Planning and Infrastructure Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Second Marshalled List]

After Clause 28

LORD FORSYTH OF DRUMLEAN

After Clause 28, insert the following new Clause—

"Prohibition of battery energy systems on higher quality agricultural land

No permission may be granted for the building or installation of provision for battery energy storage systems where the development would involve building on agricultural land at grade 1, 2, or 3a."

After Clause 51

LORD HUNT OF KINGS HEATH
Revised version of Amendment 128

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 22 of the Planning (Hazardous Substances) Act 1990 (validity of decisions as to applications), in subsection (2B), for "6 weeks" substitute "21 days".

(9) 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".

(10) 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. This amendment extends Amendment 128 to proceedings brought under section 22 of the Planning (Hazardous Substances) Act 1990.

LORD HUNT OF KINGS HEATH
Revised version of Amendment 129

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) 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 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) 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 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. This amendment requires Civil Procedure Rules to be made in similar terms of Clause 12(2) in relation to Amendment 129.

LORD HUNT OF KINGS HEATH
Revised version of Amendment 130

130 After Clause 51, insert the following new Clause—

"Planning (Listed Buildings and Conservation Areas) 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 (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;"

(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 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (proceedings for questioning the validity of other orders, decisions and directions) 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 (Listed Buildings and Conservation Areas) Act 1990 is totally without merit. This amendment requires Civil Procedure Rules to be made in similar terms of Clause 12(2) in relation to Amendment 130.

LORD LUCAS

After Clause 51, insert the following new Clause—

"Planning permission: biodiversity information

(1) The Secretary of State may, by regulations, set out—

(a) the circumstances in which an application for planning permission made to a local planning authority under the rules of that planning authority may be required to be accompanied by specified biodiversity information for the area in which planning permission is requested from specified organisations;

(b) those organisations from which information must be obtained pursuant to paragraph (a), and what fees those organisations may charge for the collection and retrieval of that information;

(c) what flora, fauna or other biodiversity information that must encompass;

(d) that any biodiversity information obtained while making an application for planning permission or for any connected purpose must be contributed at no cost to specified organisations;

(e) those organisations to which biodiversity information must be contributed pursuant to paragraph (d)."

After Clause 52

LORD BANNER
Revised version of Amendment 166

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 Secretary of State may publish guidance on how the principle of proportionality in planning is to be applied.

(6) The principle of proportionality in planning must not be interpreted as affecting existing requirements for local planning authorities to justify the refusal or withholding of planning permission.

(7) 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.

BARONESS PINNOCK

After Clause 52, 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 by regulations made by statutory instrument, 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.

(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 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 PINNOCK

After Clause 52, insert the following new Clause—

"Development of land for the public benefit

(1) This section applies where—
  (a) a developer has entered into an obligation under section 106 of the Town and Country Planning Act 1990 which requires the development of local community infrastructure, and
  (b) such development—
    (i) has not been completed, and it is not intended or anticipated that the development will be completed, or
    (ii) has been subject to a change of circumstance which means that it will not or cannot be used for its intended purpose.

(2) Where this section applies—
  (a) the relevant land remains under the ownership of the local planning authority;
  (b) the local planning authority may only develop or permit the development of the land for the purposes of providing a community asset;
  (c) the local planning authority must, when proposing to develop the land under paragraph (b), consult the local community before commencing development or granting permission for any development.

(3) For the purposes of this section—
  "local community infrastructure" means a development for the benefit of the local community, including schools, nurseries, and medical centres,
  "community asset" means—
    (a) a public park;
    (b) a public leisure facility;
    (c) social housing;
    (d) such other assets as the local planning authority may specify, provided that their development is to meet the needs of the local community."

Member's explanatory statement
This new clause provides that land designated for development as community infrastructure under a S106 agreement will not be returned to a developer to use for other purposes in the event that the original purpose is not fulfilled. It provides instead that land would remain under the control of the local planning authority for development as a community asset.

BARONESS PINNOCK

After Clause 52, insert the following new Clause—

"Neighbourhood plans

The Secretary of State may only—

(a) grant a development consent order where the Secretary of State believes that the application for consent gives due consideration to any relevant neighbourhood plan;

(b) permit a variation to a neighbourhood plan which, in the opinion of the Secretary of State—

(i) is clearly justifiable,

(ii) is unlikely to compromise the overall intention of the neighbourhood plan, and

(iii) has been proposed in a clear and timely manner."

Member's explanatory statement
This new clause would require due consideration to be given to neighbourhood plans when deciding on an application for development consent.

Clause 103

LORD MESTON

Clause 103, page 142, line 41, at end insert "unless the person displaced can show that he did not deliberately allow the dwelling to fall into disrepair or to remain derelict and that his failure to take steps or action required by the notice or order served was due to that person's poor health or other infirmity, or was due to his inability to afford the cost of the work required."

Member's explanatory statement
This amendment seeks to mitigate the potentially harsh and punitive application of the proposed new section 32A of the 1973 Act when a dwelling is compulsorily acquired.

Clause 55

LORD LUCAS

Clause 55, page 92, line 29, at end insert—

"(9) The Secretary of State may, by regulations, set out—

(a) the circumstances in which an EDP, in addition to any environmental features identified pursuant to subsection (1), may be required to also be accompanied by specified biodiversity information for the area in which development is contemplated from specified organisations;

(b) those organisations from which information must be obtained pursuant to paragraph (a), and what fees those organisations may charge for the collection and retrieval of that information;

(c) what flora, fauna, or other biodiversity information that must encompass;
(d) that any new biodiversity information generated while making an EDP or for any connected purpose must be contributed at no cost to specified organisations;
(e) those organisations to which biodiversity information must be contributed pursuant to paragraph (d)."

Member's explanatory statement
To ensure that planning applications use the best available biodiversity information, and that biodiversity information generated in the course of planning applications is added to the national knowledge-bank.

LORD CROMWELL

Clause 55, page 92, line 29, at end insert—

"(9) In designing, creating, implementing, monitoring or enforcing any EDP, Natural England, or any other body undertaking some or all of these functions, must ensure that legal obligations concerning notifiable weeds under the Weeds Act 1959 and the associated Code of Practice, including ragwort, are publicised, observed and enforced, including ensuring that all reasonable steps are taken to remove and destroy such plants."

Member's explanatory statement
This amendment clarifies the legal obligation on landowners and occupiers to report, control and remove notifiable weeds on land acquired for an EDP. The amendment specifically refers to ragwort, which is poisonous to livestock and has spread rapidly in recent years.

Clause 66

LORD TEVERSON

Clause 66, page 101, line 37, as end insert—

"(6) All monies received from developers under the nature restoration levy must be treated as additional to the core funding of the Department for Environment, Food and Rural Affairs and Natural England."

Member's explanatory statement
This amendment ensures that payments by developers to the nature restoration levy are not used by the Government to reduce the core funding of DEFRA or Natural England.

Clause 69

LORD CROMWELL

Clause 69, page 103, line 39, at end insert—

"(7) Any levy amount proposed by Natural England, or any other body preparing an EDP, must be accompanied by a budget breakdown showing separately any amount of the budget allocated as a contingency.

(8) In the event that an EDP is implemented and some of the budget or the contingency is not used to create environmental benefits that match the agreed level required to compensate for the associated development, then the unused amount is to be returned promptly to the party that paid the levy.

(9) To any amount returned under subsection (8) will be added interest at the Bank of England base rate plus 3%, due from the sooner of—

(a) the date when it was evident that the funds were not going to be required, or

(b) the completion of the agreed works."

Member's explanatory statement
This amendment would ensure that while a contingency may be budgeted for in an EDP, unspent funds would be returned promptly to the levy payer and not retained for any other purposes by the recipient of the levy monies.

After Clause 87

LORD RAVENSDALE
LORD HUNT OF KINGS HEATH

After Clause 87, insert the following new Clause—

"Development for reasons of national security or energy security in the absence of an EDP

(1) The Conservation of Habitats and Species Regulations 2017 (SI 2017/1012) are amended as follows.

(2) In regulation 64 (Considerations of overriding public interest), at end insert—

"(7) In paragraph (1), "imperative reasons of overriding public interest" may include a situation where—

(a) the Secretary of State considers that the development is necessary—

(i) for reasons of national security, or

(ii) in relation to the generation and conveyance of low carbon electricity, energy and security, and

(b) no environmental delivery plan under the Planning and Infrastructure Act 2025 applies to the plan or project

(8) In paragraph (1), "no alternative solutions" should be read to mean no alternative solution which can be delivered whilst maintaining reasonable development costs.

(9) "Low carbon electricity generation" has the meaning given in section 6(3) of the Energy Act 2013 (Regulations to encourage low carbon electricity generation)."

(3) In regulation 68 (Compensatory measures), at end insert—

"(2) The Secretary of State may disapply this regulation where—

(a) the appropriate authority commits to alternative compensatory environmental measures, and

(b) the Secretary of State considers these measures—

(i) have a higher environmental value than any compensation measures which would be necessary to meet the requirements of this regulation, or

(ii) are necessary to maintain reasonable development costs.

(3) Within six months of the day on which the Planning and Infrastructure Act 2025 is passed, the Secretary of State may publish guidance setting out how reasonable development costs are to be assessed in relation to this regulation.""

Planning and Infrastructure Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Second Marshalled List]

15 August 2025

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS