

# Planning and Infrastructure Bill

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## AMENDMENTS

### TO BE MOVED

#### IN COMMITTEE OF THE WHOLE HOUSE

*[Supplementary to the Second Marshalled List]*

Amendment  
No.

#### After Clause 51

LORD HUNT OF KINGS HEATH

**135D★** After Clause 51, insert the following new Clause—

#### **“Planning (Hazardous Substances) 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 (cc) (as inserted by section (*Planning (Listed Buildings and Conservation Areas) Act 1990: legal challenges*) of this Act) insert—
  - “(cd) from a refusal of permission to apply for judicial review in a case within section 22 of the Planning (Hazardous Substances) Act 1990 (validity of decisions as to applications), if the High Court decides that the application for permission to apply for judicial review is totally without merit;”
- (2) The power to make Civil Procedure Rules must be exercised so as to secure that Civil Procedure Rules include—
  - (a) provision requiring an application for permission to apply for judicial review in a case within section 22 of the Planning (Hazardous Substances) Act 1990 (validity of decisions as to applications) to be decided at an oral hearing;
  - (b) provision that the court may, at the oral hearing of such an application, decide that the application 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 (Hazardous Substances) Act 1990 is totally without merit.*

**After Clause 107****LORD HUNT OF KINGS HEATH**

**356A★** After Clause 107, insert the following new Clause –

**“Pre-consolidation amendments of planning legislation**

- (1) The Secretary of State may by regulations make such amendments and modifications of the Acts relating to planning as in the Secretary of State’s opinion facilitate, or are otherwise desirable in connection with, the consolidation of the whole or a substantial part of the Acts relating to planning.
- (2) The Acts relating to planning are –
  - (a) the Commons Act 1899;
  - (b) the Public Health Act 1936;
  - (c) the Agricultural Act 1947;
  - (d) the Historic Buildings and Ancient Monuments Act 1953;
  - (e) the Land Compensation Act 1961;
  - (f) Part 4 of the Public Health Act 1961;
  - (g) the Compulsory Purchase Act 1965;
  - (h) the Forestry Act 1967;
  - (i) the Post Office Act 1969;
  - (j) the Land Compensation Act 1973;
  - (k) the Inner Urban Areas Act 1978;
  - (l) the Ancient Monuments and Archaeological Areas Act 1979;
  - (m) Parts 9 to 18 of the Local Government, Planning and Land Act 1980;
  - (n) the Highways Act 1980;
  - (o) the New Towns Act 1981;
  - (p) the Acquisition of Land Act 1981;
  - (q) Part 2 of the Civil Aviation Act 1982;
  - (r) the Building Act 1984;
  - (s) Part 5 of the Airports Act 1986;
  - (t) the Town and Country Planning Act 1990;
  - (u) the Planning (Listed Buildings and Conservation Areas) Act 1990;
  - (v) the Planning (Hazardous Substances) Act 1990;
  - (w) the Planning (Consequential Provisions) Act 1990;
  - (x) Parts 1, 3 and 5 of the Planning and Compensation Act 1991;
  - (y) the Transport and Works Act 1992;
  - (z) sections 67 to 69 and 96 of, and Schedules 13 and 14 to, the Environment Act 1995
  - (z1) Part 7 of the Greater London Authority Act 1999;
  - (z2) the Countryside and Rights of Way Act 2000;
  - (z3) sections 118 and 397 of, and Schedule 4 to, the Communications Act 2003;
  - (z4) the Planning and Compulsory Purchase Act 2004;
  - (z5) the Natural Environment and Rural Communities Act 2006;

- (z6) the Commons Act 2006;
  - (z7) the Housing and Regeneration Act 2008;
  - (z8) the Planning Act 2008;
  - (z9) Parts 6 and 9, and sections 202 to 205, of the Localism Act 2011;
  - (z10) the Mobile Homes Act 2013;
  - (z11) the Infrastructure Act 2015;
  - (z12) Parts 6 to 8 of the Housing and Planning Act 2016;
  - (z13) the Neighbourhood Planning Act 2017;
  - (z14) the Environment Act 2021;
  - (z15) the Building Safety Act 2022;
  - (z16) the Historic Environment (Wales) Act 2023;
  - (z17) Parts 3 to 11 of the Levelling-up and Regeneration Act 2023;
  - (z18) this Act;
  - (z19) any other provision of an Act relating to planning, whenever passed.
- (3) For the purposes of this section, “amend” includes repeal (and similar terms are to be read accordingly).
  - (4) Regulations made under this section do not come into force unless an Act is passed consolidating the whole or a substantial part of the Acts relating to planning.
  - (5) If such an Act is passed, any regulations made under this section come into force immediately before the Act comes into force.
  - (6) Regulations under this section are to be made by statutory instrument.
  - (7) A statutory instrument containing (whether alone or with other provision) regulations under this section may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.”

***Member's explanatory statement***

*This new clause enables pre-consolidation amendments to be made to planning legislation, in anticipation of a future Consolidation Bill. It is intended to probe the desirability and feasibility of consolidation of planning legislation.*

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*23 July 2025*

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