the period of seven days mentioned in sub-paragraph (2), the Chairmen must take into consideration all petitions referred to them under sub-paragraph (1) and any memorial deposited under sub-paragraph (2), and if the Chairmen are satisfied with respect to any such petition that the provisions of this paragraph and of Standing Orders have been complied with in respect of the petition, or part of the petition, they must certify that the petition or the specified part of it, is proper to be received.

(4) The Chairmen must not certify that a petition, or any part of a petition, is proper to be received if the petition or part of the petition relates to matters considered during the examination of the application for the order conducted under Chapter 4 of Part 6 of this Act and subsequently by the Secretary of State under Chapter 5 of that Part, other than matters relating to sections 130 to 132 (special parliamentary procedure in relation to National Trust land, commons, open spaces, etc).

(5) In respect of every Bill to which this Schedule applies, the Chairmen must report whether any petitions have been presented against it and, if so, what petitions or parts of them, have been certified as proper to be received and whether any amendment to the Bill proposed by the petitions would, if made, alter the scope of the Bill or affect the interests of persons other than the petitioners; and subject to Standing Orders, every such report must be laid before both Houses of Parliament.

Proceedings following petitioning period

4 (1) Where a petition or part of a petition has been certified by the Chairmen under paragraph 3 as proper to be received, the Bill—

(a) after being read a second time in the House in which it is presented, is to be referred to a joint committee of both Houses of Parliament for the purposes of the consideration of that petition or part of it, except where either House has resolved within the period of 21 days beginning with the date on which the report of the Chairmen referred to in paragraph 3 is laid before it, that the petition or part of the petition should not be so referred,

(b) after it has been reported by the joint committee, is to be ordered to be considered in the House in which it was presented as if it had been reported by a committee of that House, and

(c) when it has been read a third time and passed by that House, is to be treated as having passed through all its stages up to and including committee stage in the second House.

(2) A joint committee shall consist of three members of the House of Commons and three members of the House of Lords, in each case to be nominated by the House's Committee of Selection within 10 sitting days

of the Chairmen's report having been laid before both Houses of Parliament under paragraph 3.

(3) Where no such petition or part of any petition has been so certified by the Chairmen under paragraph 3 as proper to be received—

(a) the Bill is, after its presentation, to be treated as having passed all its stages up to and including committee in the House in which it is presented,

(b) the Bill is to be ordered to be considered in that House as if it had been reported from a committee of that House, and

(c) when the Bill has been read a third time and passed in that House, the like proceedings on the Bill are to be deemed to have been taken, and to be taken, in the second House.

Powers and proceedings of joint committee

5 (1) Where any petition or part of a petition against a Bill to which this Schedule applies is referred to a joint committee under paragraph 4, the Bill is to stand referred to that committee for the purpose of the consideration of the petition or part of the petition, and the committee must report the Bill either without amendment or with such amendments as they think expedient to give effect, either in whole or in part, to the petition or to the part of the petition, and with such consequential amendments, if any, as they think appropriate.

(2) The joint committee must conduct its consideration of the Bill and of all petitions and counter-petitions in accordance with any instruction given by the House concerned after second reading of the Bill, and must report the Bill in accordance with any programme set out in the instruction.

(3) Subject to Standing Orders, the report of the joint committee is to be laid before both Houses of Parliament.

Costs

6 (1) A joint committee considering a Bill to which this Schedule applies has the same power to award costs as a select committee of either House in relation to a Provisional Order Bill under sections 9 to 12 of the Parliamentary Costs Act 2006 (as a result of section 15(4) and (5) of that Act); and sections 9 to 12 of that Act apply accordingly subject to any necessary modifications.

(2) Sections 2 to 8, 13 and 14 of that Act apply with any necessary modifications to costs incurred in respect of a Bill to which this Schedule applies, as they apply to costs incurred in respect of a private Bill.

Standing Orders

7 (1) Except as may be provided by Standing Orders made under sub-paragraph (2), the Private Business Standing Orders, and the custom and practice of Parliament relating to private business, do not apply to a Bill to which this Schedule applies.

(2) Standing Orders may be made by the House of Commons and the House of Lords for any purpose relating to the provisions of this Schedule, to the extent they are compatible with this Schedule, and in particular—

(a) for regulating the manner in which petitions against a Bill to which this Schedule applies must be framed and deposited,

(b) for regulating the manner in which memorials relating to petitions against a Bill to which this Schedule applies must be framed and deposited,

(c) for extending the periods prescribed by this Schedule in relation to the deposit of petitions and memorials in any case where either period expires on a day on which the House concerned is adjourned for more than four days,

(d) for providing, in the case of any amendment to a Bill proposed by a petition, for a counter-petition to be deposited by any person or body whose interests would be adversely affected by the amendment; and for prescribing the cases in which a counter-petitioner has the right to be heard before the joint committee, and the cases in which the counter-petitioner may be allowed to be heard by the joint committee if the committee thinks fit,

(e) for the withdrawal of petitions, memorials and counter-petitions,

(f) for enabling the functions of the Chairmen under this Schedule to be performed by any deputy appointed in accordance with Standing Orders,

(g) for regulating the proceedings of the Chairmen in connection with the examination of petitions and memorials under this Schedule,

(h) for prescribing the cases in which a petitioner whose petition, or any part of the petition, has been certified as proper to be received, has the right to be heard before the joint committee, and the cases in which the petitioner may be allowed to be heard before the joint committee, and for enabling the Chairmen to determine in the case of any particular petition whether the petitioner has such a right to be heard or may be allowed to be heard by the Chairmen,

(i) for prescribing the quorum of any joint committee, and

(j) for regulating the proceedings of any joint committee.

Effect of order confirmation Act

8 (1) Any Act of Parliament made with reference to this Schedule is a public Act of Parliament that may not to be questioned in any court or tribunal.

(2) In the case of any order granting development consent confirmed by an Act of Parliament made with reference to this Schedule, any reference in this Act to the date when an order granting development consent has been made, published or comes into force, and any reference in the order

to when it was made, published or came into force, is instead to be taken as being the date on which the Bill for the Act receives Royal Assent.

(3) Section 134 of this Act applies to any order granting development consent confirmed by an Act of Parliament made with reference to this Schedule with the following further modifications—

(a) in section 134(7) after "A compulsory acquisition notice is a notice" omit "in the prescribed form", and

(b) omit section 134(7)(d).

(4) In all other respects any order granting development consent that is confirmed by an Act of Parliament made with reference to this Schedule is to be treated as an order granting development consent.

(5) In particular, an order granting development consent confirmed by an Act of Parliament made with reference to this Schedule may be—

(a) corrected through the exercise of the power contained in section 119, and

(b) changed or revoked in accordance with section 153 and Schedule 6.

Non-justiciability of proceedings in Parliament

9 A court or tribunal may not question any Bill or proceedings in Parliament that purport to be conducted in accordance with this Schedule.

Interpretation

10 In this Schedule—

"the Chairmen" means the Chairman of Ways and Means and the Chairman of Committees,

"the Chairman of Committees" means the Chairman of Committees of the House of Lords, and includes any deputy acting on their behalf in accordance with Standing Orders,

"the Chairman of Ways and Means" means the Chairman of Ways and Means in the House of Commons, and includes any deputy acting on their behalf in accordance with Standing Orders,

"joint committee" means the joint committee to whom a Bill is referred under paragraph 4,

"the order" means the order granting development consent proposed to be confirmed by the Bill mentioned in paragraph 2,

"the Private Business Standing Orders" means the Standing Orders of the House of Commons relating to Private Business 2019 ordered to be printed on 19 December 2019, and the Standing Orders of the House of Lords relating to Private Business 2018 ordered to be printed on 18 December 2017, and

"Standing Orders" means standing orders of the House of Lords and of the House of Commons made under paragraph 7(2).".

(3) After section 118(1) of the Planning Act 2008 (legal challenges relating to applications for orders granting development consent), insert—

"(1A) Subsection (1) does not apply to an order granting development consent for a project that has been determined under section 117A to be a critical national priority and to which the provisions of Schedule 3A therefore apply, and accordingly such an order is not to be questioned in any court."."

Member's explanatory statement
This Clause would permit the Secretary of State, at the request of an applicant for a development consent order, to treat the application as being one relating to a critical national priority project. Any such order made by the Secretary of State would not come into force until it had been confirmed by an Act of Parliament, which in the normal way would not be subject to legal challenge in the courts. Once confirmed by such an Act, subject to some necessary modifications, the development consent order concerned would be treated like any other development consent order and could be changed or revoked through the existing procedures contained in the Planning Act 2008.

LORD HUNT OF KINGS HEATH
LORD RAVENSDALE
VISCOUNT HANWORTH

53 After Clause 12, insert the following new Clause—

"Repeal of section 150 of the Planning Act 2008

Section 150 (removal of consent requirements) of the Planning Act 2008 is repealed."

Member's explanatory statement
This Clause repeals section 150 of the Planning Act 2008, so as to allow the Secretary of State to decide, when making a Development Consent Order, the extent to which it is necessary and appropriate for the Order to remove a requirement for a specified consent or authorisation to be granted for the development concerned, as opposed to the person or body which would otherwise be required to grant the consent or authorisation making that decision before the Order is made.

BARONESS KRAMER
LORD SHIPLEY

53A 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.

LORD HUNT OF KINGS HEATH
LORD RAVENSDALE

53B★ After Clause 12, insert the following new Clause—

"Removal of duplicative regulatory justification decisions

(1) Where a specified consent is granted for a nuclear generating station—

(a) the practice of the generation of electricity or heat from that nuclear generating station which is so consented is deemed to be justified for the purposes of the Justification of Practices Involving Ionising Radiation Regulations 2004 (SI 2004/1769) ("the Regulations"),

(b) the decision to grant a specified consent is deemed to be a justification decision for the purposes of the regulations, and

(c) without limitation to sub-paragraphs (a) and (b), regulations 14, 17, and 18 of the Regulations do not apply.

(2) Where a specified consent is granted by a person other than the Secretary of State, regulation 19(2) of the Regulations is to be construed as though that provision applied to that person.

(3) Nothing in a national policy statement designated under section 6 of the Planning Act 2006 (review) prior to this Act coming into force affects the operation of this section, and any national policy statement designated prior to this Act coming into force is to be construed so as to give effect to subsection (1).

(4) Nothing in this section affects any power to review, take enforcement action in respect of, or otherwise vary (with conditions or otherwise), a justification decision under the Regulations.

(5) In this section—

"nuclear generating station" means a nuclear installation used, or proposed to be used, for the purpose of generating electricity or heat with a view to giving a supply to any premises or enabling a supply to be given;

"nuclear installation" means any installation the operation of which requires a licence under section 1 of the Nuclear Installations Act 1965;

"specified consent" means a licence under the Nuclear Installations Act 1965, permission under Part 3 the Town and Country Planning Act 1990, development consent under the Planning Act 2008, or a consent under the Infrastructure (Wales) Act 2024 (provided, in the case of that consent, the Welsh Government provides an approval for the purposes of this section), or any other equivalent planning or land use approval, permission or consent for the development of a nuclear generating station."

Member's explanatory statement

Before a nuclear power station is built (and in addition to the planning process) an assessment must be made of whether the social, economic or other benefits outweigh the health detriment of ionising radiation. This amendment seeks to disapply the need for this assessment where planning consent is given.

Clause 29

LORD MOYLAN

53C 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

53D 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.

LORD MOYLAN

53E 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

53F 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.

Clause 30

LORD MOYLAN

53G 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

53H 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 32

LORD MOYLAN

53I★ Clause 32, page 48, line 26, after "website" insert "within seven days of the making or confirmation"

Member's explanatory statement
This amendment requires the Secretary of State to publish notice of the making or confirmation of a highway order or scheme, along with related documentation, within seven 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

53J 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.

LORD MOYLAN

53K Clause 36, page 50, line 12, at end insert—

"(3B) Where an objection is made by a person under subsection (3) but the Secretary of State determines that the objection is not serious enough to merit being referred to an inquiry or dealt with in accordance with subsection (2), the Secretary of State must provide written reasons for that decision, including by reference to any published criteria for determining what constitutes a sufficiently serious objection."

Clause 37

LORD MOYLAN

53L 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

53M 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 41

BARONESS PINNOCK
BARONESS PIDGEON

54 Clause 41, page 54, line 22, at end insert—

"(1A) Any disapplication of heritage protections under this section must be exercised in a manner that—

(a) recognises the value of the United Kingdom's archaeological and architectural heritage to the nation and to local communities;

(b) respects the principle that structures and sites are designated for protection only where they are of special or particular historic or cultural significance; and

(c) ensures that development under this Act gives due regard to the importance of conserving the historic environment alongside the need for future infrastructure."

LORD PARKINSON OF WHITLEY BAY

Lord Parkinson of Whitley Bay gives notice of his intention to oppose the Question that Clause 41 stand part of the Bill.

Member's explanatory statement
This amendment aims to conserve the consent requirements relating to Listed Buildings, Conservation Areas, and Scheduled Monuments which would otherwise be disapplied for transport projects.

After Clause 41

LORD LANSLEY
LORD PARKINSON OF WHITLEY BAY

55 After Clause 41, 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 42

LORD MOYLAN

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

Clause 45

LORD MOYLAN

55B Clause 45, page 57, line 5, leave out paragraph (a) and insert—

"(a) the Transport and Works Act 1992, or"

LORD MOYLAN

55C Clause 45, page 57, line 8, after "may" insert "only"

Clause 46

LORD MOYLAN

55D★ Clause 46, page 57, line 31, leave out "may" and insert "must"

BARONESS TAYLOR OF STEVENAGE

56 Clause 46, page 58, line 27, leave out subsections (6) and (7)

Member's explanatory statement
This amendment would remove transitional provision that is no longer needed after the changes to commencement made by my amendment to clause 110.

Clause 47

BARONESS PIDGEON
LORD LANSLEY

57 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.

LORD MOYLAN

57A★ Clause 47, page 59, line 32, at end insert—

"(6A) After section 94 of that Act (Power of street authority or district council to undertake street works) insert—

"94A Public charging points: impact assessment

Before granting a street works permit for works as described in section 48(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 MOYLAN

57B★ Clause 47, page 59, line 32, at end insert—

"(6A) After section 94 of that Act (Power of street authority or district council to undertake street works) insert—

"94A Public charging points: review

(1) Where works defined as street works under section 48(3ZA) materially reduces the availability of parking spaces for non-electric vehicles on a street, affected residents or businesses may request a formal review of the impact by the highway authority responsible for that street.

(2) The highway authority must complete such a review and notify the requestor of its conclusions within 30 days of receiving the request.""

Member's explanatory statement
This amendment seeks to ensure that residents and businesses can request a review where EV installations reduce access to conventional parking. It seeks to provides a safeguard to ensure community needs are not overlooked in street works decisions and implementation.

LORD LUCAS

57C 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 47

BARONESS PIDGEON
LORD LANSLEY

58 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

59 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

60 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

61 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
THE LORD BISHOP OF HEREFORD

62 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

63 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
BARONESS JONES OF MOULSECOOMB

64 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."

LORD HUNT OF KINGS HEATH
LORD RAVENSDALE

65 After Clause 47, insert the following new Clause—

"Critical national developments

(1) The Secretary of State must, by regulations made within six months of the coming into force of this Act, designate one or more specified classes of development as "critical national developments" to which this section applies; and such classes may, in particular, comprise or relate to—

(a) major energy infrastructure,

(b) major transport infrastructure, or

(c) such other infrastructure as the Secretary of State considers appropriate.

(2) The Secretary of State must appoint a body to be known as the "Critical National Developments Taskforce" ("the Taskforce").

(3) The Taskforce's function is to provide independent advice to the Secretary of State in connection with any application made under this section.

(4) The Taskforce must consist of at least five and no more than twelve members appointed by the Secretary of State who, in the Secretary of State's opinion, have appropriate expertise, and one member is to be appointed by the Secretary of State as chair.

(5) The Secretary of State may by regulations make provision about—

(a) the terms of appointment of Taskforce members (including remuneration, allowances and expenses),

(b) the procedures of the Taskforce, and

(c) the staffing and other resources of the Taskforce,

and must provide the Taskforce with such funding and other resources as the Secretary of State considers appropriate for the discharge of its functions.

(6) A person may apply to the Secretary of State for any planning permission and other regulatory consent required for a critical national development ("an application").

(7) On receiving an application the Secretary of State must seek, and have regard to, the advice of the Taskforce.

(8) Subject to subsection (7), every consent to which an application relates is deemed to be granted at the end of the determination period unless, before the expiry of

that period, the Secretary of State issues a written notice of objection to the granting of the consent; and in this subsection "the determination period" means—

(a) six months beginning with the day after the application is duly made, or

(b) such longer period as the Secretary of State may specify in a notice given to the applicant no later than the end of the period mentioned in paragraph (a).

(9) Where the Secretary of State issues a notice of objection under subsection (8) in respect of an application, subsection (8) does not apply and the application must be determined in accordance with the Planning Acts and any other applicable enactments (as if this section had not applied).

(10) A consent deemed to be granted by subsection (8) is subject to—

(a) any conditions or limitations specified by the Secretary of State in regulations under this section (whether general conditions or specific to the class of development), and

(b) compliance by the applicant with any prescribed requirements as to notification or publication in relation to the application.

(11) Regulations under this section may make further provision for the purposes of this section, including—

(a) the definition or description of critical national developments (which may be framed by reference to the nature, scale or purpose of a development),

(b) the descriptions of regulatory consents to which subsection (8) applies (and such consents may include consents or approvals required under enactments other than the Planning Acts),

(c) the form, content and manner of giving a notice of objection under subsection (8), and requirements for its publication or laying before Parliament,

(d) modifications to statutory timetables or procedures in connection with the operation of subsection (8),

(e) exemptions or exclusions from the operation of this section for specified areas, types of land, or particular regulatory regimes, and

(f) the form, content and manner in which an application under subsection (6) is to be made (which may include provision for electronic submission, accompanying information or documents, and the payment of any prescribed fee).

(12) The Taskforce must publish an annual report of its activities and lay a copy of that report before each House of Parliament; and it is to be treated as a non-departmental public body for the purposes of the Public Records Act 1958 and is subject to the obligations contained in the Freedom of Information Act 2000.

(13) In this section—

"the Planning Acts" has the meaning given by section 117(4) of the Planning and Compulsory Purchase Act 2004 and also includes the Planning Act 2008; and

"regulatory consent" means any licence, permission, consent or other authorisation (other than planning permission under the Planning Acts)

required by or under any enactment in connection with the development or use of land.

(14) Regulations under this section shall be made by statutory instrument; and a statutory instrument containing such regulations may not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament."

Member's explanatory statement
This new Clause enables the Secretary of State to designate certain classes of development as "critical national developments", establishes an expert "Critical National Developments Taskforce" to advise on each application, and provides that planning permission (and any other necessary regulatory consent) for such developments is deemed to be granted six months after the application is made unless the Secretary of State issues a written objection within that period or extends the period.

BARONESS PIDGEON
BARONESS JONES OF MOULSECOOMB

66 After Clause 47, insert the following new Clause—

"Duty to prepare local electric vehicle charging infrastructure plans

(1) A local planning authority in England must, within 12 months of the day on which this Act is passed, publish a local electric vehicle charging infrastructure plan ("charging plan") covering a period of three years.

(2) A charging plan must include an assessment of—
  (a) projected demand for EV charging infrastructure within the authority's area;
  (b) the charging needs of both private and commercial vehicles, including road freight and depot based logistics operations;
  (c) the adequacy and accessibility of existing infrastructure;
  (d) proposed areas for investment or development to meet demand.

(3) Charging plans must be reviewed and updated at intervals of no more than three years."

Member's explanatory statement
This amendment requires local planning authorities in England to publish and regularly update a three-year electric vehicle charging infrastructure plan assessing demand, existing provision, and areas for development.

BARONESS PIDGEON
BARONESS JONES OF MOULSECOOMB

67 After Clause 47, insert the following new Clause—

"Provision of electric vehicle charging infrastructure at freight depots and HGV facilities

(1) The Secretary of State must make regulations requiring the provision of electric vehicle charging infrastructure in new freight depots and in buildings used for heavy goods vehicle (HGV) operations, where such buildings are newly constructed or undergo major renovation.

(2) Regulations under subsection (1) are to be made by statutory instrument and 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 requires the Government to make regulations mandating EV charging infrastructure in newly built or substantially renovated freight depots and HGV operation buildings, subject to parliamentary approval.

BARONESS PIDGEON
BARONESS JONES OF MOULSECOOMB

68 After Clause 47, insert the following new Clause—

"Prioritisation of electricity grid connections for electric vehicle infrastructure

(1) The Secretary of State must, within 12 months of the day on which this Act is passed, make regulations requiring electricity network operators to prioritise the allocation and commissioning of grid connections for electric vehicle charging infrastructure.

(2) In exercising their functions under this section, network operators must have particular regard to—
  (a) the strategic importance of electric vehicle charging for HGVs and freight logistics,
  (b) the role of such infrastructure in supporting national supply chain security and decarbonisation targets, and
  (c) the location of key freight corridors, logistics depots, and transport hubs.

(3) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament."

Member's explanatory statement
This amendment requires the Government to ensure electricity network operators prioritise grid connections for electric vehicle charging infrastructure, with a focus on freight, logistics, and national decarbonisation goals.

LORD JAMIESON

69 After Clause 47, insert the following new Clause—

"National Lane Rental Scheme: establishment

(1) Within six months of the day on which this Act is passed, the Secretary of State must establish a National Lane Rental Scheme ("the Scheme").

(2) The Scheme must ensure that—

(a) local authorities are able to grant lane rental permission to utility companies as standard,

(b) the Secretary of State is only involved in the granting of lane rental when utility companies appeal to the Secretary of State about the local authority's actions under paragraph (a), and

(c) any public highway may be subject to lane rental provisions, irrespective of size or level of sensitivity.

(3) The Secretary of State must—

(a) consolidate existing regulations which provide for local authorities to grant permission for lane rental to utility companies for works, and

(b) ensure that any orders made under section 74A of the New Roads and Street Works Act 1991 which may contradict the provisions of the Scheme are repealed.

(4) The Secretary of State may by regulations made by statutory instrument vary provisions in the Scheme.

(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 would require the Secretary of State to bring forward a national scheme for Lane Rental during road works with the intention of developing a simpler, less bureaucratic, and more flexible scheme replacing the existing scheme of individual applications by transport authorities to the Secretary of State.

BARONESS COFFEY

70 After Clause 47, insert the following new Clause—

"Water Services Regulation Authority: transfer of functions

(1) Within six months of the day on which this Act is passed, the Secretary of State must, by regulations, make provision for the functions of the Water Services Regulation Authority relating to planning, development and infrastructure to be transferred to the Secretary of State.

(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."

Member's explanatory statement
This amendment seeks to transfer Ofwat's functions relating to planning, infrastructure and development to the Secretary of State.

LORD LIDDLE

71 After Clause 47, insert the following new Clause—

"Electric vehicle charge points: cross-pavement charging solutions

(1) Residents who own an electric vehicle may install cross-pavement charging solutions where no off street parking is available to them.

(2) Any cross-pavement charging solution installed under subsection 1 does not require consent from—
  (a) the local authority, or
  (b) the landlord, if the property is not owned by the resident.

(3) Residents must not be charged for anything other than the installation costs for installing cross-pavement charging solutions under subsection (1)."

BARONESS COFFEY

71A After Clause 47, insert the following new Clause—

"Duty to keep strategic trunk roads clear of litter

In section 86 of the Environmental Protection Act 1990 (preliminary), after subsection (11), insert—

"(11A) The Secretary of State must, by order, transfer the responsibility for discharge of the of the duties imposed by section 89 (duty to keep land and highways clear of litter) below from the local authority to the highway or roads authority for every trunk road that forms part of the Strategic Road Network."."

LORD MOYLAN

71B 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.

LORD JAMIESON

71C After Clause 47, insert the following new Clause—

"Street works: guarantee period following reinstatement

(1) Within six months of the day on which this Act is passed, the Secretary of State must update codes of practice issued under section 71 of the New Roads and Street Works Act 1991 (materials, workmanship and standard of reinstatement) to give effect to the provision in subsection (2).

(2) The provision is that the guarantee period for permanent reinstatement of a highway runs for five years in the case of both general and deep openings."

Member's explanatory statement
This amendment seeks to require the Secretary of State to update paragraph S1.1.2 of the Specification for the Reinstatement of Openings in Highways guidance to provide that the guarantee period following the reinstatement of a highway after street works runs for five years in all instances. Currently the guarantee period runs for two years for general works and three years for deep openings.

Clause 16

BARONESS TAYLOR OF STEVENAGE

72 Clause 16, page 22, leave out lines 12 and 13

Member's explanatory statement
This amendment is a drafting correction which would remove the definition of "qualifying distribution agreement" from clause 16. The definition is unnecessary because the term is already defined for the purposes of clause 16 in clause 13(8).

Clause 17

LORD LANSLEY

73 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

74 Clause 17, page 23, line 8, leave out "designated strategic plans" and insert "strategic priorities set out in the current 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

75 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

76 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

77 After Clause 17, 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

78 After Clause 17, 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.

EARL RUSSELL

79 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 18

LORD ROBOROUGH
LORD OFFORD OF GARVEL
LORD BLENCATHRA

80 Clause 18, page 24, line 14, at end insert—

"(4) Any fees received by the Scottish Ministers under paragraph (2)(d) may only be used to fund—

(a) consumer benefits packages, or

(b) local planning authorities."

Member's explanatory statement
This would ensure that any fees paid to Scottish Ministers are allocated to either community benefits packages or to support local authority planning departments.

LORD ROBOROUGH
LORD OFFORD OF GARVEL
LORD BLENCATHRA

81 Clause 18, page 24, line 26, leave out from "application" to end of line 31 and insert—

"(b) must consider the objection and the reporter's final report,

(c) must hold a public hearing, and

(d) must allow a period of one month to elapse,

before determining whether to give their consent."

Member's explanatory statement
This amendment would require the Scottish Ministers to hold a public hearing and allow one month to elapse before determining whether to give consent to an application for new generating stations or overhead lines under sections 36 or 37 of the Electricity Act 1989.

LORD ROBOROUGH
LORD OFFORD OF GARVEL
LORD BLENCATHRA

82 Clause 18, page 24, line 37, leave out subsection (4)

Clause 25

LORD FULLER

82A Clause 25, page 34, line 38, at end insert—

"10Q Long duration electricity storage: safety

(1) The Authority must ensure that the scheme established by section 10P includes measures to be taken by LDES operators (as defined by that section) to reduce fire risk and protect public safety.

(2) The scheme must ensure that before installing long duration electricity storage, LDES operators consult the local fire authority who must assess the fire risk posed by the installation.

(3) The LDES operator must pay the local fire authority a reasonable fee for their assessment of the fire risk under subsection (2).

(4) The Secretary of State may, by regulations made by statutory instrument, define a "reasonable fee" for the purpose of this section.

(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 proposals for long duration energy storage systems, which may contain flammable batteries and equipment, are designed in consultation with the local fire authority to minimise fire risk and protect public safety.

Clause 26

LORD ROBOROUGH
LORD OFFORD OF GARVEL
LORD BLENCATHRA

83 Clause 26, page 35, line 7, at end insert—

"(1A) Any scheme established under subsection (1) must include provision for homeowners residing within 500 meters of qualifying premises to be entitled to annual financial benefits of £1,000 for a period of ten years."

Member's explanatory statement
This amendment seeks to ensure that households eligible for a community benefits scheme receives £1,000 per year for 10 years.

LORD LILLEY

84 Clause 26, page 35, line 14, at end insert—

"(b) the construction, erection, expansion or improvement of onshore wind turbines."

BARONESS PINNOCK

85 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 26

EARL RUSSELL

86 After Clause 26, insert the following new Clause—

"Community benefit from major energy infrastructure projects

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

(2) In subsection (1), "major energy infrastructure project" and "specified connection" have such meaning as the Secretary of State may by regulations specify, provided that any such definition includes all newly consented renewable energy projects.

(3) Financial benefits provided for by a scheme under this section must—

(a) be provided by the owner of the relevant major energy infrastructure project, and

(b) amount to 5% of the annual revenue of the relevant project.

(4) Where a major energy infrastructure project is onshore, regulations made under this section must—

(a) provide for two-thirds of the financial benefits accruing to a community under this section to be paid to the local authority, and

(b) provide for one third of the financial benefits accruing to a community under this section to be paid into a strategic fund operated by the council.

(5) Where a major energy infrastructure project is offshore, regulations made under this section must provide for the financial benefits accruing to a community under this section to be paid into a strategic fund operated by the relevant council.

(6) Regulations made under this section may, among other things—

(a) specify the powers, purposes, responsibilities and constitution of a council strategic fund;

(b) make further provision determining which communities are qualifying under this section, and defining community for this purpose;

(c) confer functions in connection with the scheme;

(d) provide for delegation of functions conferred in connection with the scheme."

Member's explanatory statement
This new clause sets out a scheme for providing financial benefits to communities in areas connected with major energy infrastructure schemes.

Clause 28

LORD TEVERSON
BARONESS BOYCOTT

87 Clause 28, page 39, line 23, at end insert—

"(1A) For renewable energy produced from biomass, the forestry authority may only supply or use forestry materials that are deemed to be waste."

Member's explanatory statement
This amendment prevents public forestry resources being used for the establishment of large scale biomass operations.

EARL RUSSELL

88 Clause 28, page 40, line 8, at end insert—

"(5A) The forestry authority may not use or make arrangements under subsection (1) for land placed at the disposal of the forestry authority by the Minister—

(a) that would amount to more than 2% of the total land area placed at the disposal of the authority;

(b) that would amount to more than 5% of an individual site;

(c) that would directly or indirectly have adverse effects on a site designated under the Conservation of Habitats and Species Regulations 2017 or the Wildlife and Countryside Act 1981;

(d) that would directly or indirectly have adverse effects on an irreplaceable habitat such as an ancient woodland."

After Clause 28

BARONESS HODGSON OF ABINGER

89 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

90 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.

LORD HUNT OF KINGS HEATH

91 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.

LORD FULLER

92 After Clause 28, insert the following new Clause—

"Prohibition on the application of the nationally significant infrastructure projects regime to large-scale solar developments on the best and most versatile land

(1) Section 14 of the Planning Act 2008 (nationally significant infrastructure projects: general) is amended as follows.

(2) After subsection (1) insert—

"(1A) Large-scale solar developments must not be considered nationally significant infrastructure projects where they are built or developed on agricultural land at grade 1, 2, or 3a.".

(3) After subsection (3) insert—

"(3ZA) The Secretary of State may not use orders under subsection (3)(a) to extend the application of subsection (1) to large-scale solar developments.""

Member's explanatory statement
This amendment seeks to ensure that planning decisions remain in the hands of local councils for large-scale solar developments on the best and most versatile land through prohibiting such developments from falling under the nationally significant infrastructure projects provisions in the Planning Act 2008.

LORD KREBS
BARONESS YOUNG OF OLD SCONE

93 After Clause 28, insert the following new Clause—

"Duty of the Forestry Commission to contribute to climate change and nature targets

In section 1 of the Forestry Act 1967 (The Forestry Commission), after subsection (3B) insert—

"(3C) In exercising their functions related to planning, development and infrastructure, the Commissioners must take all reasonable steps to contribute to—

(a) the achievement of targets set under Part 1 of the Climate Change Act 2008,

(b) the achievement of biodiversity targets set under sections 1 to 3 of the Environment Act 2021, and

(c) adapting to any current or predicted impacts of climate change identified in the most recent report under section 56 of the Climate Change Act 2008.""

Member's explanatory statement
This amendment would give the Forestry Commission a new climate change and nature duty requiring it to take all reasonable steps to contribute to the achievement of the Climate Change Act 2008 and Environment Act 2021 targets in exercising its functions related to planning, development and infrastructure.

LORD LILLEY

94 After Clause 28, insert the following new Clause—

"Benefits for homes near shale wells

(1) The Secretary of State may by regulations establish a scheme under which persons with a specified connection to qualifying premises are entitled to financial benefits provided (directly or indirectly) by shale gas companies.

(2) Qualifying premises must be identified by reference to their proximity to qualifying works.

(3) Qualifying works must involve the onshore drilling for shale gas and may be works that took place before the making of the regulations or the coming into force of this section.

(4) 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."

Clause 48

BARONESS MCINTOSH OF PICKERING

95 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 PARKINSON OF WHITLEY BAY

96 Clause 48, page 61, line 27, at end insert ", and gives due regard to guidance on archaeological and other services essential for the delivery of planning functions that may be delivered by other local authorities."

Member's explanatory statement
This amendment would ensure that guidance which goes out to local planning authorities about assessing the correct level of charges includes a reminder/recommendation that inputs from other authorities are included to ensure that external services are correctly funded in this way.

LORD PARKINSON OF WHITLEY BAY
LORD INGLEWOOD

97 Clause 48, page 61, line 27, at end insert—

"(8BA) No fee or charge shall be required by a local planning authority in England, the Mayor of London or a specified person in relation to an application for Listed Building Consent."

Member's explanatory statement
This amendment would ensure that listed building consent remains free to owners of listed buildings who maintain England's heritage.

LORD BANNER

98 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

99 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

BARONESS BOYCOTT
THE EARL OF CAITHNESS

100 Clause 50, page 64, line 36, at end insert—

"(3A) Regulations under subsection (1) must require that prescribed training includes material on—

(a) climate change and biodiversity literacy training, and

(b) ecological surveying including botanical and mycological surveying."

Member's explanatory statement
This amendment states that mandatory training for members of planning committees and planning officers must include climate and biodiversity and enhanced ecological literacy training.

BARONESS BOYCOTT
THE EARL OF CAITHNESS

101 Clause 50, page 65, line 11, insert "and to National Highways, local highway authorities and Integrated Transport Authorities"

Member's explanatory statement
This amendment seeks to clarify the local planning authorities to which mandatory training applies.

BARONESS BOYCOTT

102 Clause 50, page 65, line 15, at end insert—

"(ii) a person who is an officer of a local planning authority with responsibility for making or advising on planning decisions, and

(iii) any other persons to whom decision-making functions are delegated under local authority arrangements."

Member's explanatory statement
This amendment clarifies that mandatory training applies to local authority planning officers and any person who, although not an elected member of a local planning authority, has a formal responsibility for advising on or determining planning decisions.

LORD FULLER

103 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

104 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

105 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
BARONESS JONES OF MOULSECOOMB

106 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

107 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
BARONESS BENNETT OF MANOR CASTLE
BARONESS WILLIS OF SUMMERTOWN

108 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
BARONESS BENNETT OF MANOR CASTLE
BARONESS WILLIS OF SUMMERTOWN

109 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
THE EARL OF CLANCARTY
LORD HUNT OF KINGS HEATH
LORD PARKINSON OF WHITLEY BAY
Corrected version of Amendment 110

110★ 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 the Town and Country Planning Act 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 91 of the Levelling-up and Regeneration Act 2023, or a licensing authority within the meaning of section 3 of the Licensing Act 2003 (licensing authorities).

(2) In exercising any functions under the Town and Country Planning Act 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

111 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 COFFEY
LORD PARKINSON OF WHITLEY BAY
LORD CARRINGTON OF FULHAM

112 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

113 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 INGLEWOOD
BARONESS FREEMAN OF STEVENTON
LORD PARKINSON OF WHITLEY BAY

114 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""

BARONESS HODGSON OF ABINGER
BARONESS BENNETT OF MANOR CASTLE
BARONESS PARMINTER

115 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

116 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

117 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

118 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

119 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
BARONESS BENNETT OF MANOR CASTLE

120 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.

BARONESS MILLER OF CHILTHORNE DOMER

121 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."

LORD BEST

122 After Clause 51, insert the following new Clause—

"Delivery of affordable housing

(1) The Secretary of State must by regulations make provision for ensuring that when planning permission is granted subject to requirements for the delivery of affordable housing schemes on the relevant site, such requirements are fully implemented.

(2) The requirements for the delivery of affordable housing schemes referred to in subsection (1) shall be satisfied only if the percentage of the total housing constructed let as social rent housing exceeds the percentage set out in the authority's affordable housing threshold or twenty per cent, whichever is higher.

(3) In subsection (2) 'social rent housing' has the meaning given in paragraph 7 of the Direction on the Rent Standard 2019 together with paragraph 4 of the Direction on the Rent Standard 2023, as modified by paragraph 8 of the Direction on the Rent Standard 2023."

Member's explanatory statement
The amendment is intended to ensure affordable housing is actually delivered where this is the subject of planning consent, and the proportion of social rent housing is at least 20 per cent.

LORD CRISP
LORD YOUNG OF COOKHAM
BARONESS BENNETT OF MANOR CASTLE
LORD CARLILE OF BERRIEW

123 After Clause 51, insert the following new Clause—

"Development plans to aim to improve health and well-being

(1) Any national or local plan or strategy relating to the planning or development of an area must be designed to improve the physical, mental and social health and well-being of the people who are to reside in that area.

(2) The Secretary of State must issue guidance to local planning authorities on how local plans and strategies can be designed to achieve the aims outlined in subsection (1)."

Member's explanatory statement
This new clause would require national or local development plans to be designed in a way that aims to improve the physical, mental and social health and well-being of residents.

BARONESS BENNETT OF MANOR CASTLE

124 After Clause 51, insert the following new Clause—

"Display of new advertisements

In section 220(1) of the Town and Country Planning Act 1990 (regulations controlling display of advertisements), for "amenity or public safety" substitute "amenity, environmental impact, public safety or public health"."

Member's explanatory statement
This new clause amends section 220 of the Town and Country Planning Act 1990 to add environmental impact and public health to the considerations for which the Secretary of State can restrict or regulate the display of advertisements.

BARONESS BENNETT OF MANOR CASTLE

125 After Clause 51, insert the following new Clause—

"Access to data on overheating risk

(1) For the purposes of supporting the making of local plans, spatial development strategies and planning decisions, the Secretary of State must make provision for local planning authorities to have access to relevant data relating to overheating risk.

(2) The Secretary of State must ensure that data on overheating risk made available to local planning authorities is updated at intervals not exceeding five years."

Member's explanatory statement
This new clause would require the Secretary of State to ensure that local planning authorities have access to up-to-date data on overheating risk, to support the making of local plans, spatial development strategies, and planning decisions.

BARONESS BENNETT OF MANOR CASTLE

126 After Clause 51, insert the following new Clause—

"Conditions to mitigate overheating risk

In section 70 of the Town and Country Planning Act 1990 (determination of applications: general considerations), after subsection (1) insert—

"(1ZA) Where an application is made to a local planning authority for planning permission for residential development, the authority may impose conditions which require the implementation of measures to mitigate the risk of overheating where local climatic data indicates elevated risk.""

Member's explanatory statement
This new Clause would allow local planning authorities to impose conditions on residential developments to mitigate the risk of overheating, where local climate data shows elevated risk.

LORD RAVENSDALE
LORD HUNT OF KINGS HEATH
LORD KREBS

127 After Clause 51, insert the following new Clause—

"Duties in relation to mitigation of, and adaptation to, climate change in relation to planning

(1) The Secretary of State must have special regard to the mitigation of, and adaptation to, climate change in preparing—

(a) national policy, planning policy or advice relating to the development or use of land;

(b) a national development management policy under section 38ZA of the Planning and Compulsory Purchase Act 2004 (meaning of national development management policy).

(2) A planning authority when exercising a relevant function under the Planning Acts shall have special regard to the need to mitigate and adapt to climate change.

(3) When making a planning decision relating to development arising from an application for planning permission, the making of a development order granting planning permission or an approval under a development order granting planning permission, a relevant planning authority (as defined in section 91 of the Levelling-up and Regeneration Act 2023) must have special regard to the mitigation of, and adaptation to, climate change.

(4) For the purposes of interpretation of this section—

"the mitigation of climate change" includes the achievement of—

(a) the target for 2050 set out in section 1 of the Climate Change Act 2008 (the target for 2050),

(b) applicable carbon budgets made under section 4 of the Climate Change Act 2008 (carbon budgets), and

(c) sections 1 to 3 of the Environment Act 2021 (environmental targets);

"adaptation to climate change" includes—

(a) the mitigation of the risks identified in the latest climate change risk assessment conducted under section 56 of the Climate Change Act 2008 (report on impact of climate change), and

(b) the achievement of the objectives of the latest flood and coastal erosion risk management strategy made under section 7 of the Flood and Coastal Water Management Act 2010 (national flood and coastal erosion risk management strategy: England)."

Member's explanatory statement
This new clause places a duty on the Secretary of State and relevant planning authorities respectively to have special regard to the mitigation of, and adaptation to, climate change with respect to national policy, local plan-making and planning decisions.

LORD HUNT OF KINGS HEATH

128 After Clause 51, insert the following new Clause—

"Planning Acts legal challenges: reduction in time limit

(1) The Town and Country Planning Act 1990 is amended in accordance with subsections (2) to (6).

(2) In section 61N (legal challenges in relation to neighbourhood development orders)—

(a) in subsection (1)(b) for "6 weeks" substitute "21 days";

(b) in subsection (2)(b) for "6 weeks" substitute "21 days";

(c) in subsection (3)(b) for "6 weeks" substitute "21 days".

(3) In section 106C (legal challenges relating to development consent obligations)—

(a) in subsection (1)(b) for "6 weeks" substitute "21 days";

(b) in subsection (1A) for "6 weeks" substitute "21 days";

(c) in subsection (2)(b) for "6 weeks" substitute "21 days";

(d) in subsection (3)(b) for "6 weeks" substitute "21 days".

(4) In section 287 (proceedings for questioning validity of development plans and certain schemes and orders), in subsection (2B), for "6 weeks" substitute "21 days".

(5) In section 288 (proceedings for questioning the validity of other orders, decisions and directions), in subsection (4B), for "6 weeks" substitute "21 days".

(6) In section 289 (appeals to High Court relating to certain notices), after subsection (4B), insert—

"(4C) An appeal under this section may not be made without the leave of the High Court.

(4D) An application for leave for the purposes of subsection (4C) must be made before the end of the period of 21 days beginning with the day after the decision of the Secretary of State is made.".

(7) In section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (proceedings for questioning the validity of other orders, decisions and directions), in subsection (3A), for "6 weeks" substitute "21 days".

(8) In section 118 of the Planning Act 2008 (legal challenges relating to applications for orders granting development consent)—

(a) in subsection (1)(b) for "6 weeks" substitute "21 days";

(b) in subsection (2)(b) for "6 weeks" substitute "21 days";

(c) in subsection (3)(b) for "6 weeks" substitute "21 days";

(d) in subsection (4)(b) for "6 weeks" substitute "21 days";

(e) in subsection (5)(b) for "6 weeks" substitute "21 days";

(f) in subsection (6)(b) for "6 weeks" substitute "21 days";

(g) in subsection (7)(b) for "6 weeks" substitute "21 days".

(9) The amendments made by this section do not apply in relation to a decision made before this section comes into force."

Member's explanatory statement
This new Clause would reduce the time-limit for legal challenges to certain orders from 6 weeks to 21 days, in line with the deadline for an application for permission to appeal. Transitional provision is further made to ensure that the amendments made by the new Clause apply prospectively only.

LORD HUNT OF KINGS HEATH

129 After Clause 51, insert the following new Clause—

"Town and Country Planning Act 1990: legal challenges

(1) In the Senior Courts Act 1981, in subsection (1) of section 18 (restrictions on appeals to Court of Appeal), after paragraph (ca) (as inserted by section 12 of this Act) insert—

"(cb) from a refusal of permission to apply for judicial review in a case within section 61N, 106C, 287, 288, or 289 of the Town and Country Planning Act 1990 (proceedings relating to neighbourhood development orders, development consent obligations, questioning validity of development plans and certain schemes and orders, questioning the validity of other orders, decisions and directions, and appeals to High Court relating to certain notices), if the High Court decides that the application for permission to apply for judicial review is totally without merit;".

(2) In the following provisions of the Town and Country Planning Act 1990, for "A court", in each place it occurs, substitute "The High Court"—

(a) section 61N (legal challenges in relation to neighbourhood development orders);

(b) section 106C (legal challenges relating to development consent obligations)."

Member's explanatory statement
This new Clause restricts appeals to the Court of Appeal if the High Court decides that an application for judicial review against a decision under the Town and Country Planning Act 1990 is totally without merit. It also amends that Act to require that all applications are made to the High Court.

LORD HUNT OF KINGS HEATH

130 After Clause 51, insert the following new Clause—

"Planning (Listed Buildings and Conservation Areas) Act 1990: legal challenges

In the Senior Courts Act 1981, in subsection (1) of section 18 (restrictions on appeals to Court of Appeal), after paragraph (cb) (as inserted by section (*Town and Country Planning Act 1990: legal challenges*) of this Act) insert—

"(cc) from a refusal of permission to apply for judicial review in a case within section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (proceedings for questioning the validity of other orders, decisions and directions), if the High Court decides that the application for permission to apply for judicial review is totally without merit;"."

Member's explanatory statement
This new Clause restricts appeals to the Court of Appeal if the High Court decides that an application for judicial review against a decision under the Planning (Listed Buildings and Conservation Areas) Act 1990 is totally without merit.

LORD TEVERSON

131 After Clause 51, insert the following new Clause—

"Enforcement of planning decisions

(1) A local planning authority when exercising a relevant function under the Planning Acts shall have a duty to—
  (a) enforce planning conditions, and
  (b) enforce the removal of any structure that has not received planning permission.

(2) At the discretion of the local planning authority, minor infringements may be excepted from the duty to enforce.

(3) Minor infringements under subsection (2) may not include any environmental, climate or nature-related conditions.

(4) The costs of enforcement by a local planing authority shall be recovered by the application of a penalty payment regime.

(5) The Secretary of State must, after consultation with local planning authorities, lay down a schedule of penalty charges.

(6) The schedule under subsection (5) must—
  (a) reflect the full costs of enforcement by a local planning authority, and
  (b) be reviewed annually to reflect changes in costs.

(7) The Secretary of State must lay down a schedule giving examples of what might be deemed as a minor infringement under subsection (2)."

BARONESS BENNETT OF MANOR CASTLE

132 After Clause 51, insert the following new Clause—

"Exercise of planning functions to be compatible with the purpose of planning

(1) Any person or body exercising a planning function must do so in a manner that is compatible with the purpose of planning as set out in subsection (2).

(2) The purpose of planning is to manage the development and use of land in the long-term public interest.

(3) Anything which—

(a) addresses the long-term common good and wellbeing of current and future generations,

(b) has full regard to the achievement of the commitments in and under the Climate Change Act 2008 or the Environment Act 2021,

(c) is in accordance with the United Nations Sustainable Development Goals, and

(d) delivers fair planning processes that are open, accessible and efficient,

is to be considered as being in the long-term public interest.

(4) In this section, a planning function means any statutory power or duty relating to the use or development of land in England."

Member's explanatory statement
This new Clause would introduce a purpose of planning and provide that anyone exercising a planning function must do so in a manner that is compatible with that purpose.

LORD MURRAY OF BLIDWORTH

133 After Clause 51, insert the following new Clause—

"Promotion and use of mediation etc.

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

(2) After section 323A insert—

"323B Promotion and use of mediation etc.

(1) The Secretary of State or the Welsh Ministers may issue guidance in relation to the promotion and use of mediation and other forms of alternative dispute resolution (ADR) technique in relation to the following—

(a) the preparation of local development plans and related evidence reports under Part 2,

(b) a prospective applicant's compliance with any requirements in respect of pre-application consultation imposed under or by virtue of sections 61W or 61Z,

(c) assisting in the determination of an application for planning permission, including related planning obligations or their variation under sections 106 and 106A, and

(d) any other matter related to planning including the acquisition or appropriation of land for planning purposes that they consider appropriate.

(2) Guidance under subsection (1) may include provision about—

(a) the form of mediation or other ADR technique that is to be used in a particular circumstance, and

(b) the procedure to be followed in any such mediation.

(3) Local authorities must have regard to any guidance issued under subsection (1).

(4) Before issuing any guidance under subsection (1), the Secretary of State and the Welsh Ministers must consult—

(a) planning authorities, and

(b) such other persons that they consider appropriate.

(5) The Secretary of State and the Welsh Ministers must make any guidance issued under subsection (1) publicly available.

(6) The power under subsection (1) to issue guidance includes power to—

(a) issue guidance that varies guidance issued under that subsection, and

(b) revoke guidance issued under that subsection.

(7) For the purposes of this section, "mediation" and " ADR technique" includes any means of exploring, resolving or reducing disagreement between persons involving an impartial person that the Secretary of State or the Welsh Ministers consider appropriate.

(8) The Secretary of State and the Welsh Ministers must issue guidance under subsection (1) within the period of two years beginning with the date on which the Planning and Infrastructure Act 2025 is passed.""

Member's explanatory statement

This amendment requires that guidance must be issued on the promotion and use of mediation and other forms of ADR in the planning process. It is intended to engender a culture of informal resolution of disputes, in order to reduce the risk of the delay and expense caused by litigation.

BARONESS THORNHILL

134 After Clause 51, insert the following new Clause—

"Removal of Permitted Development Rights for Conversion to Dwellinghouses

(1) The Town and Country Planning (General Permitted Development) (England) Order 2015 (2015/596) is amended as follows—

(a) in Schedule 2, Part 3 (changes of use), the following Classes are repealed—

(i) Class G (commercial, business and service or betting office or pay day loan shop to mixed use);
(ii) Class L (small HMOs to dwellinghouses and vice versa)
(iii) Class M (certain uses to dwellinghouses)
(iv) Class MA (commercial, business and service uses to dwellinghouses);
(v) Class N (specified sui generis uses to dwellinghouses);
(vi) Class Q (buildings on agricultural units and former agricultural buildings to dwellinghouses);

(b) Schedule 2, Part 20 (construction of new dwellinghouses) is repealed.

(2) Any development under the revoked Classes in Part 3 and Part 20 of Schedule 2 that has—
(a) commenced before the date on which this Act comes into force, and
(b) received valid prior approval or notification from the local planning authority before that date,
shall be allowed to proceed under the conditions applicable prior to the repeal.

(3) No new applications for prior approval under the revoked Classes may be submitted after the date on which this Act comes into force."

Member's explanatory statement
This amendment removes a range of permitted development rights that previously allowed certain non-residential buildings to be converted into homes without full planning permission. It repeals specific change-of-use and new dwellinghouse construction rights in the General Permitted Development Order 2015. Developments already approved or commenced before the repeal may continue under existing rules, but no new applications can be made once the changes take effect.

BARONESS COFFEY

135 After Clause 51, insert the following new Clause—

"Planning permission for self-build and custom housebuilding

(1) The Secretary of State must amend the Self-build and Custom Housebuilding Regulations 2016 (2016/950) as follows.

(2) After Regulation 3 (definition of a serviced plot of land), insert—

"3A.—(1) For the purposes of section 2A(2) and (5) of the Act (Duty to grant planning permission etc), only the following development permissions may be considered to meet the demand for the carrying out of self-build and custom housebuilding in the planning authority's area arising in each base period—

(a) planning permission (as defined by section 58(1)(b) (granting of planning permission: general) and section 70 (determination of applications: general considerations) of the Town and Country Planning Act 1990 ("the 1990 Act")) which is—

(i) subject to a planning conditions restricting either the whole of or a specified number of units within the proposed development to self-build and custom housebuilding;

(ii) subject to an obligation under section 106 of the 1990 Act (planning obligations), restricting either the whole of or a specified number of units within the proposed development to self-build and custom housebuilding;

(b) permission in principle (as defined by section 58A of 1990 Act (permission in principle: general), where the description of the proposed development is for self-build and custom housebuilding.

(2) For the purposes of this Regulation, self-build and custom housebuilding has the same meaning as in section 1(A1) and (A2) of the Act (Registers of persons seeking to acquire land to build a home).".”

BARONESS COFFEY

135A After Clause 51, insert the following new Clause—

“Planning decisions: consideration of an EDP

In section 70(2)(aa) of the Town and Country Planning Act 1990 (determination of applications: general considerations) at end insert—

“(ab) any Environmental Delivery Plan made under the Planning and Infrastructure Act 2025, so far as material to the application,””

Member's explanatory statement
This amendment seeks to ensure that when making a planning decision, the local planning authority must take into account any EDP applying to the land question.

BARONESS GRENDER

135B★ After Clause 51, insert the following new Clause—

“Flood risk mitigation: planning permission

When considering an application for development consent, a local planning authority has a duty to consider whether any development of the land for which consent is sought could have the effect of increasing flood risk, or reducing flood mitigation, to any neighbouring land or development.”

Member's explanatory statement
This new clause ensures that local planning authorities consider the effect a new development could have on flood risk and reducing flood mitigation for both the development and its neighbouring land during an application for development consent.

BARONESS GRENDER

135C★ After Clause 51, insert the following new Clause—

"Obligation on developers to consider climate and flood resilience

(1) No local planning authority may approve an application for development unless it is satisfied that the applicant has considered how the development would contribute to—

(a) the UK's climate resilience, and

(b) flood resilience in the area surrounding the development.

(2) The Secretary of State must, 12 months after the day on which this Act is passed and annually thereafter, publish a review of the extent to which applications approved in the previous 12 months would contribute to the aims set out in subsection (1)."

Member's explanatory statement
This new clause ensures that local planning authorities consider the UK's climate resilience and flood resilience when approving development applications. It also ensures the Secretary of State publishes a review of the extent to applications approved by local planning authorities have contributed to those aims every 12 months.

Clause 52

LORD LANSLEY

136 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.

BARONESS THORNHILL

137 Clause 52, page 73, line 4 at end insert—

"(2A) A spatial development strategy must have regard to the need to provide 150,000 new social homes nationally a year."

Member's explanatory statement
This amendment would require a spatial development strategy to have regard for the need to provide 150,000 social homes a year.

LORD GASCOIGNE

138 Clause 52, page 73, line 13, at end insert—

"(d) supporting space for community gardens, allotments and green spaces."

LORD BEST

139 Clause 52, page 73, line 13, at end insert—

"(4A) A spatial development strategy must meet the needs of older and disabled people, through a requirement for new homes to meet the Building Regulations Part M4(2) accessible and adaptable standard or the Part M4(3) wheelchair user dwelling standard, as set out in Schedule 1 to the Building Regulations 2010 (S.I. 2010/2214)."

Member's explanatory statement
The amendment introduces a requirement for all new homes to comply with the Part M4(2) accessible and adaptable standard, as defined in the Building Regulations 2010, or the higher M4(3) wheelchair user dwelling standard. The amendment aims to ensure that all new housing is inclusive, age-friendly, and suitable for people with varying mobility needs.

LORD LANSLEY

140 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

141 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 FOSTER OF BATH

142 Clause 52, page 73, line 21, at end insert—

"(c) the use of health impact assessments when considering applications for new premises licensed under the Gambling Act 2005 or applications to convert premises to gambling premises under the Town and Country Planning (Use Classes) Order 1987 (1987/764), and

(d) the number of premises licensed under the Gambling Act 2005 to be limited on the grounds of the cumulative impact on the health and wellbeing of the public."

BARONESS JONES OF MOULSECOOMB

143 Clause 52, page 73, line 21, at end insert—

"(c) a specific density of housing development which ensures effective use of land and which the strategic planning authority considers to be of strategic importance to the strategy area."

Member's explanatory statement
This amendment requires strategic planning authorities to include a specific housing density in their plans which ensures land is used effectively where it is considered strategically important.

LORD LANSLEY

144 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
BARONESS BENNETT OF MANOR CASTLE
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

145 Clause 52, page 73, line 21, at end insert—

"(5A) For the purposes of subsection (5), an amount or distribution of housing or affordable housing must include Gypsy and Traveller sites, whether provided privately, or by local authorities, or by 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
LORD BELLINGHAM
THE LORD BISHOP OF WINCHESTER
LORD BLENCATHRA

146 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
BARONESS PARMINTER

147 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 GRENDER
BARONESS JONES OF MOULSECOOMB

148 Clause 52, page 73, line 24, at end insert—

"(6A) Where a strategy area includes a chalk stream, the spatial development strategy must include policies on permissible activities within the area of the stream for the purposes of preventing harm or damage to the stream or its surrounding area."

Member's explanatory statement
This amendment would ensure spatial development strategies include policies to protect chalk streams.

BARONESS BENNETT OF MANOR CASTLE
LORD GASCOIGNE
BARONESS MILLER OF CHILTHORNE DOMER
BARONESS WILLIS OF SUMMERTOWN

149 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
BARONESS BENNETT OF MANOR CASTLE

150 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.

LORD BEST

151 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

152 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

153 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

154 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

BARONESS MCINTOSH OF PICKERING
BARONESS BENNETT OF MANOR CASTLE

155 After Clause 52, 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
BARONESS BENNETT OF MANOR CASTLE

156 After Clause 52, 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 GRENDER
BARONESS BENNETT OF MANOR CASTLE

157 After Clause 52, 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.

LORD LUCAS

158 After Clause 52, 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 LUCAS

159 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
BARONESS PINNOCK

160 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

161 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
LORD SHIPLEY
LORD BEST

162 After Clause 52, 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.

LORD LANSLEY

163 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).

BARONESS PARMINTER
BARONESS YOUNG OF OLD SCONE
BARONESS BENNETT OF MANOR CASTLE
LORD KREBS

164 After Clause 52, 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
BARONESS BENNETT OF MANOR CASTLE
LORD MOYNIHAN
BARONESS SATER

165 After Clause 52, 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

166 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

167 After Clause 52, 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.

LORD BANNER

168 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

169 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.

LORD GASCOIGNE
LORD PARKINSON OF WHITLEY BAY

170 After Clause 52, insert the following new Clause—

"Community infrastructure levy and section 106 obligations

(1) Within six months of the day on which this Act is passed, the Secretary of State must by regulations amend the legislation in subsection (2) to ensure that—

(a) local authorities publish annual data on the use of planning obligations under section 106 of the Town and Country Planning Act 1990 (planning obligations) and Community Infrastructure Levy ("CIL") funds, including—

(i) the purpose of the planning obligation or CIL fund;

(ii) any amount of money committed under a planning obligation or CIL fund which is left unspent;

(iii) the reason for any unspent money;

(b) the Secretary of State has the power to require the local authority to undertake the planning obligation or works under a CIL, in the event that adequate efforts to do so have not been made;

(c) if the local authority has not spent the developer funds during an agreed timeline, then the local authority must contact the developer to explore joint working to deliver the agreed service or improvements.

(2) The legislation this section applies to are—

(a) the Town and Country Planning Act 1990,

(b) the Planning Act 2008, and

(c) the Community Infrastructure Levy Regulations 2010 (S.I. 2010/948).

(3) 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 THORNHILL

171 After Clause 52, insert the following new Clause—

"Local planning authority discretion over affordability of housing

(1) The Secretary of State must, within six months of the passing of this Act, provide guidance to local planning authorities on how to define or classify new or prospective developments as affordable housing.

(2) The guidance must make clear that a local planning authority may, while having regard to national or general guidelines, determine what is to be understood to be affordable housing in its area based on local needs and circumstances."

Member's explanatory statement
This new clause would enable local planning authorities to use their discretion to determine whether certain housing is to be "affordable housing".

BARONESS ANDREWS
LORD PARKINSON OF WHITLEY BAY
BARONESS SCOTT OF NEEDHAM MARKET
LORD CAMERON OF DILLINGTON

172 After Clause 52, insert the following new Clause—

"Conservation of the historic environment

(1) The Planning (Listed Buildings and Conservation Areas) Act 1990 is amended as follows.

(2) In sections 16(2), 66(1) and 66(2), for "preserving", in each place in which it occurs, substitute "conserving or enhancing".

(3) In section 72(1), for "preserving" substitute "conserving"."

Member's explanatory statement
This amendment removes the fundamental inconsistency between heritage policy and heritage legislation by using the same terminology in both and safeguarding heritage by encouraging desirable change.

BARONESS WHITAKER
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

173 After Clause 52, insert the following new Clause—

"Duties of local authorities: assessment of accommodation needs of Gypsies and Travellers

(1) Every local housing authority must carry out an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to their district, for the purposes of informing local plans and planning strategies, including spatial development strategies.

(2) A local housing authority must have regard to any guidance issued under section *(Assessment of accommodation needs of Gypsies and Travellers: guidance)* in carrying out such an assessment as mentioned in subsection (1).

(3) In this section—

(a) "Gypsies and Travellers" has the meaning given by regulations made by the appropriate national authority;

(b) "accommodation needs" includes needs with respect to the provision of sites on which caravans can be stationed including those provided by local authorities or registered social landlords; and

(c) "caravan" has the same meaning as in Part 1 of the Caravan Sites and Control of Development Act 1960."

Member's explanatory statement
This amendment, connected with others in the name of Baroness Whitaker, seeks to place a duty on local authorities to assess the accommodation needs of Gypsies and Travellers for the purposes of informing local plans and planning strategies, including spatial development strategies.

BARONESS WHITAKER
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

174 After Clause 52, insert the following new Clause—

"Assessment of accommodation needs of Gypsies and Travellers: guidance

(1) The appropriate national authority may issue guidance to local authorities regarding the carrying out of assessments under section *(Duties of local authorities: assessment of accommodation needs of Gypsies and Travellers).*

(2) Before giving guidance under this section, or revising guidance already given, the Secretary of State must lay a draft of the proposed guidance or alterations before each House of Parliament.

(3) The Secretary of State must not give or revise the guidance before the end of the period of 40 days beginning with the day on which the draft is laid before each House of Parliament (or, if copies are laid before each House of Parliament on different days, the later of those days).

(4) The Secretary of State must not proceed with the proposed guidance or alterations if, within the period of 40 days mentioned in subsection (3), either House resolves that the guidance or alterations be withdrawn.

(5) Subsection (4) is without prejudice to the possibility of laying a further draft of the guidance or alterations before each House of Parliament.

(6) In calculating the period of 40 days mentioned in subsection (3), no account is to be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days."

Member's explanatory statement
This amendment, connected with others in the name of Baroness Whitaker, makes provision for the publishing of guidance related to the assessment of accommodation needs of Gypsies and Travellers.

BARONESS WHITAKER
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

175 After Clause 52, insert the following new Clause—

"Duty to meet assessed need for Gypsy and Traveller sites

(1) A local housing authority must ensure that the assessed need for Gypsy and Traveller accommodation within their area is met, when delivering their functions related to planning, development and infrastructure.

(2) For the purposes of subsection (1), "assessed need" means the need, identified through a Gypsy and Traveller Accommodation Needs Assessment, conducted in accordance with section *(Duties of local authorities: assessment of accommodation needs of Gypsies and Travellers)* and section *(Assessment of accommodation needs of Gypsies and Travellers: guidance)*, which includes the need for private, socially rented pitches, both transit and permanent."

Member's explanatory statement
This amendment, connected with others in the name of Baroness Whitaker, seeks to place a statutory duty on local housing authorities to meet the assessed need for Gypsy and Traveller sites within their jurisdiction when delivering their functions related to planning, development and infrastructure.

BARONESS WHITAKER
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

176 After Clause 52, insert the following new Clause—

"Failure to comply with the duty to meet the assessed need for Gypsy and Traveller sites

(1) If the Secretary of State is satisfied that a local housing authority has failed to comply with the duty imposed by section *(Duty to meet assessed need for Gypsy and Traveller sites)* they may direct the authority to comply with the duty so far as may be necessary to meet the needs identified in the authority's approved Gypsy and Traveller Accommodation Needs Assessment.

(2) Before giving a direction the Secretary of State must consult the local housing authority to which the direction would relate.

(3) A direction given under this section must be in writing.

(4) A local housing authority must comply with a direction given to it under this section."

Member's explanatory statement
This amendment, connected with others in the name of Baroness Whitaker, seeks to give the Secretary of State powers to direct local authorities to meet assessed need for Gypsy and Traveller sites within their jurisdiction when delivering their functions related to planning, development and infrastructure, if they are failing in this duty.

LORD RAVENSDALE
LORD HUNT OF KINGS HEATH

177 After Clause 52, insert the following new Clause—

"Local energy area plans: duty to provide guidance

(1) The Secretary of State must publish guidance for local authorities on local area energy planning within 12 months of the day on which this Act is passed.

(2) The guidance under subsection (1) may include, but is not limited to, guidance on—

(a) contributing towards meeting the targets set under—

(i) Part 1 of the Climate Change Act 2008 (UK net zero emissions target and budgeting), and

(ii) sections 1 to 3 of the Environment Act 2021 (environmental targets);

(b) adapting to any current or predicted impacts of climate change identified in the most recent report under section 56 of the Climate Change Act 2008 (report on impact of climate change);

(c) the data and assumptions used in creating a local area energy plan;

(d) the roles and responsibilities of those involved in creating a local area energy plan.

(3) Local authorities must have regard to the guidance produced under subsection (1) when developing local area energy plans.

(4) In this section, "local authority" has the meaning given in section 91 of the Levelling-up and Regeneration Act 2023."

Member's explanatory statement
This amendment would require the provision of guidance for local authorities to help them produce Local Area Energy Plans. It aims to widen the roll-out of Local Area Energy Plans among local authorities and help better define the role of local authorities in delivering the future energy system.

LORD TEVERSON
BARONESS YOUNG OF OLD SCONE

178 After Clause 52, insert the following new Clause—

"Local plan compliance with Land Use Framework and nature recovery strategies

When developing a local plan, a local planning authority must consider whether the plan complies with—

(a) the Land Use Framework, and

(b) any nature recovery strategy relevant to the area covered by the plan."

Member's explanatory statement
This new clause seeks to ensure that Local Plans comply with the Land Use Framework and local nature recovery strategies.

BARONESS BENNETT OF MANOR CASTLE

179 After Clause 52, insert the following new Clause—

"Play sufficiency duty

(1) A local planning authority in England must, so far as reasonably practicable, assess, secure, enhance, and protect sufficient opportunities for children's play when exercising any of its planning functions.

(2) In fulfilling the duty under subsection (1), a local planning authority must—

(a) undertake and publish play sufficiency assessments at intervals to be defined in regulations;

(b) integrate the findings and recommendations of such assessments into local plans, relevant strategies, infrastructure planning, and development decisions;

(c) not give permission for any development which would lead to a net loss of formal or informal play spaces except where equivalent or improved provision is secured;

(d) require new developments to provide high-quality, accessible, inclusive play opportunities which incorporate natural features and are integrated within broader public spaces; and

(e) consult regularly with children, families, communities, and play professionals regarding play provision.

(3) A play sufficiency assessment produced under subsection (2)(a) must specifically evaluate and report on the quantity, quality, accessibility, inclusivity, and integration of play opportunities within the planning authority's area.

(4) The Secretary of State may, by regulations made by statutory instrument, specify—

(a) the frequency, methodology, content, and publication requirements of play sufficiency assessments;

(b) minimum design standards and quality expectations for formal and informal play provision;

(c) developer obligations regarding play infrastructure contributions to be secured through planning conditions.

(5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

(6) For the purposes of this section—

"play" means activities undertaken by children and young people that are freely chosen, self-directed, and carried out following their own interests, in their own way, and for their own reasons;

"play opportunities" include formal and informal play spaces, parks, open spaces, streets, schools, neighbourhood spaces, natural green areas, active travel routes, supervised play settings (including adventure playgrounds), and community recreation facilities;

"sufficient" means adequate in quantity, quality, accessibility, inclusivity, and integration within community infrastructure."

BARONESS BENNETT OF MANOR CASTLE

180 After Clause 52, insert the following new Clause—

"Embodied carbon assessments

(1) Local planning authorities must, within 12 months of the day on which this Act is passed—

(a) require applications for permission for developments which exceed a specified gross internal area and number of dwellings to include an embodied carbon assessment;

(b) consider a relevant embodied carbon assessment as a material factor when considering whether to grant permission for the development.

(2) The Secretary of State must—

(a) approve a methodology for calculating embodied carbon emissions,

(b) provide guidance on how the whole-life carbon emissions of buildings must be expressed, and

(c) establish a centralised reporting platform to which embodied carbon and whole-life carbon assessments must be submitted.

(3) For the purposes of this section—

"embodied carbon" means the total emissions associated with materials and construction processes involved in the full life-cycle of a project;

"operational emissions" means the carbon emissions from the energy used once a project is operational, including from heating, lighting and cooling;

"whole-life carbon" means the combination of embodied and operational emissions across the full life-cycle of a project."

Member's explanatory statement

This new Clause would require the submission of embodied carbon assessments for larger developments as part of the planning application and consideration of these by local planning authorities. The Secretary of State will be required to approve a methodology, issue guidance, and establish a centralised reporting platform for whole-life carbon emissions.

BARONESS BENNETT OF MANOR CASTLE

181 After Clause 52, insert the following new Clause—

"Cooling hierarchy guidance

The Secretary of State must, within six months of the passing of this Act, issue guidance for local planning authorities which—

(a) outlines a cooling hierarchy, and

(b) provides guidance on the application of the cooling hierarchy in the exercise of a local planning authority's planning and development functions."

Member's explanatory statement
This new clause would require the Secretary of State to publish guidance for local planning authorities on applying the "cooling hierarchy" - a structured approach to reducing overheating risk in buildings, prioritising passive and sustainable design measures.

LORD PARKINSON OF WHITLEY BAY

182 After Clause 52, insert the following new Clause—

"Commencement of provisions in Levelling-up and Regeneration Act 2023 relating to the duty of regard to certain heritage assets in the exercise of planning functions

The Secretary of State must, by regulations under section 255(3)(b) of the Levelling-up and Regeneration Act 2023, bring section 102 of the Levelling-up and Regeneration Act 2023 into force two months after the day on which this Act is passed."

LORD PARKINSON OF WHITLEY BAY

183 After Clause 52, insert the following new Clause—

"Commencement of provisions in Levelling-up and Regeneration Act 2023 relating to historic environment records

The Secretary of State must, by regulations under section 255(9)(a) of the Levelling-up and Regeneration Act 2023, bring section 230 of the Levelling-up and Regeneration Act 2023 into force two months after the day on which this Act is passed."

BARONESS THORNHILL

184 After Clause 52, insert the following new Clause—

"Flexibility in space standards for stepping stone accommodation

(1) A local planning authority in England may, when determining applications for planning permission disapply any minimum space standards required under the development plan (including the Nationally Described Space Standard), in respect of stepping stone accommodation that satisfies the conditions in subsection (2).

(2) Accommodation satisfies the conditions in this subsection if it—
  (a) consists of self-contained units (no smaller than 24 sqm for new build homes) intended for single occupancy,
  (b) is designed for persons of a particular age or within a particular range of ages who are leaving supported accommodation or at risk of homelessness,
  (c) is offered for a time-limited tenancy not exceeding five years per occupant,
  (d) is provided as part of an accredited independent living or transitional housing scheme, and

(e) is subject to an affordability condition that limits rent to not more than one third of income.

(3) For the purposes of subsection (2)(d), an "accredited independent living or transitional housing scheme" means a scheme—

(a) operated or commissioned by a local authority,

(b) delivered by a registered provider of social housing, or

(c) provided by a registered charity with the principal objective of addressing youth homelessness.

(4) For the purposes of subsection (2)(e), "one third of income" means—

(a) one third of the resident's income,

(b) one third of the bottom 30th percentile of income in a local area, or

(c) one third of the national living wage for people aged over 21,

whichever is lowest.

(5) In considering an application under this section, the local planning authority may have regard to—

(a) the design quality and safety of the proposed accommodation,

(b) the provision of amenity space, including communal or external areas,

(c) the temporary nature and specific intended use of the dwellings,

(d) the housing need for stepping stone accommodation in the authority's area, and

(e) the inclusion of structured support services or mentoring provision.

(6) Where planning permission is granted under this section, the local planning authority must impose a planning condition to ensure—

(a) the accommodation is used exclusively for the purposes set out in subsection (2), and

(b) the accommodation shall not be converted to general purpose residential use without further express planning permission.

(7) In this section—

"Nationally Described Space Standard" means the technical housing standards issued by the Department for Communities and Local Government in March 2015 or any document replacing it;

"self-contained unit" means a unit of accommodation with exclusive access to its own bathroom, kitchen, and living area."

Member's explanatory statement

This amendment would allow planning authorities to approve high-quality "stepping stone" accommodation for young people leaving supported housing or at risk of homelessness – by disapplying space standards in limited, controlled circumstances – while aligning planning decisions, housing policy, and funding practice with recent reforms and enabling updates to the Nationally Described Space Standard to reflect support for flexible, transitional housing models.

BARONESS COFFEY
LORD BLENCATHRA

185 After Clause 52, insert the following new Clause—

"Members of Parliament as Category 1 persons under section 102B of the Planning Act 2008

(1) Section 102B (categories for the purposes of section 102A) of the Planning Act 2008 is amended as follows.

(2) In subsection (1), at end insert "or any Member of Parliament in whose constituency the development is going to take place."

LORD LUCAS

185A 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

185B 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
LORD INGLEWOOD

185C 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

185D 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

185E 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."

BARONESS YOUNG OF OLD SCONE

185F 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

185G 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.

THE EARL OF CLANCARTY

185H After Clause 52, insert the following new Clause—

"Assets of cultural value

(1) The Secretary of State must, by regulations made by statutory instrument, establish a system for the identification, listing, and protection of assets of cultural value.

(2) An asset of cultural value is a building or other land whose primary use—

(a) substantially furthers the cultural well-being or cultural interests of a local community or the nation, or

(b) provides a necessary venue for the furthering of specialist cultural skills, including (but not limited to) music venues, recording studios, rehearsal spaces, visual artists' studios and other creative spaces.

(3) The system established under subsection (1) must operate along the lines of the regime for assets of community value under Chapter 3 of Part 5 of the Localism Act 2011 and provide for—

(a) a process for community or prescribed bodies to nominate assets for listing;

(b) a moratorium on sale of a listed asset, allowing a prescribed period for interested parties to secure an alternative bidder committed to maintaining the asset for cultural purposes;

(c) the cultural value of the asset being a material consideration in any decision relating to planning permission.

(4) Regulations under subsection (1) may make such further provision as the Secretary of State considers necessary or expedient for the operation of the system.

(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 amendment seeks to probe the merits of including an assets of cultural value scheme in the planning system. This would complement the existing assets of community value scheme and seeks to recognise the importance of arts and cultural spaces.

Clause 93

BARONESS TAYLOR OF STEVENAGE

186 Clause 93, page 122, line 26, after "(1B)" insert "(as inserted by section 171(2) of the Levelling-up and Regeneration Act 2023)"

Member's explanatory statement
This is a drafting change that would be helpful because subsection (1B), referred to in the clause, is not yet in force and therefore is not yet shown on legislation.gov.uk.

After Clause 93

BARONESS TAYLOR OF STEVENAGE

187 After Clause 93, insert the following new Clause—

"Relationship between different types of development corporation

(1) The New Towns Act 1981 is amended as set out in subsections (2) to (5).

(2) In section 1 (designation of areas), after subsection (3) insert—

"(3ZA) An order under this section may designate an area of land that includes any area (the "overlap area") that is, or forms part of, an area that has already been designated (the "previously designated area") under—

(a) section 1ZB(2) (designation of locally-led new town in England),

(b) section 134(1B) of the Local Government, Planning and Land Act 1980 (designation of locally-led urban development area), or

(c) section 197 of the Localism Act 2011 (designation of Mayoral development area).

(3ZB) On the coming into force of an order that makes provision as mentioned in subsection (3ZA), the overlap area no longer forms part of the previously designated area.

(3ZC) Where the Secretary of State makes an order that contains provision as mentioned in subsection (3ZA), the Secretary of State may also make regulations—

(a) amending any order relating to the previously designated area to show the new boundaries of the area, which may reflect not only the removal of the overlap area but also any other changes that are necessary or appropriate in consequence of its removal;

(b) providing for the transfer of functions relating to the overlap area to the development corporation established for the purposes of the new town;

(c) where the overlap area completely covers the previously designated area, providing for the dissolution of the development corporation for the previously designated area;

(d) making consequential, incidental, supplementary, transitional or saving provision.

(3ZD) The Secretary of State may, in connection with regulations under subsection (3ZC), make one or more schemes for the transfer of property, rights and liabilities relating to the overlap area to the development corporation established for the purposes of the new town (see also section 9B (transfer schemes: general provisions)).”

(3) In section 1ZA (local authority proposal for designation of locally-led new town in England, as inserted by section 172(2) of the Levelling-up and Regeneration Act 2023), after subsection (1) insert—

“(1A) A proposal area must not include any area of land that is, or forms part of, an area that is designated under—

(a) section 1 (designation of new town area by Secretary of State),

(b) section 134(1) of the Local Government, Planning and Land Act 1980 (designation of urban development area by Secretary of State), or

(c) section 197 of the Localism Act 2011 (designation of Mayoral development area).

(See also section 1(3ZB) and (3ZC), section 197(2B) and (2C) of the Localism Act 2011 and section 134(1E) and (1F) of the Local Government, Planning and Land Act 1980.)”

(4) In section 1ZB (designation of locally-led new town in England, as inserted by section 172(2) of the Levelling-up and Regeneration Act 2023), in subsection (2)—

(a) for “may” substitute “must”;

(b) omit from “if” to the end.

(5) In section 77 (regulations and orders)—

(a) in subsection (2A), after “section” insert “1(3ZC) or”;

(b) in subsection (3C), after “order” insert “or regulations”.

(6) The Localism Act 2011 is amended as set out in subsections (7) to (9).

(7) In section 197 (designation of Mayoral development areas)—

(a) in subsection (1), for "any" substitute "an";
(b) after subsection (2) insert—

"(2A) An area of land designated under subsection (1)—

(a) may include any area (the "overlap area") that is, or forms part of, an area of land that has already been designated (the "previously designated area") under—

(i) section 1ZB(2) of the New Towns Act 1981 (designation of locally-led new town in England), or

(ii) section 134(1B) of the Local Government, Planning and Land Act 1980 (designation of locally-led urban development area);

(b) may not include any area that is, or forms part of, an area that is designated under—

(i) section 1 of the New Towns Act 1981 (designation of new town area by Secretary of State), or

(ii) section 134(1) of the Local Government, Planning and Land Act 1980 (designation of urban development area by Secretary of State).

(See also section 1(3ZB) and (3ZC) of the New Towns Act 1981 and section 134(1E) and (1F) of the Local Government, Planning and Land Act 1980.)

(2B) Where the Mayor designates an area as mentioned in subsection (2A)(a), the Secretary of State must make regulations providing that the overlap area no longer forms part of the previously designated area.

(2C) The regulations may also—

(a) amend any order relating to the previously designated area to show the new boundaries of the area, which may reflect not only the removal of the overlap area but also any other changes that are necessary or appropriate in consequence of its removal;

(b) provide for the transfer of functions relating to the overlap area to the development corporation established for the purposes of the Mayoral development area;

(c) where the overlap area completely covers the previously designated area, provide for the dissolution of the development corporation for the previously designated area.

(2D) The Secretary of State may, in connection with regulations under this section, make one or more schemes for the transfer of property, rights and liabilities relating to the overlap area to the development corporation established for the purposes of the Mayoral development area (see also section 218 (transfer schemes: general provisions))."

(8) In section 218 (transfer schemes: general provisions, in the definition of "transfer scheme" in subsection (1), after "section" insert "197(2D),".

(9) In section 235 (orders and regulations)—

(a) in subsection (7), after paragraph (j) insert—

"(ja) regulations under section 197;";

(b) in subsection (14), after "52" insert "or regulations under section 197".

(10) The Local Government, Planning and Land Act 1980 is amended as set out in subsections (11) to (13).

(11) In section 134 (urban development areas)—

(a) in subsection (1B) (as inserted by section 171(2) of the Levelling-up and Regeneration Act 2023)—

(i) in the words before paragraph (a), for "may" substitute "must";

(ii) omit paragraph (b) (and the "and" immediately before it);

(b) after subsection (1C) (inserted by section 93) insert—

"(1D) An order under subsection (1) may designate any area of land that includes an area (the "overlap area") that is, or forms part of, an area that has already been designated (the "previously designated area") under—

(a) subsection (1B) (designation of locally-led urban development area),

(b) section 1ZB(2) of the New Towns Act 1981 (designation of locally-led new town in England), or

(c) section 197 of the Localism Act 2011 (designation of Mayoral development area).

(1E) On the coming into force of an order that makes provision as mentioned in subsection (1D), the overlap area no longer forms part of the previously designated area.

(1F) Where the Secretary of State makes an order that contains provision as mentioned in subsection (1D), the Secretary of State may also by regulations made by statutory instrument—

(a) amend any order relating to the previously designated area to show the new boundaries of the area, which may reflect not only the removal of the overlap area but also any other changes that are necessary or appropriate in consequence of its removal;

(b) provide for the transfer of functions relating to the overlap area to the development corporation established for the purposes of the urban development area;

(c) where the overlap area completely covers the previously designated area, provide for the dissolution of the development corporation for the previously designated area;

(d) make consequential, incidental, supplementary, transitional or saving provision.

(1G) The Secretary of State may, in connection with regulations under subsection (1F), make one or more schemes for the transfer of property, rights and liabilities relating to the overlap area to the development corporation established for the purposes of the urban development area (see also section 140B (transfer schemes: general provisions)).";

(c) in subsection (4), after "(1B)" insert "or regulations made by the Secretary of State under subsection (1F)";

(d) in subsection (4A), after "(1B)" insert "or regulations made by the Secretary of State under subsection (1F)".

(12) In section 134A (local authority proposal for designation of locally-led urban development area in England, as inserted by section 171(3) of the Levelling-up and Regeneration Act 2023), after subsection (1) insert—

"(1A) A proposal area must not include any area of land that is, or forms part of, an area that is designated under—

(a) section 134(1) (designation of urban development area by Secretary of State),

(b) section 1 of the New Towns Act 1981 (designation of new town area by Secretary of State), or

(c) section 197 of the Localism Act 2011 (designation of Mayoral development area).

(See also section 134(1E) and (1F), section 1(3ZB) and (3ZC) of the New Towns Act 1981 and section 197(2B) and (2C) of the Localism Act 2011.)"

(13) In section 171 (interpretation), in the definition of "urban development area", after "it" insert "by virtue of subsection (1E) of that section or"."

Member's explanatory statement

This new clause would clarify the relationship between different types of development corporation so that any area of overlap in proposed new corporations will be resolved in favour of the higher-tier authority.

Clause 94

LORD FULLER

188 Clause 94, page 123, line 6, at end insert—

"(c) the funding and financing of development proposals, which may extend to the issuance of bonds, debt or similar financial instruments."

LORD CRISP
LORD YOUNG OF COOKHAM
LORD CARLILE OF BERRIEW

189 Clause 94, page 123, line 6, at end insert—

"(c) the positive promotion of the physical, mental and social health of the residents in its area by ensuring the creation of healthy homes and neighbourhoods."

LORD FULLER

190 Clause 94, page 123, line 14, at end insert—

"(c) the funding and financing of development proposals, which may extend to the issuance of bonds, debt or similar financial instruments."

LORD CRISP
LORD YOUNG OF COOKHAM
LORD CARLILE OF BERRIEW

191 Clause 94, page 123, line 14, at end insert—

"(c) the positive promotion of the physical, mental and social health of the residents in its area by ensuring the creation of healthy homes and neighbourhoods."

LORD FULLER

192 Clause 94, page 123, line 21, at end insert—

"(c) the funding and financing of development proposals, which may extend to the issuance of bonds, debt or similar financial instruments."

LORD CRISP
LORD YOUNG OF COOKHAM
LORD CARLILE OF BERRIEW

193 Clause 94, page 123, line 21, at end insert—

"(c) the positive promotion of the physical, mental and social health of the residents in its area by ensuring the creation of healthy homes and neighbourhoods."

After Clause 94

BARONESS GRENDER
BARONESS BENNETT OF MANOR CASTLE
LORD CARLILE OF BERRIEW

194 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

195 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

196 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.

LORD LIDDLE

197 Clause 95, page 124, line 36, at end insert—

"(4A) After section 10(2), insert—

"(2A) Where a development corporation is proposing large scale housing and transport schemes, they must benefit automatically from the removal of hope value from the valuation of the relevant land without any requirement for an express direction.

(2B) Land purchases by development corporations under these provisions must not be regarded as public sector investments to be counted against departmental expenditure limits.""

BARONESS MILLER OF CHILTHORNE DOMER
LORD LUCAS
VISCOUNT HANWORTH

198 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

199 Clause 95, page 126, line 13, at end insert—

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

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

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

Clause 96

BARONESS TAYLOR OF STEVENAGE

200 Clause 96, page 127, line 18, at end insert—

"(6A) The Secretary of State may, in connection with regulations under subsection (3), make one or more schemes for the transfer of property, rights and liabilities between the corporation and the relevant transport authority to which the regulations relate (see also section 9B (transfer schemes: general provisions))."

Member's explanatory statement
This amendment is consequential on my amendment to clause 96, leaving out lines 33 to 38 of page 127.

BARONESS TAYLOR OF STEVENAGE

201 Clause 96, page 127, leave out lines 33 to 38 and insert—

"Transfer schemes: general

9B Transfer schemes under sections 1 and 9A: general provisions

(1) In this section "transfer scheme" means a scheme under section 1(3ZD) or 9A(6A)."

Member's explanatory statement
The effect of this amendment would be to extend the provision about transfer schemes, drafted to cover schemes under new section 9A of the New Towns Act 1981 (transfer of transport functions) to schemes under section 1(3ZD) (transfer schemes in case of overlapping development corporation areas), inserted by my amendment inserting a new clause after clause 93.

BARONESS TAYLOR OF STEVENAGE

202 Clause 96, page 129, line 28, at end insert—

"(7A) The Secretary of State may, in connection with regulations under subsection (3), make one or more schemes for the transfer of property, rights and liabilities between the corporation and the relevant transport authority to which the regulations relate (see also section 140B (transfer schemes: general provisions))."

Member's explanatory statement
This amendment is consequential on my amendment to clause 96, leaving out lines 1 to 6 of page 130.

BARONESS TAYLOR OF STEVENAGE

203 Clause 96, page 130, leave out lines 1 to 6 and insert—

"Transfer schemes: general

140B Transfer schemes under sections 134 and 140A: general provisions

(1) In this section "transfer scheme" means a scheme under section 134(1G) or 140A(7A)."

Member's explanatory statement
The effect of this amendment would be to extend the provision about transfer schemes, drafted to cover schemes under new section 140A of the Local Government, Planning and Land Act 1980 (transfer of transport functions) to schemes under section 134(1G) (transfer schemes in case of overlapping development corporation areas), inserted by my amendment inserting a new clause after clause 93.

After Clause 96

LORD LANSLEY

204 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 be 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

205 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.

BARONESS WILLIS OF SUMMERTOWN
LORD CRISP
BARONESS SHEEHAN
BARONESS BOYCOTT

206 After Clause 96, insert the following new Clause—

“Development Corporations: access to green and blue spaces

A Development Corporation must take all reasonable steps to ensure—
(a) access to and care of—
(i) high quality green spaces within 15 minutes’ walk of homes;
(ii) blue spaces, with such spaces to be designed into new development;
(b) accessible community land for growing;
(c) street trees and greenery to provide shading in all new developments.”

Member's explanatory statement
The purpose of this amendment is to provide for the delivery of green and blue spaces, areas of community land for growing and street trees and greenery by Development Corporations. This would ensure that new town development delivers climate and nature resilient healthy places.

Clause 98

LORD LUCAS

207 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

208 Clause 98, page 134, line 27, after "order)," insert—

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

LORD LUCAS

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

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

Clause 105

LORD ROBOROUGH
LORD BLENCATHRA

210 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
LORD BLENCATHRA

211 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

212 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
BARONESS SCOTT OF NEEDHAM MARKET
LORD THURLOW

213 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

214 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

215 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.

EARL RUSSELL
BARONESS YOUNG OF OLD SCONE
BARONESS JONES OF MOULSECOOMB

216 After Clause 106, 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.

LORD CAMERON OF DILLINGTON
THE EARL OF LYTTON

217 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
BARONESS BENNETT OF MANOR CASTLE

218 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
BARONESS JONES OF MOULSECOOMB

219 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

220 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

221 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

222 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

223 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

224 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
BARONESS BENNETT OF MANOR CASTLE
LORD RANDALL OF UXBRIDGE
BARONESS GRENDER

225 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.

LORD CRISP
LORD YOUNG OF COOKHAM
LORD CARLILE OF BERRIEW

226 After Clause 106, insert the following new Clause—

"Secretary of State's duty to promote healthy homes and neighbourhoods

(1) The Secretary of State must promote a comprehensive regulatory framework for planning and the built environment designed to secure—
  (a) the physical, mental and social health and well-being of the people of England, and
  (b) healthy homes and neighbourhoods.

(2) The Secretary of State may by regulations made by statutory instrument make provision for a system of standards that promotes and secures healthy homes on condition that certain requirements prescribed in the regulations are met.

(3) 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.

(4) Schedule (*Healthy homes*) makes provision about healthy homes standards."

BARONESS BENNETT OF MANOR CASTLE

227 After Clause 106, insert the following new Clause—

"Review of the human and environmental toxicity of new buildings and landscaping

(1) Within 12 months of the day on which this Act is passed, the Secretary of State must publish a review of what measures might be taken to reduce the level of toxic materials in new buildings and landscaping, including particularly—
  (a) artificial turf and other landscaping materials;
  (b) per- and polyfluoroalkyl substances, hormone-disrupting chemicals, formaldehyde and related chemicals, and plastics;
  (c) the ability of buildings to exclude environmental threats such as dust and smoke.

(2) The Secretary of State must arrange for a motion to be tabled in both Houses of Parliament to enable a debate on the report published under subsection (1)."

BARONESS GRENDER

227A★ After Clause 106, insert the following new Clause—

"Flood resilience measures for new homes

(1) Within six months of the day on which this Act is passed, the Secretary of State must make regulations by statutory instrument under section 1 of the Building

Act 1984 (power to make building regulations) to require that property flood resilience measures are included in any new homes.

(2) Property flood resilience measures under this section may include—

(a) raised electrical sockets;

(b) non-return valves on utility pipes;

(c) airbricks;

(d) resilient wall plaster;

(e) any other measure as the Secretary of State may specify."

Member's explanatory statement

This new clause ensures all new homes are built with property flood resilience measures to combat increased flood risk.

Clause 53

BARONESS COFFEY
THE EARL OF CAITHNESS

228 Clause 53, page 90, line 8, leave out "by Natural England"

BARONESS COFFEY
THE EARL OF CAITHNESS

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

BARONESS COFFEY
THE EARL OF CAITHNESS

230 Clause 53, page 90, line 15, leave out "to Natural England"

LORD ROBOROUGH
THE EARL OF CAITHNESS
LORD BLENCATHRA

231 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

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

LORD BLENCATHRA

233 Clause 54, page 91, line 25, at end insert—

"(6A) When specifying the maximum amount of development in reference to the metrics in subsection (6), Natural England must consult qualified surveyors from the Royal Institute of Chartered Surveyors."

LORD CAMERON OF DILLINGTON
THE EARL OF CAITHNESS

234 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

235 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
THE EARL OF CAITHNESS

236 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.

EARL RUSSELL
BARONESS JONES OF MOULSECOOMB

237 Clause 54, page 91, line 30, at end insert—

"(8) An EDP must include a schedule setting out the timetable for implementation of each conservation measure and reporting results.

(9) The schedule must ensure that, where the development to which the EDP applies is likely to cause in Natural England's opinion any significant environmental damage, the corresponding conservation measures have resulted in an overall improvement in the conservation status of the identified features in advance of that damage, so that environmental benefits are delivered in advance so far as practicable."

Member's explanatory statement
This amendments requires an implementation schedule that guarantees EDP conservation measures deliver benefits, especially ahead of any irreversible environmental damage as determined 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 54 stand part of the Bill.

Clause 55

LORD LANSLEY

238 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

239 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

240 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
BARONESS YOUNG OF OLD SCONE

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

EARL RUSSELL

242 Clause 55, page 92, line 1 at end insert—

"(2A) An environmental feature identified in an EDP must not be—

(a) an irreplaceable habitat, and

(b) ecologically linked to an irreplaceable habitat to the extent that development-related harm to that feature or the surrounding site would degrade, damage or destroy an irreplaceable habitat.

(2B) For the purposes of this section, "irreplaceable habitat" means—

(a) a habitat identified as irreplaceable under The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations (2024/48), or

(b) an ecologically valuable habitat that would be technically very difficult or impossible to restore, create or replace within a reasonable timescale."

Member's explanatory statement
This amendment would clarify that an Environmental Delivery Plan cannot be created for irreplaceable habitats and would maintain existing rules and processes for their protection, including under the National Planning Policy Framework.

BARONESS YOUNG OF OLD SCONE

242A Clause 55, page 92, line 1, at end insert—

"(2A) An environmental impact identified in an EDP may only affect nutrient neutrality, water quality, water resource or air quality."

Member's explanatory statement
This amendment seeks to limit the application of an EDP to issues where approaches at a strategic landscape scale will be effective.

BARONESS COFFEY
THE EARL OF CAITHNESS

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

BARONESS GRENDER

244 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
BARONESS YOUNG OF OLD SCONE

245 Clause 55, page 92, line 7, at end insert—

"(c) comply with the principles of the mitigation hierarchy."

BARONESS TAYLOR OF STEVENAGE

245A 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.

EARL RUSSELL

246 Clause 55, page 92, line 8, leave out subsection (4) and insert—

"(4) An EDP passes the overall improvement test if the conservation measures will be sufficient to significantly and measurably outweigh the negative effect caused by the environmental impact of development on the conservation status of each identified environmental feature and to achieve a significant environmental improvement."

Member's explanatory statement
This amendments strengthens overall improvement test that conservation measures must significantly and measurably outweigh any negative impacts to improve the conservation status of identified features.

BARONESS TAYLOR OF STEVENAGE

246A 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 COFFEY
THE EARL OF CAITHNESS

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

BARONESS TAYLOR OF STEVENAGE

247A 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.

LORD ROBOROUGH
LORD BLENCATHRA

248 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.

BARONESS TAYLOR OF STEVENAGE

248A 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.)

THE EARL OF CAITHNESS
LORD BLENCATHRA

249 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.

BARONESS TAYLOR OF STEVENAGE

249A 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).

LORD ROBOROUGH
LORD BLENCATHRA

250 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.

EARL RUSSELL

251 Clause 55, page 92, line 25, at end insert—

"(7A) Natural England may only accept the request under subsection (7) if Natural England is satisfied that—

(a) the developer has taken reasonable steps to appropriately apply the mitigation hierarchy, including by seeking to avoid harm wherever possible to the protected feature, and

(b) in the case of a plan or project affecting an irreplaceable habitat, a European Protected Species, or part of the National Site Network, there being no alternative solutions, the plan or project must be carried out for imperative reasons of overriding public interest."

Member's explanatory statement
This amendment ensures that Natural England accepts requests only when developers have properly applied the mitigation hierarchy and justifies projects due to there being no alternative solutions and on imperative public interest grounds, especially for sensitive habitats.

LORD ROBOROUGH
LORD BLENCATHRA

252 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
THE EARL OF KINNOULL
LORD BLENCATHRA

253 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
THE LORD BISHOP OF HEREFORD

254 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
LORD BLENCATHRA

255 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
LORD BLENCATHRA

256 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 TAYLOR OF STEVENAGE

256A 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

256B 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 COFFEY
THE EARL OF CAITHNESS

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

LORD CURRY OF KIRKHARLE

258 Clause 57, page 93, line 7, at end insert—

"(c) which private market solutions were explored to address an environmental impact on an identified environmental feature, and why no existing and available private market solution was deemed sufficient or suitable."

Member's explanatory statement
This amendment, connected to others in the name of Lord Curry of Kirkharle, seeks to ensure that private market solutions can contribute to the implementation of Part 3 of the Bill, ensuring that developers can pursue mitigation strategies on their own sites and that private sector investment in nature is protected.

BARONESS YOUNG OF OLD SCONE

258A★ Clause 57, page 93, line 7, at end insert—

"(c) how the conservation measures comply with the principles of the mitigation hierarchy."

BARONESS TAYLOR OF STEVENAGE

258B 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 COFFEY
THE EARL OF CAITHNESS

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

BARONESS COFFEY
THE EARL OF CAITHNESS

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

BARONESS TAYLOR OF STEVENAGE

260A 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 COFFEY
LORD BLENCATHRA

261 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

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

BARONESS TAYLOR OF STEVENAGE

262A 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).

BARONESS COFFEY

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

THE EARL OF CAITHNESS

264 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 KREBS
BARONESS PARMINTER
LORD WHITTY

265 Clause 57, page 93, line 29, at end insert—

"(10) An EDP must include an implementation schedule setting out when each conservation measure must be taken.

(11) A schedule under subsection (10) must ensure that, where the development to which the EDP applies is, in Natural England's opinion, likely to cause any irreversible damage to—

(a) the integrity of a protected site network,

(b) an ecosystem, or

(c) a species population,

the corresponding conservation measures result in an overall improvement in the conservation status of any relevant features and ecosystems prior to the damage being caused.

(12) In preparing a schedule under subsection (10) Natural England must take into account the precautionary principle and the prevention principle and publish a statement explaining how it has done so."

Member's explanatory statement
This amendment specifies a timetable for EDP benefits and requires an implementation schedule that guarantees EDP conservation measures deliver benefits, and ensures that compensation should be delivered upfront in the case of damage to the integrity of protected sites or species populations, as determined 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 57 stand part of the Bill.

Clause 58

LORD KREBS
BARONESS PARMINTER
LORD GASCOIGNE
LORD WHITTY

266 Clause 58, page 93, line 31, at end insert—

"(A1) Natural England may only decide to prepare an EDP for a protected feature if it can demonstrate that implementing conservation measures as part of an EDP could contribute to a significant environmental improvement in the conservation status of the relevant environmental feature at an ecologically appropriate scale."

Member's explanatory statement
This amendment would limit the preparation of EDPs to cases where proposed measures can demonstrably achieve significant environmental improvements in the conservation status of an environmental feature at an appropriate ecological scale.

BARONESS COFFEY

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

LORD CURRY OF KIRKHARLE

268 Clause 58, page 93, line 32, leave out "When" and insert "The Secretary of State must provide guidance to Natural England stating that existing private market solutions should be prioritised over an EDP, if the solutions can fully address and mitigate an identified environmental feature within a development, without delay to the planning process.

(1A) Natural England must have regard to the guidance in subsection (1) and if"

Member's explanatory statement
This amendment, connected to others in the name of Lord Curry of Kirkharle, seeks to ensure that private market solutions can contribute to the implementation of Part 3 of the Bill, ensuring that developers can pursue mitigation strategies on their own sites and that private sector investment in nature is protected.

BARONESS COFFEY
THE EARL OF CAITHNESS

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

LORD CAMERON OF DILLINGTON
THE EARL OF CAITHNESS

270 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.

LORD BLENCATHRA

270A Clause 58, page 93, line 38, at end insert—

"(ca) any local nature recovery strategies, and"

LORD TEVERSON

271 Clause 58, page 94, line 1, at end insert "so far as Natural England considers them to be relevant."

Member's explanatory statement
This amendment – one of a pair in the name of Lord Teverson – seeks to ensure that, when preparing an EDP, Natural England must have regard to all plans listed in subsections (2)(a) to (2)(c), rather than just those that it considers to be relevant.

LORD TEVERSON

272 Clause 58, page 94, leave out line 2

Member's explanatory statement
This amendment – one of a pair in the name of Lord Teverson – seeks to ensure that, when preparing an EDP, Natural England must have regard to all plans listed in subsections (2)(a) to (2)(c), rather than just those that it considers to be relevant.

BARONESS COFFEY
THE EARL OF CAITHNESS

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

THE EARL OF CAITHNESS

274 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).

EARL RUSSELL

275 Clause 58, page 94, line 2 at end insert—

"(2A) Natural England, having followed the mitigation hierarchy, may only decide to prepare an EDP for a protected feature if it can demonstrate that implementing conservation measures as part of an EDP would contribute to a significant environmental improvement in the conservation status of the relevant environmental feature at an ecologically appropriate scale."

Member's explanatory statement
This amendment ensures that Natural England uses the mitigation hierarchy to assess the appropriateness of the EDP itself in the first instance, before then limiting the preparation of EDPs to cases where proposed measures can demonstrably achieve significant environmental improvements in the conservation status of an environmental feature at an appropriate ecological scale.

BARONESS COFFEY
THE EARL OF CAITHNESS

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

BARONESS COFFEY
THE EARL OF CAITHNESS

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

BARONESS COFFEY
THE EARL OF CAITHNESS

278 Clause 58, page 94, line 27, leave out "by Natural England"

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

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

Clause 59

BARONESS TAYLOR OF STEVENAGE

278A 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.

BARONESS COFFEY
THE EARL OF CAITHNESS

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

BARONESS COFFEY

280 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

281 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
LORD BLENCATHRA

282 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

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

BARONESS COFFEY
THE EARL OF CAITHNESS

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

BARONESS COFFEY

285 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 WILLIS OF SUMMERTOWN
BARONESS PARMINTER
LORD WHITTY
LORD GASCOIGNE

286 Clause 60, page 96, line 3, leave out subsection (4) and insert—

"(4) An EDP passes the overall improvement test if the conservation measures will be sufficient to significantly and measurably outweigh the negative effect caused by the environmental impact of development on the conservation status of each identified environmental feature and to achieve a significant environmental improvement."

Member's explanatory statement
This amendment strengthens the overall improvement test providing that conservation measures must significantly and measurably outweigh any negative impacts to improve the conservation status of identified features.

BARONESS TAYLOR OF STEVENAGE

286A 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.

BARONESS GRENDER

287 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

288 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

289 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.

BARONESS BENNETT OF MANOR CASTLE

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

"(5A) An EDP does not pass the overall improvement test—

(a) where the environmental features affected are qualifying features of a European site, European marine site, European offshore marine site or a Ramsar site, unless—

(i) the Secretary of State is satisfied that there would be no adverse effect on the integrity of the relevant site from the delivery of development to which the EDP applies, either alone or in combination with other plans and projects, with the same standard of confidence as if the EDP were being assessed as a plan or project under Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017 (S.I. 2012/2017),

(ii) it has not been possible for the Secretary of State to be satisfied under sub-paragraph (i) but the provision of measures to offset any unavoidable harm to the relevant features significantly outweighs the negative effect of the development, or

(iii) there is an overriding public interest in permitting the EDP to be made and no alternative approaches to meeting the public interest that would result in less harm to the relevant site;

(b) unless the Secretary of State is satisfied that Natural England has demonstrated that all reasonable opportunities to avoid or minimise negative effects caused by development within the scope of the EDP have been taken;

(c) unless Natural England has demonstrated that—

(i) any measures to avoid or mitigate negative effects caused by development will be delivered and functioning prior to any such negative effects occurring, and

(ii) any proposed compensation measures will be delivered to prevent any irreversible harm to the conservation status of relevant ecological features."

Member's explanatory statement
This amendment outlines when the Secretary of State must find that an EDP does not pass the overall improvement test.

LORD ROBOROUGH
LORD BLENCATHRA

291 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
LORD BLENCATHRA

292 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 61

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 61 stand part of the Bill.

Clause 62

LORD ROBOROUGH
LORD BLENCATHRA

293 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

294 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
LORD BLENCATHRA

295 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.

BARONESS TAYLOR OF STEVENAGE

295A 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.

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

BARONESS TAYLOR OF STEVENAGE

295B 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

295C 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

295D 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

295E 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).

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
THE EARL OF KINNOULL
LORD BLENCATHRA

296 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.

BARONESS TAYLOR OF STEVENAGE

296A 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.

LORD ROBOROUGH
THE EARL OF KINNOULL
LORD BLENCATHRA

297 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
LORD BLENCATHRA

298 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.

After Clause 64

BARONESS TAYLOR OF STEVENAGE

298ZA 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 65

THE EARL OF CAITHNESS

298A Clause 65, page 99, line 21, at end insert—

"(A1) Any failure to meet the specified tests in an EDP as set out in section 57(8A) may result in a challenge to the EDP from relevant parties.

(B1) A challenge may be made to a court which may impose sanctions including—

(a) an advisory or warning letter;

(b) a direction to carry out specified activities.

(C1) "Relevant parties" means those appropriate persons or bodies which are considered to have the necessary ability and credentials to prepare and deliver an environmental delivery plan as identified under section 58(2A)."

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.

Before Clause 66

LORD ROBOROUGH
LORD BLENCATHRA

299 Before Clause 66, insert the following new Clause—

"Nature restoration levy: payment, liability and amount

(1) A developer may make a request in writing to Natural England to pay the nature restoration levy in relation to a development to which an EDP applies and if Natural England accept the request, the developer is committed to pay the nature restoration levy.

(2) The Secretary of State may make regulations about the nature restoration levy ("nature restoration levy regulations").

(3) Nature restoration levy regulations may—

(a) seek to ensure that costs incurred in maintaining or improving the conservation status of environmental features can be funded (wholly or partly) by developers in a way that does not make development economically unviable,

(b) make provision about liability to pay the nature restoration levy in relation to a development, including who is liable to pay the levy, and when liability to pay arises.

(4) When considering the rates or other criteria to be set out in a charging schedule, Natural England must have regard to, in the manner specified by nature restoration levy regulations, the actual and expected costs of the conservation measures relating to the environmental impact of development on the environmental feature to which the charging schedule relates."

Clause 66

BARONESS WILLIS OF SUMMERTOWN
BARONESS PARMINTER
LORD GASCOIGNE

300 Clause 66, page 100, line 38, at end insert—

"(2A) Where Natural England has accepted the request to pay a nature restoration levy, the Secretary of State has a duty to take all necessary steps to ensure to a high degree of certainty based on an objective assessment that significant and measurable improvement to the conservation status of each identified environmental feature is achieved within the period covered by the EDP."

Member's explanatory statement
This amendment would require that EDPs secure significant and measurable improvements to nature.

BARONESS WILLIS OF SUMMERTOWN
BARONESS PARMINTER
LORD WHITTY
LORD GASCOIGNE

301 Clause 66, page 100, line 38, at end insert—

"(2A) Natural England may only accept the request if Natural England is satisfied that—

(a) the developer has taken reasonable steps to appropriately apply the mitigation hierarchy, including by seeking to avoid harm wherever possible to the protected feature, and

(b) in the case of a plan or project affecting an irreplaceable habitat, a European Protected Species, or part of the National Site Network, there being no alternative solutions, the plan or project must be carried out for imperative reasons of overriding public interest."

Member's explanatory statement
This amendment ensures Natural England accepts requests only when developers have properly applied the mitigation hierarchy and justifies projects due to there being no alternative solutions and on imperative public interest grounds, especially for sensitive habitats.

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
LORD BLENCATHRA

302 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
LORD BLENCATHRA

303 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

EARL RUSSELL

304 Clause 67, page 101, line 41, leave out subsection (2) and insert—

"(2) In making the regulations, the Secretary of State must ensure that the overall purpose of the nature restoration levy is to ensure that costs incurred in maintaining and improving the conservation status of environmental features are funded by the developer."

Member's explanatory statement
This amendment ensures that the cost of works for nature restoration and enhancement are covered by the developer, in accordance with the Polluter Pays Principle. The setting of the Levy schedule should act as a deterrent to developments that would have an outsized impact on the natural environment, redirecting them to locations with lower environmental impacts.

LORD GRAYLING
LORD RANDALL OF UXBRIDGE
LORD BLENCATHRA

305 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

306 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 GASCOIGNE

307 Clause 69, page 103, line 17, at end insert—

"(3A) Administrative expenses in connection with an EDP may only be included in a charging schedule in accordance with the provisions of section 11 of the Natural Environment and Rural Communities Act 2006 (power to charge for services and licences)."

Member's explanatory statement
This restricts the ability of Natural England to charge for administrative expenses so that it may only be done in accordance with the NERC Act 2006. Section 11 of that Act defines what is allowed to be claimed with the consent of 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 69 stand part of the Bill.

Before Clause 70

LORD ROBOROUGH
LORD BLENCATHRA

308 Before Clause 70, insert the following new Clause—

"Nature restoration levy: appeals, use, collection and enforcement

(1) Nature restoration levy regulations must—
  (a) include provision about the collection of the nature restoration levy,
  (b) require Natural England to spend money received by virtue of the nature restoration levy on conservation measures that relate to the environmental feature in relation to which the levy is charged,

(c) provide for a right of appeal on a question of fact in relation to the calculation of the amount of the levy payable by a developer,

(d) include provision about enforcement of the nature restoration levy and the consequences of late payment and failure to pay.

(2) Nature restoration levy regulations may require Natural England or another public authority to pay compensation in respect of loss or damage suffered as a result of enforcement action.

(3) The Secretary of State may give guidance to Natural England or another public authority about any matter connected with the nature restoration levy."

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

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

LORD GASCOIGNE

310 Clause 71, page 104, line 27, leave out "may" and insert "must"

Member's explanatory statement
This amendment, together with another in the name of Lord Gascoigne, would mean that future regulations would ensure Natural England publishes a list of all works in relation to each EDP including costings and expenses.

THE EARL OF CAITHNESS

311 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 GASCOIGNE

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

"(d) require Natural England to publish details including costings and expenses in relation to each EDP."

Member's explanatory statement
This amendment, together with another in the name of Lord Gascoigne, would mean that future regulations would ensure Natural England publishes a list of all works in relation to each EDP including costings and expenses.

LORD ROBOROUGH
THE EARL OF CAITHNESS
LORD BLENCATHRA

313 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 GASCOIGNE

314 Clause 71, page 104, line 38, leave out paragraphs (a) to (c)

Member's explanatory statement
This removes the ability for Natural England to "take a cut" from the nature restoration levy to subsidise their own administrative expenses.

LORD ROBOROUGH
LORD BLENCATHRA

315 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

316 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
LORD BLENCATHRA

317 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

318 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

BARONESS TAYLOR OF STEVENAGE

318A 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.

THE EARL OF CAITHNESS

319 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

320 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.

BARONESS TAYLOR OF STEVENAGE

320A 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.

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
THE EARL OF CAITHNESS
LORD BLENCATHRA

321 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
THE EARL OF CAITHNESS
LORD BLENCATHRA

322 Clause 77, page 109, line 11, leave out 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

BARONESS TAYLOR OF STEVENAGE

322A 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

322B 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

322C 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

322D 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.

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
THE EARL OF CAITHNESS

323 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
LORD BLENCATHRA

324 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

325 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

BARONESS TAYLOR OF STEVENAGE

325A 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

325B 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.

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

BARONESS TAYLOR OF STEVENAGE

325C 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.

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

326 Clause 86, page 116, line 6, after "another" insert "appropriate"

THE EARL OF CAITHNESS

327 Clause 86, page 116, line 6, after "person" insert "or body"

LORD CAMERON OF DILLINGTON
THE EARL OF CAITHNESS

328 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.

LORD LUCAS

328A★ Clause 86, page 116, line 7, at end insert ", including a National Park authority"

Member's explanatory statement
This amendment seeks to clarify whether a National Park could discharge functions on behalf of Natural England under Part 3.

THE EARL OF CAITHNESS

329 Clause 86, page 116, line 9, after "designated" insert "appropriate"

THE EARL OF CAITHNESS

330 Clause 86, page 116, line 9, after "person" insert "or body"

THE EARL OF CAITHNESS

331 Clause 86, page 116, line 10, after "designated" insert "appropriate"

THE EARL OF CAITHNESS

332 Clause 86, page 116, line 10, after "person" insert "or body"

BARONESS MCINTOSH OF PICKERING
BARONESS YOUNG OF OLD SCONE

333 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 LUCAS

As an amendment to Amendment 333

333A 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.

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
LORD BLENCATHRA

334 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

335 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

336 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
BARONESS JONES OF MOULSECOOMB
BARONESS WILLIS OF SUMMERTOWN

337 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
BARONESS FREEMAN OF STEVENTON

338 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

339 After Clause 87, insert the following new Clause—

"Inclusion of wildbelt in planning considerations

(1) The Secretary of State must, within six months of the day on which this Act is passed—

(a) create a category of protection for wildbelt areas in England for the purpose of permanently protecting such areas from or during development, and

(b) issue guidance for local planning authorities and other relevant parties on how wildbelt land is to be protected.

(2) For the purposes of subsection (1), "permanently protecting" areas means protecting or restoring the natural environment in a wildbelt area, and in ecosystems functionally connected to a wildbelt area.

(3) Guidance issued under subsection (1)(b) must—

(a) provide assistance to local planning authorities and others on the identification of wildbelt sites;

(b) impose responsibilities on strategic planning authorities in relation to the development of spatial development strategies regarding—

(i) the use of Local Nature Recovery Strategies to protect and enhance wildbelt;

(ii) the reporting of progress towards the development of wildbelt sites;

(iii) the reporting of progress towards the use of wildbelt designation to increase public access to nature.

(4) For the purposes of this section, "wildbelt" has such meaning as the Secretary of State may specify in guidance, but must include—

(a) areas of land;

(b) bodies of water and adjacent land;

(c) wetlands."

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

BARONESS GRENDER
BARONESS FREEMAN OF STEVENTON

340 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

341 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
BARONESS WILLIS OF SUMMERTOWN

342 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

343 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

344 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
BARONESS TYLER OF ENFIELD
LORD PARKINSON OF WHITLEY BAY
BARONESS YOUNG OF OLD SCONE

345 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.

BARONESS BENNETT OF MANOR CASTLE

346 After Clause 87, insert the following new Clause—

"Local authorities: report on land contamination

(1) Within 12 months of the day on which this Act is passed, local authorities in England must report to the Secretary of State on the overall incidence of land contamination in their area, and the resources needed to bring this contamination to safe levels.

(2) Within 24 months of the day on which this Act is passed, the Secretary of State must publish a review of the incidence of land contamination in England.

(3) The review must—

(a) publish the reports provided under subsection (1),

(b) have regard to the reports provided under subsection (1),

(c) identify the resources required to bring all land contamination in England to safe levels, and

(d) identify any legislative changes necessary to bring all land contamination in England to safe levels."

Member's explanatory statement
This amendment would require the Secretary of State and local authorities to identify the level of contaminated land in England and the necessary resources to bring contamination to safe levels.

BARONESS JONES OF MOULSECOOMB

346A After Clause 87, insert the following new Clause—

"Duty to further the conservation and enhancement of nature

In the Forestry Act 1967, after section 3 (management of forestry land) insert—

"3A Use of land within Protected Landscapes: nature duty

(1) When undertaking their responsibilities relating to planning, development and infrastructure, forestry authorities must do so in a way which conforms with the nature duty.

(2) The nature duty is that, for all land within a National Park, the Broads or a National Landscape, the appropriate forestry authority must further the conservation and enhancement of nature, natural beauty and biodiversity.

(3) When there is a conflict between the general duty set out in section 1(2) and the nature duty set out in subsection (2), the appropriate forestry authority must give priority to the nature duty.""

LORD OFFORD OF GARVEL

346B 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

346C 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

346D 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.

Before Clause 88

BARONESS TAYLOR OF STEVENAGE

346E 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.

Clause 88

BARONESS COFFEY

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

BARONESS COFFEY

348 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 HUNT OF KINGS HEATH
LORD RAVENSDALE

349 Clause 89, page 118, line 14, at end insert—

"(aa) Part 1A amends the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) to provide that scientific evidence must be considered when carrying out functions under those Regulations in respect of planning;"

Member's explanatory statement
This amendment inserts a reference to a new Schedule 6, Part 1A (which amends the Habitats Regulations 2017) and is inserted by another amendment tabled by Lord Hunt of Kings Heath at Schedule 6, page 176, line 22.

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.

Schedule 6

BARONESS TAYLOR OF STEVENAGE

349A 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.

LORD HUNT OF KINGS HEATH
LORD RAVENSDALE
LORD ROBOROUGH

350 Schedule 6, page 176, line 22, at end insert—

"PART 1A

PLANNING CONSENT: AMENDMENTS TO THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017

Interpretation etc

1 The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) are amended as follows.

2 In regulation 3 (interpretation), in paragraph (1)—

(a) after the definition of "priority species", insert—

""protected features" means, in relation to a European site or European offshore marine site, any Annex I or Annex II species (as defined in the Habitats Directive) which is an interest feature of that site;";

(b) after the definition of "sample" insert—

""scientific evidence" means evidence which adheres to an appropriate and proportionate scientific methodology and on that basis draws a conclusion in relation to the pathway or scale of impact which is scientifically justified;

"scientific justification" means a credible justification based on evidence of real rather than hypothetical risks or absence of such risks (as the case may be), and "scientifically justified" shall be read accordingly;".

3 In regulation 3A (interpretation: the Directives), in paragraph (4) at end insert "or any matters pertaining to the assessment of, or compensation for, plans or projects pursuant to regulations 63 and 68, or the protection of species and species licensing pursuant to regulations 43 and 55".

Duty to consider the scientific evidence

4 Regulation 55 (licences for certain activities relating to animals or plants) is amended as follows.

5 In paragraph (9), after "satisfied" insert ", subject to paragraph (9A)".

6 After paragraph (9), insert—

"(9A) When deciding on the granting of a licence under paragraph (9) which is in connection with planning and development, the relevant licensing body must be satisfied based on scientific evidence or a scientific justification.".

7 Regulation 63 (assessment of implications for European sites and European offshore marine sites) is amended as follows.

8 After paragraph (1) insert—

"(1A) For the purpose of paragraph (1), and notwithstanding any reference to "typical species" in the conservation objectives, any non-bird animal species is only relevant to the assessment if it is specifically named as a basis for the site's designation.".

9 After paragraph (3) insert—

"(3A) Where an appropriate nature conservation body considers that the applicant has not met the requirements of paragraph (2) it must provide a statement to the competent authority with details of the further information required and the scientific justification for this requirement, and the applicant must be given an opportunity to respond.".

10 In paragraph (4), for the first "It" substitute "The competent authority".

11 In paragraph (5), after "ascertained" insert "(on a scientifically justified basis not requiring absolute certainty)".

12 In paragraph (6)—

(a) after "project" insert "is likely to have a significant effect on or";

(b) for "have" substitute "base its conclusion on scientific evidence, having"; and

(c) for "it", in the first place it occurs, substitute "the plan or project".

13 After paragraph (6), insert—

"(6A) Where there is scientific evidence that the effects of a plan or project alone on a protected feature are likely to be de minimis (including due to their temporary duration) and the plan or project's contribution to in-combination effects with other plans or projects on that protected feature is also likely to be de minimis, there should not be considered to be a likely significant effect on a European site or European offshore marine site for the purpose of paragraph (1)(a) or an adverse effect on the integrity of a European site or European offshore marine site for the purpose of paragraph (5), including in cases where the European site or European offshore marine site has an unfavourable conservation status.

(6B) For the purpose of paragraph (6A) as it applies to paragraph (5), the manner in which a plan or project is proposed to be carried out and any conditions or restrictions subject to which it is proposed that the consent, permission or other authorisation should be given, may be taken into account when considering whether effects are likely to be de minimis.

(6C) Paragraph (6A) shall not apply in relation to permanent loss of any part of a natural habitat type whose preservation was the objective justifying the designation of the site.

(6D) Any scientific evidence or scientific justification provided by an applicant for the purpose of assessment, or to enable a competent authority to determine whether an appropriate assessment is required, shall not (without scientific justification) be accorded less weight by the competent authority than that provided by the appropriate nature conservation body.".

Cases where subsequent assessment is not required

14 In paragraph (7) of regulation 63 (assessment of implications for European sites and European offshore marine sites), after sub-paragraph (c), insert—

"(d) consents, approvals, permissions or authorisations required pursuant to—

(i) the conditions of a planning permission granted under the Town and Country Planning Act 1990;

(ii) the requirements of a development consent order made under the Planning Act 2008;

(iii) the conditions of a marine licence granted pursuant to Marine and Coastal Access Act 2009;

(iv) the conditions of a consent under section 36 or section 37 of the Electricity Act 1989; or

(v) the requirements of an infrastructure consent order made under the Infrastructure (Wales) Act 2024;

provided that when planning permission, development consent, a marine licence, section 36 or section 37 consent, or infrastructure consent (as relevant) was granted, any assessment required at that time by these Regulations (or any predecessor Regulations in force at that time) was carried out.".

Acceptable forms of compensation

15 Regulation 68 (compensatory measures) is amended as follows.

16 After paragraph (2) (inserted by paragraph 10 of this Schedule) insert—

"(3) For the purpose of paragraph (1), the appropriate authority may secure measures which benefit Natura 2000 by—

(a) directly or indirectly benefiting ecosystems affected by the plan or project,

(b) contributing, anywhere within Natura 2000, to the improvement of the conservation status of protected features affected by the plan or project,

(c) assisting the appropriate authority in meeting its management objectives under regulation 16A in respect of the affected protected features, or

(d) contributing to meeting the objectives of a current environmental improvement plan or Environment Act strategy in the vicinity of the plan or project,

and such measures need not be of the same type or scale as the protected features negatively affected by the plan or project or in place or effective prior to the onset of its impact.

(4) In this regulation—

"current environmental improvement plan" has the same meaning as in Part 1 of the Environment Act 2021;

"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); or

(c) section 110 (protected site strategies)." ."

Member's explanatory statement
This new Schedule seeks to amend The Conservation of Habitats and Species Regulations 2017 in relation to species licensing, the assessment of the impacts of plans or projects on protected European sites and European offshore marine sites, and compensatory measures. It seeks to confer a duty to follow a science-led and proportionate approach in relation to these.

After Schedule 6

LORD CRISP
LORD YOUNG OF COOKHAM
LORD CARLILE OF BERRIEW

351 After Schedule 6, insert the following new Schedule—

"SCHEDULE

HEALTHY HOMES

Policy statement on healthy homes principles

1 The Secretary of State must prepare a statement in accordance with this Schedule (the "policy statement on healthy homes principles").

2 The statement must explain how the healthy homes principles are to be interpreted and applied by Ministers of the Crown and relevant responsible authorities in making, developing and revising their policies in relation to planning, development and infrastructure.

3 The statement may explain how the principles will be implemented and adhered to in a way that takes account of a building development's urban, suburban or rural location.

Meaning of "healthy homes principles"

4 In this Act "healthy homes principles" means the principles that—

(a) all new homes should be safe in relation to the risk of fire,

(b) all new homes should have, as a minimum, the liveable space required to meet the needs of people over their whole lifetime, including adequate internal and external storage space,

(c) all main living areas and bedrooms of a new dwelling should have access to natural light,

(d) all new homes and their surroundings should be designed to be inclusive, accessible, and adaptable to suit the needs of all, with

particular regard to protected characteristics under the Equality Act 2010,

(e) all new homes should provide access to sustainable transport,

(f) homes in new or existing urban areas must provide access to walkable services, including green infrastructure and play space,

(g) all new homes should secure radical reductions in carbon emissions in line with the provisions of the Climate Change Act 2008,

(h) all new homes should demonstrate how they will be resilient to a changing climate over their full lifetime,

(i) all new homes should be secure and built in such a way as to minimise the risk of crime,

(j) all new homes should be free from adverse and intrusive noise and light pollution,

(k) all new homes should not contribute to unsafe or illegal levels of indoor or ambient air pollution and must be built to minimise, and where possible eliminate, the harmful impacts of air pollution on human health and the environment, and

(l) all new homes should be designed to provide year-round thermal comfort for inhabitants.

Policy statement on healthy homes principles: process

5 The Secretary of State must prepare a draft of the policy statement on healthy homes principles.

6 The Secretary of State must consult such persons as the Secretary of State considers appropriate in relation to the draft statement.

7 The Secretary of State must lay the draft statement before Parliament.

8 If, before the end of the period of 21 sitting days beginning with the day after the day on which the draft statement is laid—

(a) either House of Parliament passes a resolution in respect of the draft, or

(b) a committee of either House, or a joint committee of both Houses, makes recommendations in respect of the draft,

the Secretary of State must produce a response and lay it before Parliament.

9 The Secretary of State must lay before Parliament, and publish, the final statement, but not before—

(a) if a resolution is passed or recommendations are made in accordance with paragraph 8, the day on which the Secretary of State lays before Parliament the response required by that paragraph, or

(b) otherwise, the end of the period of 21 sitting days beginning with the day after the day on which the draft statement is laid before Parliament.

10 The Secretary of State may revise the policy statement on healthy homes principles at any time (and paragraphs 5 to 11 apply in relation to any revised statement).

11 "Sitting day" means a day on which both Houses of Parliament sit.

Policy statement on healthy homes principles: effect

12 A Minister of the Crown must have regard to the healthy homes principles when making, developing or revising policies dealt with by the statement.

13 Relevant responsible authorities must have regard to the policy statement on healthy homes principles when discharging their duties under the planning and building acts and public health acts.

14 "Relevant responsible authorities" include but are not limited to—

(a) local planning authorities;
(b) urban development corporations;
(c) new town development authorities;
(d) the planning inspectorate;
(e) Homes England.

Annual monitoring

15 The Secretary of State must prepare a progress report for each annual reporting period.

16 A progress report for an annual reporting period is a report on progress made in that period about the extent to which all new homes approved and completed during that period have met the healthy homes principles under paragraph 4.

17 A progress report must include specific consideration of how the approval and creation of new homes has met the needs of those with protected characteristics under section 4 of the Equality Act 2010 (the protected characteristics).

18 A progress report must include consideration of how progress could be improved.

19 The Secretary of State must arrange for each progress report to be—

(a) laid before Parliament, and
(b) published."

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

352 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 CURRY OF KIRKHARLE

353 Clause 92, page 121, line 1, at end insert—

""private market solutions" refers to any arrangement, transaction, or scheme facilitated by private actors — including landowners, developers, conservation organisations, consultants, or brokers — that delivers measurable ecological or environmental outcomes through market-based mechanisms which are separate from an EDP, and includes any other outcome-based environmental offset or mitigation service that is made available on a voluntary, contractual, or statutory basis through a competitive or open market."

Member's explanatory statement
This amendment, connected to others in the name of Lord Curry of Kirkharle, seeks to ensure that private market solutions can contribute to the implementation of Part 3 of the Bill, ensuring that developers can pursue mitigation strategies on their own sites and that private sector investment in nature is protected.

LORD ROBOROUGH
LORD BLENCATHRA

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

"(e) a river or stream,"

VISCOUNT TRENCHARD

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

"(e) a chalk stream, or
(f) a blanket bog,"

BARONESS COFFEY
THE EARL OF CAITHNESS
BARONESS WILLIS OF SUMMERTOWN

356 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

LORD HUNT OF KINGS HEATH

357 Clause 110, page 150, line 27, leave out "to 12" and insert "and 11"

Member's explanatory statement
This amendment, and another in my name to Clause 110, page 150, line 28, changes the commencement of Clause 12 from commencement by regulations to two months after Royal Assent.

LORD HUNT OF KINGS HEATH

358 Clause 110, page 150, line 28, at end insert—

"(ca) section 12 comes into force at the end of the period of two months beginning with the day on which this Act is passed;"

Member's explanatory statement
See the explanatory statement for the amendment in the name of Lord Hunt of Kings Heath to Clause 110, page 150, line 27.

BARONESS TAYLOR OF STEVENAGE

359 Clause 110, page 151, line 43, leave out paragraph (x) and insert—

"(x) section 46(1), (4) and (5) come into force at the end of the period of two months beginning with the day on which this Act is passed;

(xa) section 46(2) and (3) come into force—

(i) in relation to applications made to the Secretary of State, on the day on which the first relevant regulations made by the Secretary of State come into force;

(ii) in relation to applications made to the Scottish Ministers, on the day on which the first relevant regulations made by the Scottish Ministers come into force;

(iii) in relation to applications made to the Welsh Ministers, on the day on which the first relevant regulations made by the Welsh Ministers come into force;

and in this paragraph "relevant regulations" means regulations under paragraph 9A of Schedule 3 to the Harbours Act 1964 (inserted by section 46(4));"

Member's explanatory statement
This amendment would adjust the commencement of clause 46 so that the repeal of existing fee-charging powers takes effect in each of England, Scotland and Wales only when new fees regulations come into force in the area concerned.

LORD HUNT OF KINGS HEATH

360 Clause 110, page 152, line 18, at end insert—

"(ca) sections *(Town and Country Planning Act 1990: legal challenges)*, *(Planning (Listed Buildings and Conservation Areas) Act 1990: legal challenges)*, and*(Planning Acts legal challenges: reduction in time-limit)* come into force at the end of the period of two months beginning with the day on which this Act is passed;"

Member's explanatory statement
This amendment brings the new Clauses in the name of Lord Hunt of Kings Heath inserted after Clause 51 (Town and Country Planning Act 1990: legal challenges), (Planning (Listed Buildings and Conservation Areas) Act 1990: legal challenges), and (Planning Acts legal challenges: reduction in time-limit), into force two months after Royal Assent.

THE EARL OF CAITHNESS

361 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 be regulations appoint, but not before the independent body as specified in section *(Independent oversight of administration of Part 3)* has been established."

LORD LANSLEY

362 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

363 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

364 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

SECOND MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

22 July 2025

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