Planning and Infrastructure Bill

FIFTH 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 29 to 41
Schedule 2
Clauses 42 to 47
Clauses 13 to 23
Schedule 1
Clauses 24 to 28
Clauses 48 to 52
Schedule 3
Clauses 93 to 106
Clauses 53 to 66
Schedule 4
Clauses 67 to 83
Schedule 5
Clauses 84 to 89
Schedule 6
Clauses 90 to 92
Clauses 107 to 111
Title

[*Amendments marked ★ are new or have been altered*]

Amendment No.

After Clause 51

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
BARONESS THORNHILL
LORD YOUNG OF COOKHAM
LORD CARLILE OF BERRIEW

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
LORD GRANTCHESTER

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 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
LORD BANNER

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
LORD BANNER

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 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.

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.

BARONESS THORNHILL

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

"Meetings of local planning authorities to be available for participation online

(1) This section applies to any meeting of a local authority held to discharge the authority's planning functions, including a committee or a sub-committee of the authority held under section 101(1)(a) of the Local Government Act 1972 (a "planning meeting").

(2) A local authority must make arrangements for the proceedings of a planning meeting to be available over the internet both in real time and for five years after the meeting, and those arrangements must include the ability for members of the public observing a planning meeting over the internet in real time to address the meeting where permitted by the person chairing the meeting.

(3) Subsection (2) applies despite any prohibition or other restriction contained in the standing orders or any other rules of the authority governing a planning meeting and any such prohibition or restriction has no effect.

(4) A local authority may make standing orders and any other rules governing participation by a member of the public in a planning meeting over the internet, which may include provision for access to documents."

Member's explanatory statement
This new clause would require local planning authorities to make their meetings available for observation and participation online.

LORD LUCAS

135F 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)."

LORD LUCAS

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

"Planning decisions to be taken within a set time

The Secretary of State may, in respect of any process or procedure forming part of the process of obtaining planning consent, require that this process or procedure be completed within a specified time, and should that not be the case may then require that consent be deemed as given."

Member's explanatory statement
The aim of this amendment is to allow the Secretary of State to speed up the planning process where this is justified.

LORD LUCAS

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

"Type approval for modular construction of buildings

(1) The Secretary of State may appoint the Buildoffsite Property Assurance Scheme, or another organisation, to give type approval to designs for the modular construction of buildings.

(2) Any type approval granted under subsection (1) must confirm that the design meets all current regulations, and describe how.

(3) A type approval certificate issued under this section serves as complete evidence for a local planning authority or other body that the design complies with current regulations."

Member's explanatory statement
The aim of this amendment is to speed up the grant of planning permission for buildings that are created off site to a predetermined specification, and then assembled on site.

BARONESS MCINTOSH OF PICKERING

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

"Local planning authorities: meetings

(1) The Secretary of State may, by regulations made by statutory instrument, establish arrangements where, in circumstances specified in those regulations, a planning meeting is not limited to a meeting of persons who are all present in the same place.

(2) This section applies to any meeting of a local authority held to discharge the authority's planning functions, including a committee or a sub-committee of the authority held under section 101(1)(a) of the Local Government Act 1972 (a "planning meeting").

(3) A statutory instrument containing regulations under subsection (1) 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 make provision for the authorisation of hybrid planning meetings for planning authorities.

BARONESS SCOTT OF BYBROOK

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

"Use of hotels as accommodation for asylum seekers: requirement for planning permission

(1) Section 55 of the Town and Country Planning Act 1990 (meaning of "development" and "new development") is amended as follows.

(2) After subsection (1), insert—

"(1ZA) For the purposes of this section, "the making of any material change in the use of any buildings or other land" includes—

(a) the repurposing of a hotel as accommodation for asylum seekers, and

(b) where a hotel has already been repurposed as accommodation for asylum seekers, the continuation of its use as such accommodation beyond the date on which the Planning and Infrastructure Act 2025 comes into force."

(3) At the end of subsection (2)(f), insert "unless the building is a hotel proposed for use as accommodation for asylum seekers".

(4) After section 106C of that Act insert—

"106D Use of hotels as accommodation for asylum seekers

Any existing or future development order under Part 3 of this Act does not have the effect of granting planning permission for the use of a hotel as accommodation for asylum seekers."."

Member's explanatory statement
This amendment aims to ensure that an application for planning permission is required in all cases of repurposing of a hotel as accommodation for asylum seekers, together with the associated requirement for consultation of affected local communities.

BARONESS SCOTT OF BYBROOK

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

"Use of houses in multiple occupation as accommodation for asylum seekers: requirement for planning permission

(1) Section 55 of the Town and Country Planning Act 1990 (meaning of "development" and "new development") is amended as follows.

(2) After subsection (1), insert—

"(1ZA) For the purposes of this section, "the making of any material change in the use of any buildings or other land" includes—

(a) the repurposing of a house in multiple occupation as accommodation for asylum seekers, and

(b) where a house in multiple occupation has already been repurposed as accommodation for asylum seekers, the continuation of its use as such accommodation beyond the date on which the Planning and Infrastructure Act 2025 comes into force."

(3) At the end of subsection (2)(f), insert "unless the building is proposed for use as a house in multiple occupation as accommodation for asylum seekers".

(4) After section 106C of that Act insert—

"106D Use of houses in multiple occupation as accommodation for asylum seekers

Any existing or future development order under Part 3 of this Act does not have the effect of granting planning permission for the use of a house in multiple occupation as accommodation for asylum seekers."."

Member's explanatory statement
This amendment aims to ensure that an application for planning permission is required in all cases of repurposing a house in multiple occupation as accommodation for asylum seekers, together with the associated requirement for consultation of affected local communities.

BARONESS SCOTT OF BYBROOK

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

"Stop notices: disapplication of time limit in asylum hotel and asylum HMO cases

In section 183 of the Town and Country Planning Act 1990 (stop notices), after subsection (5A) insert—

"(5B) Subsection (5) does not prevent a stop notice prohibiting the use of—
(a) a hotel as accommodation for asylum seekers, or
(b) a house in multiple occupation as accommodation for asylum seekers."."

Member's explanatory statement
This amendment removes the four year time limit for stop notices under section 183 of the Town and Country Planning Act 1990 for cases involving the use of hotels or houses in multiple occupation by asylum seekers.

LORD JAMIESON

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

"Planning decisions: determination by committee

When objections to a planning application are submitted to a local planning authority and its chair of the planning committee and the head of planning (or those in equivalent roles) confirm that the objections are on valid grounds, they may allow that planning application to be determined by committee."

Member's explanatory statement
This amendment aims to enable local democracy in the determination of planning applications provided they are on valid planning ground.

LORD JAMIESON

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

"Planning decisions: disapplication of committee requirement

Where—

(a) a council that is also the local planning authority makes a planning application, or

(b) a council employee or councillor makes a planning application,

and there are no objections to that application, it is not a requirement for it to be determined by committee."

Member's explanatory statement
This amendment aims to remove a bureaucratic step in certain situations where there are no objections to a planning application.

LORD JAMIESON

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

"Planning decisions: prohibition on reconsideration

Where planning permission has already been approved and is current, decisions on subsequent planning applications on more detailed matters or outstanding items, whether by an officer or committee, cannot revisit those items which have already been determined in the existing permission."

Member's explanatory statement
This amendment aims to reduce cost and potential delays in the planning system by making case law clear in legislation.

BARONESS SCOTT OF BYBROOK
LORD JAMIESON

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

"Review of finality in the planning system

(1) The Secretary of State must, within 12 months of the day on which this Act is passed, undertake a review of the principle of finality in the planning system.

(2) The Secretary of State must publish a report of the review undertaken under subsection (1) within one week of its completion.

(3) The review must consider, in particular—

(a) cases where planning permission, whether in outline or in detail, has been granted and remains extant;

(b) whether subsequent applications in respect of the permissions referred to in paragraph (a) for approval of reserved matters, detailed design, or other outstanding items—

(i) should be determined without re-opening or revisiting issues already determined in the existing permission, whether by an officer or a committee, and

(ii) should be subject to procedural safeguards to ensure certainty for applicants and local communities;

(c) circumstances in which changes to national legislation or regulation require modifications to an existing approved planning permission in order to meet new legal or regulatory requirements;

(d) whether, in circumstances referred to in paragraph (c), those changes or modifications should be deemed to have planning permission in principle;

(e) the interaction of changes to national policy or law with the procedures for local plan preparation under Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (S.I. 2012/767), and the risk that councils may have to repeat consultation or publication stages despite having already progressed significantly towards plan examination.

(4) The report under subsection (2) must include recommendations for legislative or policy changes arising from the review."

Member's explanatory statement
This is a probing amendment intended to explore whether the planning system provides sufficient certainty once a permission is granted, how necessary changes prompted by new national legislation might be handled without re-litigation of settled matters, and whether clearer principles of finality could improve efficiency and reduce delay.

BARONESS COFFEY

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

"Planning consents: reporting

The Secretary of State must publish quarterly, for each local planning authority, the number of planning consents granted where—

(a) building has not started;

(b) building has not been completed."

BARONESS COFFEY

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

"Power to compel local authorities to revoke or modify building notices

In section 97 of TCPA 1990 (power to revoke or modify planning permission or permission in principle), after subsection (8) insert—

"(8A) The Secretary of State may direct a local planning authority to revoke or modify any permission in principle, to the extent that the local authority can do so under this section.""

Clause 52

BARONESS SCOTT OF BYBROOK
LORD JAMIESON

135HA Clause 52, page 69, leave out lines 34 and 35

Member's explanatory statement
This amendment seeks to probe the move from an optional approach to a mandatory requirement for designated strategic authorities to prepare Spatial Development Strategies.

BARONESS SCOTT OF BYBROOK
LORD JAMIESON

135HB Clause 52, page 70, leave out lines 15 to 26

Member's explanatory statement
This amendment seeks to probe the definition of a "strategy area" in relation to a Spatial Development Strategy, to clarify its geographic scope, the criteria for its designation, and how it interacts with existing local and regional planning boundaries.

LORD LUCAS

135I Clause 52, page 70, line 40, at end insert ", or where the area of a spatial development strategy contains any part of a national park authority."

Member's explanatory statement
This amendment seeks to ensure coherent planning through extending the Secretary of State's powers to establish a joint committee of authorities where a national park is present in the spatial development strategy area.

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.

LORD JAMIESON

136ZA Clause 52, page 71, line 37, at end insert—

"(2A) Regulations making provision in accordance with subsection (2) must ensure that the composition of the strategic planning board and any sub-committees shall be representative of the constituent authorities and their population.""

Member's explanatory statement
This amendment seeks to ensure that the composition of the board and its committees reflects the constituent authorities and the populations they serve, in order to guarantee fair representation.

BARONESS SCOTT OF BYBROOK
LORD JAMIESON

136A Clause 52, page 72, leave out lines 8 to 12

Member's explanatory statement
This amendment seeks to probe the uncertainty facing local authorities about the geographical scope of Spatial Development Strategies (SDSs), particularly during periods of local government reorganisation. It probes whether authorities should continue progressing local plans or prepare SDSs, and the risk of duplication or delay in plan-making.

BARONESS SCOTT OF BYBROOK
LORD JAMIESON

136B Clause 52, page 72, leave out line 11

Member's explanatory statement
This amendment seeks to probe how principal authorities will secure sufficient planning staff to prepare SDSs, given existing workforce shortages. It raises concerns about reliance on secondments from lower-tier councils, which could undermine plan-making capacity in those areas and create wider resource pressures.

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
LORD TEVERSON

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

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

LORD MOYNIHAN

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

"(d) securing the use and development of land in the strategy area which supports the delivery of local strategies to improve health and wellbeing, including those which seek to ensure adequate provision for sport and physical activity in the form of—

(i) access to green space,

(ii) active travel infrastructure, and

(iii) sport and physical activity facilities."

BARONESS WILLIS OF SUMMERTOWN

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

"(d) creating and enhancing the provision of and public access to a network of multifunctional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity."

Member's explanatory statement
This amendment would require relevant strategic authorities to incorporate blue and green infrastructure as defined by the National Policy Planning Framework (NPPF) into the creation and adoption of spatial development strategies.

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 JAMIESON

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

"(4A) The spatial development strategy must indicate how the infrastructure specified or described in accordance with subsection (4) is to be funded, and any impact on the spatial development strategy of the infrastructure not being available, including which development areas would not be feasible without it."

Member's explanatory statement
This amendment would require a spatial development strategy to explain how essential infrastructure will be funded and to assess the consequences of such infrastructure not being available, in order to ensure that necessary infrastructure is delivered as part of the strategic plan.

BARONESS WARWICK OF UNDERCLIFFE

139A Clause 52, page 73, line 14, leave out "may" and insert "must"

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.

BARONESS WARWICK OF UNDERCLIFFE

140A Clause 52, page 73, leave out lines 15 to 21 and insert—

"(a) the amount or distribution of housing (of any kind), the provision of which the strategic planning authority calculates is needed by the population of the strategy area, including those people who are recorded as statutorily homeless, sleeping rough, overcrowded, on housing waiting lists and those who are homeless but not statutorily recorded within their area;

(b) the amount or distribution of affordable and supported housing or any other kind of housing, the provision of which the strategic planning authority calculates is needed by the population of the strategy area, using the same assessment of housing need as in paragraph (a)."

LORD BEST
BARONESS THORNHILL
LORD YOUNG OF COOKHAM
LORD CARLILE OF BERRIEW

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
BARONESS COFFEY

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.

BARONESS THORNHILL
LORD CARLILE OF BERRIEW
LORD LUCAS
LORD TEVERSON

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

"(5A) A spatial development strategy must contain a design vision for the strategy area, developed with the local community and stakeholders, including provision to ensure design quality—

(a) which means development that is proactively planned to meet the needs of residents and communities in practice, and

(b) which adheres to principles of safety, sustainability and accessibility."

Member's explanatory statement
This amendment requires spatial development strategies to include a design vision for the strategy area that meets the practical needs of residents and communities, and reflects the principles of safety, sustainability and accessibility.

EARL RUSSELL

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

"(5A) Where a spatial development strategy includes provision relating to housing, it may also include provision for housing to meet recognised high energy-efficiency and climate resilience standards, including but not limited to the Passivhaus standard, with a view to—

(a) reducing energy consumption in new residential buildings,

(b) improving temperature control and ventilation, particularly in response to extreme heat and other severe weather events,

(c) contributing to national and regional climate change mitigation and adaptation objectives, and

(d) supporting long-term affordability for occupants through reduced energy costs."

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.

LORD JAMIESON

148A Clause 52, page 73, line 31, at end insert—

"(9A) A spatial development strategy must prioritise development on brownfield land and urban densification.

(9B) A spatial development strategy must seek to increase sustainability and community building by minimising travel distances between places of employment, residence and commercial or leisure activities."

Member's explanatory statement
This amendment would require spatial development strategies to prioritise brownfield and urban densification, and to promote sustainable, mixed communities by reducing travel distances between homes, jobs, and services.

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 JAMIESON

150ZA Clause 52, page 74, line 14, at end insert—

"(12A) Any local plan prepared after the spatial development strategy is in place must not be inconsistent with, or (in substance) repeat, any policies in the strategy.

(12B) Where any local plan is subject to representations under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations

2012 (S.I. 2012/767) (preparation of a local plan), or a subsequent stage of preparation process, it may continue on the basis existing at the time of that stage of the preparation process."

Member's explanatory statement
This amendment seeks to probe the principle of finality. This amendment seeks to ensure that local plans are aligned with spatial development strategies, while allowing transitional arrangements for local plans already at an advanced stage of preparation.

LORD JAMIESON

150ZB Clause 52, page 74, line 14, at end insert—

"(12A) Any neighbourhood plan prepared more than 12 months after the spatial development strategy is in place must not be inconsistent with, or (in substance) repeat, any policies in the spatial development strategy."

Member's explanatory statement
This amendment would ensure that neighbourhood plans are aligned with strategic plans, while allowing for adequate transition.

BARONESS WARWICK OF UNDERCLIFFE

150A Clause 52, page 74, line 21, leave out from "2008" to the end of line 22 and insert "which is to be let as social rent housing, where "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."

LORD BEST
BARONESS THORNHILL
LORD CARLILE OF BERRIEW

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 JAMIESON

151A Clause 52, page 75, line 4, at end insert—

"(1A) The Secretary of State must provide detailed guidance on the expected timetable for preparing a spatial development strategy."

Member's explanatory statement
This amendment would require the Secretary of State to provide a clear timetable for the preparation of spatial development strategies, ensuring clarity for all participants and realistic expectations of delivery.

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.

LORD JAMIESON

152A Clause 52, page 76, line 17, at end insert—

"(2A) The Secretary of State must provide clear guidance on the prioritisation of considerations in determining a spatial development strategy, and identify those matters which are at the discretion of the strategic planning authority."

Member's explanatory statement
This is a probing amendment which seeks to gain clarity as to how competing objectives, aspirations, regulations and legislation are to be prioritised when preparing a spatial development strategy.

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.

BARONESS SCOTT OF BYBROOK
LORD JAMIESON

153A Clause 52, page 81, line 24, leave out "from time to time"

Member's explanatory statement
This amendment seeks to probe the meaning of the phrase "from time to time" and how frequently updates are expected.

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 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.

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
LORD BOURNE OF ABERYSTWYTH

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
LORD BOURNE OF ABERYSTWYTH

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
LORD BOURNE OF ABERYSTWYTH

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
LORD BOURNE OF ABERYSTWYTH

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) Local authorities may use local area energy planning to inform their planning decisions.

(2) 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.

(3) The guidance under subsection (2) must include guidance on how local area energy planning should, where present, inform the planning decision-making of the relevant local authorities.

(4) The guidance under subsection (2) may also 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.

(5) Local authorities must have regard to the guidance produced under subsection (2) when developing local area energy plans.

(6) 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
LORD GRANTCHESTER

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
LORD RAVENSDALE

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—

"Historic environment records

(1) In making any planning decision, the authority making the decision must take into account the contents of the historic environment record for the relevant area, from the day one year after the day on which section 230 of the Levelling-up and Regeneration Act 2023 (historic environment records) comes into force.

(2) 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
LORD HARLECH

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
LORD ROBOROUGH

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
LORD ROBOROUGH

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
BARONESS MCINTOSH OF PICKERING

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.

LORD MAWSON
LORD YOUNG OF COOKHAM
LORD HUNT OF KINGS HEATH
LORD SCRIVEN

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

"Duty and guidance for public authorities: cooperation and coordination during development of community infrastructure

(1) The Secretary of State, after consulting such persons as they consider appropriate, must publish best practice guidance for public authorities to follow during the development of community infrastructure.

(2) The Secretary of State must publish guidance under subsection (1) within six months of the day on which this Act is passed.

(3) Guidance issued under subsection (1) must include best practice for ensuring coordination and cooperation between public authorities and—

(a) schools,
(b) cultural organisations,
(c) local businesses,
(d) local communities,
(e) the social sector, including charities,
(f) Integrated Care Boards (ICB),
(g) NHS trusts, and
(h) any such person or organisation as the Secretary of State considers appropriate,

in the development of community infrastructure.

(4) Public authorities have a duty to follow guidance issued under subsection (1).

(5) Within one year of the guidance under subsection (1) being issued, and annually thereafter, public authorities must publish a report assessing their compliance with the best practice guidance during the development of community infrastructure.

(6) For the purposes of this section, "community infrastructure" includes—

(a) housing,
(b) hospitals,
(c) schools,
(d) parks and recreation areas, and
(e) any such infrastructure or development as the Secretary of State considers appropriate."

Member's explanatory statement
This amendment would place a duty on public authorities to follow best practice guidance for cooperation and coordination with local communities, issued by the Secretary of State, during the development of community infrastructure.

LORD TEVERSON

185J After Clause 52, insert the following new clause—

"Planning procedures and GDPR obligations

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

(a) publish statutory guidance to planning authorities determining how they must balance the demands of the General Data Protection Regulation and the need to maintain transparency for the public of the planning process and its decisions;

(b) ensure that the guidance under this subsection prevents planning authorities from unduly reducing transparency of the planning process.

(2) The Secretary of State must also consult with following bodies before issuing statutory guidance—

(a) the Local Government Association,

(b) the Planning Inspectorate,

(c) the Information Commissioner's Office,

(d) the Royal Town Planning Institute, and

(e) any other body the Secretary of State deems appropriate."

Member's explanatory statement
This probing amendment would ensure that the application of the GDPR regime to planning decisions and processes is uniform across planning authorities, and promotes transparency for the public.

BARONESS PINNOCK

185K 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

185L 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

185M 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.

EARL RUSSELL

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

"Energy consumption of AI and technology-related infrastructure

(1) The Secretary of State must, within 18 months of this Act coming into force, prepare and publish a National AI Energy Efficiency Strategy for the purposes of informing planning policy and guiding the development of artificial intelligence and technology-related infrastructure under this Act, in so far as it relates to energy consumption.

(2) For the purposes of this section, "artificial intelligence and technology-related infrastructure" includes, but is not limited to—

(a) data centres,

(b) high-performance computing facilities,

(c) server farms,

(d) AI research, training, and testing facilities, and

(e) any other installations primarily designed to support AI and large-scale digital processing.

(3) The purpose of the strategy is to—

(a) balance the energy demands of artificial intelligence against the energy efficiencies enabled by artificial intelligence,

(b) achieve a national objective of ensuring that AI energy use is better than carbon neutral before 2030, and

(c) support the integration of AI-enabled efficiencies into national energy planning.

(4) The projected energy consumption of a proposed development and its contribution to national energy efficiencies, as set out in the National AI Energy Efficiency Strategy, shall be treated as material planning considerations.

(5) An application for planning permission relating to such infrastructure must be accompanied by an assessment covering—

(a) the expected level of energy demand arising from the development,

(b) proposed measures to improve the energy efficiency of the development, and

(c) proposed steps to reduce or mitigate the impact of energy consumption on local and national energy supply.

(6) In determining an application to which this section applies, a planning authority must have regard to—

(a) the extent to which the development will utilise renewable or other low-carbon sources of energy, and

(b) the consistency of the development with the National AI Energy Efficiency Strategy.

(7) The Secretary of State must issue guidance specifying minimum energy efficiency standards for such infrastructure.

(8) Planning authorities must have regard to guidance issued under subsection (7) in exercising their functions under the Planning Acts.

(9) Planning conditions attached to permissions under this section must include local arrangements enabling independent AI-related energy sources to provide surplus capacity to the national grid at times of surplus or at times of national demand, including requirements for grid-balancing.

(10) The Secretary of State must, not later than 18 months after the publication of the National AI Energy Efficiency Strategy, and every three years thereafter, lay before Parliament a report reviewing—

(a) the progress made in reducing the energy consumption of AI and technology-related infrastructure,

(b) the contribution of such infrastructure to national energy efficiencies,

(c) the effectiveness of planning conditions imposed under this section, and

(d) whether additional measures are required to meet the objectives set out in subsection (3)(b)."

Member's explanatory statement

This amendment seeks to make the energy use and efficiency of AI-related infrastructure a statutory planning consideration supported by a national strategy, guidance, and reporting duties.

EARL RUSSELL

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

"Water consumption of AI and technology-related infrastructure

(1) The Secretary of State must, within 18 months of this Act coming into force, prepare and publish a National AI Water Efficiency Strategy for the purposes of informing planning policy and guiding the development of artificial intelligence and technology-related infrastructure under this Act, in so far as it relates to water consumption.

(2) For the purposes of this section, "artificial intelligence and technology-related infrastructure" includes, but is not limited to—

(a) data centres,
(b) high-performance computing facilities,
(c) server farms,
(d) AI research and training facilities, and
(e) any other buildings or installations primarily designed to support artificial intelligence systems or large-scale digital processing.

(3) The strategy under subsection (1) must include—

(a) measures to limit and reduce overall water demand associated with such infrastructure,
(b) national targets for the adoption of alternative and low-water cooling technologies,
(c) national targets for reducing adverse impacts of abstraction on freshwater and marine environments, and
(d) consideration of projected future impacts of climate change on water availability and resilience.

(4) The use of water shall be treated as a material planning consideration in applications for planning permission relating to such infrastructure.

(5) An application for planning permission relating to such infrastructure must be accompanied by an assessment covering—

(a) the anticipated level of water demand generated by the development,
(b) proposed measures to maximise water efficiency, and
(c) proposed measures to avoid, reduce, or mitigate adverse impacts of water usage on local and regional water resources, including both freshwater and marine environments.

(6) In determining an application to which this section applies, a planning authority must have particular regard to—

(a) the capacity, resilience, and long-term sustainability of local water resources,
(b) the potential implications for public water supplies and environmental protection, and

(c) the anticipated effects of projected climate change on future water availability.

(7) The Secretary of State may issue guidance to planning authorities on the assessment of water usage and abstraction in connection with such development.

(8) Planning authorities must have regard to any guidance issued under subsection (7) in exercising their functions under the Planning Acts."

Member's explanatory statement
This amendment seeks to make water usage by AI-related infrastructure a statutory planning consideration supported by a national policy and guidance.

LORD LUCAS

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

"Permitted development

Schedule (*Permitted development amendment*) contains amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015 (SI 2015/596)."

EARL RUSSELL

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

"Promotion of community energy

(1) A planning authority, in exercising functions under this Act in relation to planning applications, must, where applicable, have regard to how a proposed development could support the generation, use, or distribution of energy by local communities.

(2) In doing so, planning authorities must seek to secure, where viable and appropriate, the incorporation of community energy projects within developments, including, but not limited to—

(a) solar photovoltaic installations or other renewable energy sources intended for shared or local use,

(b) energy storage systems operated or co-owned by local communities,

(c) schemes for local generation and supply of heat or electricity, and

(d) arrangements that allow surplus energy generated by the development to be used or shared within the local community.

(3) Planning authorities must, as part of the planning process, consider and, where appropriate, promote the integration of community energy."

Member's explanatory statement
This amendment requires planning authorities to consider and, where appropriate, support the inclusion of community energy projects in developments, including local renewable generation, storage, and shared energy use.

EARL RUSSELL

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

"Community energy guidance

(1) The Secretary of State must, within 18 months of this Act coming into force, issue guidance on measures to facilitate community energy supply from developments incorporating community energy generation. Such measures must include, but are not limited to—

(a) options for enabling direct sale or supply of electricity or heat from community energy projects to local consumers,

(b) the use of local supply licences, class exemptions, or equivalent mechanisms to enable community supply to homes and businesses in the vicinity of the development,

(c) approaches to ensuring that local consumers may access energy on transparent, affordable, and proportionate terms, and

(d) best practice to ensure that requirements and processes are not unduly burdensome for community groups, local authorities, or participating suppliers.

(2) Guidance issued under subsection (1) must be kept under review at intervals not exceeding three years. Each review must involve consultation with local authorities, community energy groups, and other relevant stakeholders, and must take account of emerging best practice and new technologies.

(3) Guidance must be revised and reissued where necessary to maximise the effectiveness of community energy integration and participation."

Member's explanatory statement
This amendment requires the Secretary of State to issue and regularly update guidance to support the supply of community energy from developments, ensuring local access, affordability, and effective participation.

BARONESS LEVITT
LORD CARLILE OF BERRIEW

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

"Codes of practice: architectural design

(1) Within six months of the day on which this Act is passed, the Secretary of State must designate a Code of Practice aimed at embedding good architectural design in all relevant developments prior to the granting of planning permission.

(2) The Code of Practice must include—

(a) Core Design Standards (CDS) to be applied to typical development situations, with a view to such CDS being reflected through the National Planning Policy Framework in relation to planning applications at a local level;

(b) requirements that applications for outline planning permission should be supported by site-specific masterplans and design codes complying with the CDS;

(c) requirements that, in order to achieve good design, design codes should be consulted upon and agreed in two stages, namely urban design and building design;

(d) a preferred approach to consideration of architectural style, founded upon good placemaking principles, and appropriate locally distinctive framework for building designs where appropriate;

(e) requirements that new housing developments meet national standards set out in a revised edition of Manual for Streets, including a stronger focus on provision for children, active travel, public transport and pedestrian priority;

(f) the creation by all planning authorities of multidisciplinary expert panels for pre-application review of sites for 50 homes or more which must be funded by applicants and will assess how schemes meet NMDC core quality standards, as well as local design policies, and whether departures are justified."

LORD HUNT OF KINGS HEATH

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

"Conflicting consents

(1) Where a planning permission and development consent order relate to some or all of the same land—

(a) the lawfulness of development carried out pursuant to the development consent order will not be affected by the carrying out of development pursuant to the planning permission; and

(b) the lawfulness of development carried out pursuant to the planning permission will not be affected by the carrying out of development pursuant to the development consent order.

(2) In this section "planning permission" means—

(a) permission under Part 3 of the Town and Country Planning Act 1990 (control over development), and

(b) permission granted by article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596) (permitted development)."

Member's explanatory statement

This amendment seeks to address the risk of conflict between planning permission and Development Consent Orders, leading to the invalidation of either consent (an issue highlighted by the decision in the Hillside case in relation to conflicting planning permissions). The amendment proposed would ensure that a Development Consent Order will not invalidate a planning permission over the same land or vice versa, so that a developer may elect to rely on the most suitable consent.

LORD MOYNIHAN

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

"Development plans: provision of facilities for physical activity

(1) Any national or local plan or strategy relating to the planning or development of an area must be designed to meet communities' needs for sport and physical activity facilities for the health and wellbeing of the community.

(2) In subsection (1), sport and physical activity facilities include—
  (a) gyms,
  (b) swimming pools,
  (c) leisure centres,
  (d) parks, and
  (e) other community sports facilities.

(3) 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 amendment seeks to ensure that national or local development plans include adequate provision of facilities for sport and physical activity.

LORD MOYNIHAN

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

"Development plans and planning decisions: physical activity

(1) Any national or local plan or strategy relating to the planning or development of an area must ensure that new residential development plans include adequate provision for sport and physical activity facilities to meet the needs of the new residents.

(2) When interpreting the National Planning Policy Framework, the local planning authority must have due regard to the need for access to a network of high-quality open spaces and opportunities for sport and physical activity.

(3) When considering planning applications for developments which provide facilities for sport and physical activity, there shall be a presumption in favour of approval."

Member's explanatory statement
This amendment seeks to strengthen the commitments within the National Planning Policy Framework relating to the reduction in health inequality through the provision of places for physical activity.

LORD JAMIESON

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

"Planning permission: implications of changes required by legislation

Where legislative changes necessitate modifications to an existing, approved planning permission, those modifications must be deemed to have planning permission."

Member's explanatory statement
This amendment aims to provide clarity to the planning system such that project delays are kept to a minimum as a result of changes to legislation.

LORD CRISP
LORD YOUNG OF COOKHAM

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

"Planning authorities: duty to promote health improvement and reduce health inequalities

(1) When considering whether or how to exercise any of its functions under the planning Acts, a local planning authority must have regard to the need to—
  (a) improve the health of persons in the local planning authority's area, and
  (b) reduce health inequalities between persons living in the local planning authority's area.

(2) Health inequalities "between persons" living in an area means health inequalities between persons, or persons of different descriptions, living in, or in different parts of, an area.

(3) "Health inequalities" means inequalities in respect of life expectancy or general state of health which are wholly or partly a result of differences in respect of general health determinants.

(4) "General health determinants" are—
  (a) standards of housing, transport services or public safety,
  (b) employment prospects, earning capacity and any other matters that affect levels of prosperity,
  (c) the degree of ease or difficulty with which persons have access to public services,
  (d) the use, or level of use, of tobacco, alcohol or other substances, and any other matters of personal behaviour or lifestyle, that are or may be harmful to health, and
  (e) any other matters that are determinants of life expectancy or the state of health of persons generally, other than genetic or biological factors.

(5) In subsection (1)(a), the reference to improving the health of persons includes a reference to mitigating any detriment to health which would otherwise be occasioned by the exercise of a local planning authority's function.

(6) In subsection (1)(b), the reference to reducing health inequalities includes a reference to mitigating any increase in health inequalities which would otherwise be occasioned by the exercise of a planning authority's function."

Member's explanatory statement
This amendment is based on Clause 43 of the Devolution and Community Empowerment Bill which places a duty on strategic authorities on health promotion and health inequalities. It uses the same language but replaces strategic authorities with local planning authorities. The effect of this amendment is to place a duty on planning authorities to promote health improvement and health inequalities.

LORD MAWSON
LORD YOUNG OF COOKHAM
LORD SCRIVEN
This amendment is intended to replace Amendment 185I

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

"Duty and guidance for public authorities: cooperation and coordination during development of community infrastructure

(1) The Secretary of State, after consulting such persons as they consider appropriate, must publish best practice guidance for public authorities to follow during the development of community infrastructure.

(2) The Secretary of State must publish guidance under subsection (1) within six months of the day on which this Act is passed.

(3) Guidance issued under subsection (1) must include best practice for ensuring coordination and cooperation between public authorities and—

(a) schools,
(b) cultural organisations,
(c) local businesses,
(d) housing developers,
(e) local communities,
(f) the social sector, including charities,
(g) Integrated Care Boards (ICB),
(h) NHS trusts, and
(i) any such person or organisation as the Secretary of State considers appropriate,

in the development of community infrastructure.

(4) Public authorities have a duty to follow guidance issued under subsection (1)."

Member's explanatory statement
This amendment would place a duty on public authorities to follow best practice guidance for cooperation and coordination with local communities, issued by the Secretary of State, during the development of community infrastructure.

After Schedule 3

LORD LUCAS

185T After Schedule 3, insert the following new Schedule—

"SCHEDULE section *(Permitted development)*

PERMITTED DEVELOPMENT AMENDMENT

1 (1) Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (SI 2015/596) is amended as follows.

(2) In Part 3—

(a) in paragraph MA.1., omit sub-paragraph (1)(e)(i);

(b) In paragraph MA.2.—

(i) for paragraph (2)(a), substitute—

"(a) transport impacts of the development (though having regard solely to ensuring the safety of occupiers and users of the public highway);";

(ii) for paragraph (2)(b), substitute—

"(b) contamination risks in relation to development that involves a change of use of the whole or part of the ground floor or the provision of external amenity space at ground level;";

(iii) for paragraph (2)(c), substitute—

"(c) whether the development will be safe for its entire lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, whether it will reduce flood risk overall;";

(iv) for paragraph (2)(f), substitute—

"(f) the provision of a satisfactory level of daylight in all habitable rooms of the dwellinghouses to be in accordance with the local design code;";

(v) for sub-paragraph (5) substitute—

"(5) In the absence of pre-commencement conditions, the development must be completed within a period of 2 years starting with the prior approval date.

(5A) In all other cases, the development must be completed within a period of 3 years starting with the prior approval date.".

(c) after paragraph MA.2, insert—

"Local design codes

MA.2.1.—(1) Each local planning authority in England must adopt a local design code that shall be used to implement the criteria specified by Class MA.

(2) A local design code must be adopted within 18 months of the day on which the Planning and Infrastructure Act 2025 is passed and must be updated every two years thereafter.

(3) The Secretary of State must publish guidance on the design code, following consultation, and the local planning authority must have regard to this guidance when adopting the code.

(4) A local design code must include—

(a) spatial maps showing height, size and density limits by area or zones relevant to the applicable and specified permitted development rights;

(b) spatial maps showing areas or zones for daylight and privacy separation standards based on BR209 V6 2022;

(c) typology-specific design, height and scale guidance.

(5) When drafting the code, the local planning authority must—

(a) undertake an appraisal which has regard to the spatial policies of the local plan, and

(b) produce a public transport accessibility level toolkit or similar.".

(3) In Part 20—

(a) in paragraph AA.1—

(i) omit sub-paragraph (za);

(ii) for sub-paragraph (b), substitute—

"(b) the building was constructed after 3 years prior to the date of the application for prior approval being made to the local planning authority;";

(iii) for sub-paragraph (l), substitute—

"(l) in the case of Class AA(1)(b) development the height of any replaced or additional plant (as measured from the lowest surface of the new roof on the principal part of the extended building) would (apart from where Building Regulations require otherwise) exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;";

(iv) omit sub-paragraph (o)(vii);

(b) in paragraph AA.2.(1)—

(i) in paragraph (a), at end insert ", having regard solely to ensuring the safety of occupiers and users of the public highway";

(ii) for paragraph (d), substitute—

"(d) whether the development will be safe for its lifetime, taking account of the vulnerability of its users;";

(iii) in paragraph (e)(i), omit "design and";

(iv) for paragraph (f) substitute—

"(f) the provision of a satisfactory level of daylight in all habitable rooms of the dwellinghouses, if it is not accordance with the applicable local design code;";

(v) after paragraph (f), insert—

"(fa) the scale of the extension, including its height, number of storeys, and floor space, if it does not comply with the applicable local design code;";

(c) in paragraph AB.1.—

(i) omit sub-paragraph (g);

(ii) for paragraph (i), substitute—

"(i) the existing building has been enlarged by the addition of one or more storeys above the original building solely in reliance on permission granted under this Part;";

(d) in paragraph AC.1.—

(i) omit sub-paragraph (g);

(ii) for paragraph (i), substitute—

"(i) the existing building has been enlarged by the addition of one or more storeys above the original building solely in reliance on permission granted under this Part;";

(e) in paragraph AD.1, for paragraph (i), substitute—

"(i) the existing building has been enlarged by the addition of one or more storeys above the original building solely in reliance on permission granted under this Part;";

(f) after paragraph AD.2., insert the following new paragraph—

"Local design codes

AD.3.—(1) Each local planning authority in England must adopt a local design code that shall be used to implement the criteria specified by classes A, AA, AB, AC and AD.

(2) A local design code must be adopted within 18 months of the day on which the Planning and Infrastructure Act 2025 is passed and must be updated every two years thereafter.

(3) A local design code must include—

(a) a spatial map(s) with height, size and density limits by area or zones relevant to the applicable and specified permitted development rights;

(b) a spatial map(s) showing areas or zones for daylight and privacy separation standards based on BR209 V6 2022 as amended;

(c) typology-specific design, height and scale guidance;

(d) to be based on a Sustainability Appraisal which has regard to the spatial policies of the Local Plan and a Public Transport Accessibility Level (PTAL) toolkit or similar.".

2 In section 303 of the Town and Country Planning Act 1990 (fees for planning applications etc), at end insert—

"(12) Local planning authorities may recover the cost of preparing and maintaining local design codes through setting out their own fees and charges for processing applications seeking prior approval.

(13) An additional surcharge may only be applied following the publication of their associated costs and any increase in fees must be consulted upon through the preparation and update of local design codes."".

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.

BARONESS SCOTT OF BYBROOK
LORD JAMIESON

The above-named Lords give notice of their intention to oppose the Question that Clause 93 stand part of the Bill.

Member's explanatory statement
This seeks to probe the necessity and implications of Clause 93.

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

BARONESS SCOTT OF BYBROOK
LORD JAMIESON

187A Clause 94, page 123, line 2, leave out subsection (1)

Member's explanatory statement
This amendment seeks to probe the practical meaning of the new definitions, specifically the achievement of sustainable development and the mitigation of climate change.

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 SCOTT OF BYBROOK
LORD JAMIESON

195A Clause 95, page 123, line 36, leave out "and generally to do anything necessary or expedient for the purposes or incidental purposes of the new town"

Member's explanatory statement
This amendment seeks to probe the scope of the general power for a development corporation to "do anything necessary" for the purposes, or incidental purposes, of the new town, and to consider whether such a broad provision is proportionate, clearly defined, and subject to appropriate safeguards.

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 [*Withdrawn*]

LORD LANSLEY

205 [*Withdrawn*]

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.

LORD LANSLEY

206A After Clause 96, insert the following new Clause—

"Mayoral development corporations for planning and development purposes

Schedule (*Mayoral Development Corporations for planning and development purposes: amendment of the Localism Act 2011*) provides for mayoral development corporations to be established within the areas of mayoral combined authorities and mayoral CCAs."

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";"

Member's explanatory statement

This amendment, alongside another in the name of Lord Lucas, seeks to allow local councils to place public notices relating to planning and infrastructure with professional, regulated online news outlets, as well as printed newspapers, with the intention of ensuring that people in local communities who don't read printed papers have access to this information.

LORD LUCAS

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

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

Member's explanatory statement
This amendment, alongside another in the name of Lord Lucas, seeks to allow local councils to place public notices relating to planning and infrastructure with professional, regulated online news outlets, as well as printed newspapers, with the intention of ensuring that people in local communities who don't read printed papers have access to this information.

Clause 103

LORD MESTON

209A 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 105

BARONESS PINNOCK

209B Clause 105, page 147, line 8, at end insert—

"(za) in subsection (2), at end insert "unless the acquiring authority states that the whole of the land is being acquired for the purpose (or for the main purpose) of provision of sporting or recreational facilities in which case subsection (5) shall not apply.""

Member's explanatory statement
This amendment would enable hope value to be disregarded in calculating the compulsory purchase value of land, where it is being purchased for recreational facilities.

BARONESS PINNOCK

209C Clause 105, page 147, line 9, at end insert—

"(aa) in subsection (5), at end insert "unless the acquiring authority states that the whole of the land is being acquired for the purpose (or for the main purpose) of provision of sporting or recreational facilities in which case this provision shall not apply.""

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
LORD GRANTCHESTER

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 CROMWELL
THE EARL OF LYTTON
LORD CAMERON OF DILLINGTON

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 of the Party Wall etc. Act 1996 as it relates to planning and development.

(2) The review must include—

(a) a consideration of whether the Act is consistent with current planning and development practices,

(b) a summary of all correspondence to date related to the implementation of the Act as it relates to planning and development which is held by the relevant government department and its predecessor departments,

(c) consultation with industry bodies related to the construction and maintenance of, and negotiation and litigation in respect of, party walls, in relation to planning and development,

(d) consultation with members of the public who have made use of provisions of the Act within the last five years in relation to planning and development, and

(e) recommendations on how the Act could be amended to ensure that its provisions, as far as they relate to planning and development —

(i) are consistent with human rights legislation,

(ii) are consistent with current planning and development practices, and

(iii) uphold the principle that no criminal damage, trespass or interference should occur in relation to a person's property."

Member's explanatory statement

This amendment would require the Secretary of State to carry out a review of the Party Wall etc. Act 1996, clarifying whether the Act is consistent with current planning and development practices and whether that Act could be amended in order to update its position in planning and development processes.

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.

BARONESS HODGSON OF ABINGER

227B After Clause 106, insert the following new Clause—

"Land banking: prevention

(1) Any developer or company seeking to buy or lease land from a landowner for the purpose of development must declare to the landowner whether they already

hold planning permission for similar developments within ten miles of the land being purchased or leased.

(2) If any such land declared under subsection (1) has been held for over one year without development commencing, any planning permission for the land to be purchased or leased under subsection (1) may not be approved."

Member's explanatory statement
This amendment seeks to prevent "land banking" – the practice of purchasing undeveloped land and holding it for future development or resale, rather than immediately building on it.

BARONESS HODGSON OF ABINGER

227C After Clause 106, insert the following new Clause—

"Land purchasing: duty to declare other approaches to purchase or lease land

(1) Any developer or company approaching a landowner to buy or lease land for the purpose of development must declare whether they are also approaching other owners of land in the vicinity to buy or lease land for the purpose of development.

(2) The declaration required under subsection (1) must include whether the combined amount of land intended to be purchased or leased will be submitted for application as a nationally significant infrastructure project as set out in Part 3 of the Planning Act 2008.

(3) In subsection (1), "in the vicinity" means any land immediately adjoining or within ten miles of the land intended to be leased or purchased."

Member's explanatory statement
This amendment seeks to ensure that any landowner being approached is aware of whether it is just their land that is the subject of purchase/leasing or whether there are others being approached so that the total sum of the land obtained may result in application for designation as a nationally significant infrastructure project.

LORD BANNER
LORD NASEBY

227D [*Withdrawn*]

LORD BANNER
LORD NASEBY
LORD PANNICK
This amendment replaces Amendment 227D

227E After Clause 106, insert the following new Clause—

"Amendment to the Local Government Act 1972 to enhance provisions for protection of purchasers of land from local authorities

For section 128(2) of the Local Government Act 1972 (Consents to land transactions by local authorities and protection of purchasers), substitute—

"(2) Where under the foregoing provisions of this Part of this Act or under any other enactment, whether passed before, at the same time as, or after, this Act, a local authority purport to acquire, appropriate or dispose of land by any method whatsoever after 13 November 1980, then—

(a) in favour of any person claiming under the authority, the acquisition, appropriation or disposal so purporting to be made shall not be invalid by reason that any consent of a Minister which is required thereto has not been given or that any requirement as to advertisement or consideration of objections has not been complied with, and

(b) a person dealing with the authority or a person claiming under the authority shall not be concerned to see or enquire whether any such consent has been given or whether any such requirement has been complied with.

And any such person who acquires land to which this subsection applies shall take such land free of any trusts arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with section 164 of the Public Health Act 1875 or section 10 of the Open Spaces Act 1906 notwithstanding any failure by the relevant authority to comply with the requirements of section 122(2A) or section 123(2A) of this Act.""

Member's explanatory statement
This amendment seeks to clarify purchasers' protection machinery in the Local Government Act 1972 following the Supreme Court's decision in R (Shropshire) v Day [2023] AC 955 for persons who acquire land from local authorities.

LORD HUNT OF KINGS HEATH

227F After Clause 106, insert the following new Clause—

"Providing set timeframes for determination of compulsory purchase orders relying on the powers set out in the Electricity Act 1989.

(1) Schedule 3 to the Electricity Act 1989 (compulsory acquisition of land by licence holders) is amended as follows.

(2) In paragraph 5, in sub-paragraph (1), after "sub-paragraph (2)" insert "and (3)".

(3) After sub-paragraph (2) of paragraph 5 insert—

"(3) This paragraph applies where the confirming authority is exercising the functions conferred by paragraphs 13, 13A, 13BA and 13C of Part II of the Acquisition of Land Act 1981.

(4) When exercising its functions the confirming authority must—

(a) decide to confirm the proposed order,

(b) decide not to confirm the proposed order,

(c) in a case to which section 13C Acquisition of Land Act 1981 applies (confirmation in stages), decide to confirm or not confirm the first stage of the proposed order, or

(d) notify the acquiring authority that it may confirm the order,

within the period of 10 weeks beginning with the relevant day;

(5) The relevant day in relation to the proposed order in sub-paragraph (4) is where—

(a) no qualifying objections have been received, the day after the final day for making objections as described at section 12A of the Acquisition of Land Act 1981;

(b) a qualifying objection is withdrawn with the result that no qualifying objections remain live, that date of withdrawal;

(c) there are outstanding qualifying objections, and the confirming authority adopts the written representations procedure, the deadline set for final receipt of the written representations;

(d) there are outstanding qualifying objections, and the confirming authority adopts the representations procedure, the deadline set for final receipt of representations, or as the case may be, any report provided to the confirming authority by a person appointed to consider the representations;

(e) there are outstanding qualifying objections, and the confirming authority adopts the public local inquiry procedure, the day on which the confirming authority receives the report of the person appointed to conduct that inquiry.

(6) The confirming authority may in any particular case, if considered appropriate, extend a period that applies under this paragraph.

(7) The power to extend under sub-paragraph (6)—

(a) may be exercised more than once in relation to the same period;

(b) may be exercised after the expiry of the period;

(c) requires written notice to be given to the authority that has made the order and to each person who has made a qualifying objection and not withdrawn it.""

Member's explanatory statement

This amendment seeks to improve certainty and timeliness in consenting electricity network infrastructure by introducing a statutory deadline of 10 weeks into the Acquisition of Land Act 1981 as it applies to decisions on Compulsory Purchase Orders (CPOs) made under the Electricity

Act 1989. The amendment also clarifies the definition of the "relevant day" to ensure consistency across objection-handling procedures and allows for extensions where appropriate.

LORD SANDHURST

227G After Clause 106, insert the following new Clause—

"Report on compatibility of compulsory purchase powers with the European Convention on Human Rights

(1) The Secretary of State must, within one month of the day on which this Act is passed, lay before Parliament a report assessing whether the exercise of compulsory purchase powers by local authorities is compatible with the rights and freedoms set out in the European Convention on Human Rights.

(2) The report must, in particular, consider—

(a) whether current legislative and procedural safeguards adequately protect the right to peaceful enjoyment of possessions under Article 1 of Protocol No. 1 to the Convention (protection of property);

(b) the extent to which affected individuals have access to effective remedies under Article 6 of the Convention;

(c) any patterns of concern arising from recent uses of compulsory purchase powers.

(3) In this section, "the European Convention on Human Rights" has the same meaning as in section 21(1) of the Human Rights Act 1998."

Member's explanatory statement
This amendment would require the Secretary of State to report on the compatibility of CPOs with the ECHR.

Clause 53

LORD ROBOROUGH

227H Clause 53, page 90, line 8, leave out "delivery" and insert "harm mitigation"

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."

THE EARL OF CAITHNESS
LORD CAMERON OF DILLINGTON

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 ROBOROUGH

235A Clause 54, page 91, line 29, leave out "before" and insert "after"

Member's explanatory statement
This probing amendment seeks to ensure that an EDP is longer than ten years.

LORD ROBOROUGH

235B Clause 54, page 91, line 29, leave out "ten" and insert "30"

Member's explanatory statement
This probing amendment seeks to ensure that an EDP is in place for thirty years.

THE EARL OF CAITHNESS
LORD CAMERON OF DILLINGTON

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.

BARONESS YOUNG OF OLD SCONE

240A Clause 55, page 91, line 39, leave out "may" and insert "must"

Member's explanatory statement
This amendment ensures that environmental features identified in an EDP must be either a protected feature of a protected site, or a protected species, and would ensure that EDPs address species and features individually.

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
LORD ROBOROUGH

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.

LORD LUCAS

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

"(2A) In the five years following the coming into force of this section, EDPs may only apply to nutrient neutrality, and other matters which the Secretary of State determines are appropriately dealt with at the scale of an EDP.

(2B) After the period of five years following the coming into force of this section, provisions may be made that concern wildlife and other more local concerns, but the Secretary of State may not make more than five such EDPs in any year."

Member's explanatory statement
This amendment seeks to ensure that the EDP process has time to bed in in uncontroversial areas, and that its further development is not rushed.

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 RANDALL OF UXBRIDGE

244A Clause 55, page 92, line 6, leave out "overall" and insert "evidence-based"

LORD GASCOIGNE
BARONESS YOUNG OF OLD SCONE
BARONESS PARMINTER

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 [*Withdrawn*]

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.)

LORD RANDALL OF UXBRIDGE

248B Clause 55, page 92, line 16, leave out "overall" and insert "evidence-based"

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.

BARONESS YOUNG OF OLD SCONE

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

"(7A) A conservation measure delivered away from the development site ("offsite") will, by virtue of a—

(a) condition subject to which the planning permission is granted,

(b) planning obligation, or

(c) conservation covenant,

be maintained in perpetuity."

Member's explanatory statement
This amendment would prevent sites created as compensation habitat being lost to subsequent development.

LORD ROBOROUGH
LORD BLENCATHRA

252 [*Withdrawn*]

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 LUCAS

253A 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

253B 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.

LORD LUCAS

253C Clause 55, page 92, line 29, at end insert—

"(9) An EDP must not disrupt existing arrangements for the liability to or provision of offset for biodiversity net gain."

Member's explanatory statement
This amendment seeks to probe the intersection of EDPs and biodiversity net gain.

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
BARONESS WILLIS OF SUMMERTOWN

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 YOUNG OF OLD SCONE
BARONESS PARMINTER

256ZA Clause 57, page 93, line 2, leave out subsections (1) and (2) and insert—

"(1) An EDP must—

(a) describe the conservation status of each identified environmental feature as at the EDP start date, and

(b) set out conservation measures that have taken all reasonable steps to avoid harm to environmental features first, mitigate harm to environmental features if avoidance of harm is not reasonably practicable, or, as a last resort, compensate for harm to environmental features.

(2) An EDP must set out—

(a) how the conservation measures have insofar as is reasonably practicable followed the mitigation hierarchy as set out in section 57(1)(b),

(b) why the conservation measures are considered appropriate, and

(c) what alternatives to the conservation measures were considered by Natural England and why they were not included."

Member's explanatory statement
As currently drafted, the Bill does not apply the mitigation hierarchy to the conservation measures set out in EDPs drafted by Natural England. The amendment seeks to ensure Natural England

would first consider measures to avoid or mitigate damage to protected habitats before favouring the provision of compensation (replacement) habitats.

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
LORD ROBOROUGH

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
BARONESS PARMINTER

258A [*Withdrawn*]

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 YOUNG OF OLD SCONE

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

"(2A) When Natural England decides to prepare an EDP it must—

(a) demonstrate that there is measurable scientific evidence to inform the implementation of conservation measures as part of an EDP which could contribute to a significant environmental improvement in the conservation status of the relevant environmental feature,

(b) be able to establish sufficient baseline data on the relevant environmental features to enable an accurate evaluation of the current ecological conditions within the EDP and the environmental impact of development on identified environmental features, and

(c) take account of the environmental principles set out in Section 17 of the Environment Act 2021 and publish a statement explaining how it has done so."

Member's explanatory statement
This amendment seeks to ensure that EDPs are grounded in scientific evidence and ecological baselines, to ensure that they clearly deliver measurable outcomes for nature and that they take account of the Environmental Principles.

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 SWIRE

264A Clause 57, page 93, line 27, at end insert—

"(8A) An EDP must be prepared in respect of any development involving the construction of overhead powerlines which have been given planning consent under section 37 of the Electricity Act 1989 (consent required for overhead lines) or the Planning Act 2008."

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
LORD ROBOROUGH

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"

LORD BLENCATHRA

277A Clause 58, page 94, line 9, at end insert—

"(3A) Natural England may not be expected to prepare more than four EDPs within the period of one year from the day on which this section comes into force.

(3B) Natural England may not be expected to prepare more than 12 EDPs within the period of two years from the day on which this section comes into force.

(3C) Natural England may produce more than four EDPs in the first year of this section coming into force and eight in the second year of this section coming into force if Natural England has the capacity to do so."

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

281A Clause 59, page 95, line 6, at end insert—

"(ja) any farmer who farms land which is wholly or partly within the development area,"

Member's explanatory statement
This amendment would require Natural England to consult with farmers who will be impacted by an EDP after the EDP is prepared.

LORD ROBOROUGH

281B Clause 59, page 95, line 6, at end insert—

"(ja) any person who owns land which is wholly or partly within the development area,"

Member's explanatory statement
This amendment would require Natural England to consult with landowners who will be impacted by an EDP after the EDP is prepared.

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"

LORD BLENCATHRA

283A Clause 59, page 95, line 16, leave out "28" and insert "40"

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.

After Clause 59

LORD RANDALL OF UXBRIDGE

285A After Clause 59, insert the following new Clause—

"Baseline biodiversity survey of draft EDP area

(1) When preparing a draft EDP, Natural England must undertake a baseline survey of the area to assess and measure the existing biodiversity in that area.

(2) The Secretary of State must take the results of the survey under subsection (1) into account when assessing whether an EDP passes the overall improvement test under section 60(4)."

Clause 60

BARONESS YOUNG OF OLD SCONE

285AA Clause 60, page 96, line 1, leave out "the Secretary of State considers that"

Member's explanatory statement
This amendment would remove the Secretary of State's discretion to determine whether an EDP passes the overall improvement test in order for it to be made.

LORD RANDALL OF UXBRIDGE

285B Clause 60, page 96, line 2, leave out "overall" and insert "evidence-based"

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.

LORD RANDALL OF UXBRIDGE

286ZA Clause 60, page 96, line 3, leave out "overall" and insert "evidence-based"

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.

LORD RANDALL OF UXBRIDGE

287A Clause 60, page 96, line 4, leave out "are likely to be sufficient" and insert "have been scientifically proven"

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 RANDALL OF UXBRIDGE

288A Clause 60, page 96, line 6, at end insert—

"(4A) The Secretary of State must consult the bodies listed in section 59(1) to determine whether there is sufficient scientific evidence for an EDP to pass the evidence-based 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
LORD GRANTCHESTER

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—

"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 TEVERSON

301A 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.

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

306A★ Clause 68, page 102, line 26, at end insert—

"(e) imposing the liability to pay a proportionate contribution to the nature restoration levy in relation to a development where any impacts of the development cannot be fully dealt with through the mitigation hierarchy."

Member's explanatory statement
This amendment seeks to introduce a process by which a developer may be required to pay a proportionate contribution to the nature restoration levy where any impacts of the development cannot be fully dealt with through the mitigation hierarchy.

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 CROMWELL

307A 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.

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
LORD TEVERSON

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"

BARONESS YOUNG OF OLD SCONE

309A Clause 71, page 104, line 20 at end insert "and to use reasonable endeavours to ensure that the agreed conservation measures and the intended outcomes of an EDP are, either directly or indirectly, delivered."

Member's explanatory statement
As currently drafted, the Planning and Infrastructure Bill limits Natural England's role under the nature restoration levy to spending funds and monitoring the implementation of EDPs. The amendment adds a duty to ensure that the money collected results in outcome based ecological improvements on the ground.

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.

After Clause 71

LORD ROBOROUGH

318ZA After Clause 71, insert the following new Clause—

"Use of nature restoration levy: farmer participation

(1) Nature restoration levy regulations must ensure that Natural England permits farmers to apply to participate in conservation measures funded by the levy, as—
  (a) individual farmers managing a single agricultural holding, and
  (b) farmer cluster groups, comprising two or more farmers operating collaboratively over multiple holdings.

(2) Regulations must include—
  (a) clear criteria for farmer participation, including—
    (i) minimum standards for conservation measures, and
    (ii) evidence of capacity and commitment to deliver agreed conservation outcomes, and,
  (b) procedures enabling farmers to—
    (i) participate in conservation measures, and
    (ii) receive levy funds,
  relating to an EDP.

(3) Within three months of the day on which this Act is passed, Natural England must publish a guidance document setting out how individual farmers and farmer cluster groups may apply for funds provided by the levy."

Member's explanatory statement
This amendment would ensure farmers and cluster farmer groups are able to apply to the Nature Restoration Fund and participate in the fulfilment of conservation measures required by Environmental Delivery Plans.

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.

LORD CROMWELL

318B Clause 76, page 109, line 1, leave out "may" and insert "must"

Member's explanatory statement
This amendment, and another in the name of Lord Cromwell, strengthens the obligation on Natural England to use private markets to deliver Environmental Delivery Plans and creates a clear hierarchy of when and how Natural England takes on the management of Environmental Delivery Plans.

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 CROMWELL

320B Clause 76, page 109, line 1, at end insert—

"(4) When commissioning conservation measures under subsection (3), Natural England must undertake a competitive tender process.

(5) Natural England cannot undertake conservation measures itself unless it can show that no individual or body is willing to undertake conservation measures on its behalf.

(6) In the event that Natural England undertakes conservation measures itself, it must first attempt to purchase the land in question at market value."

Member's explanatory statement
This amendment, and another in the name of Lord Cromwell, strengthens the obligation on Natural England to use private markets to deliver Environmental Delivery Plans and creates a clear hierarchy of when and how Natural England takes on the management of Environmental Delivery Plans.

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

THE EARL OF CAITHNESS
LORD BLENCATHRA
LORD CAMERON OF DILLINGTON

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 CROMWELL

325ZA Clause 83, page 114, line 6, at end insert—

"(2A) The power under subsection (1) may only be exercised if Natural England cannot purchase the land at market value."

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 expertise, operational capacity and capability, eligibility and financial security necessary to exercise the functions of NE 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, the effect that land contamination is having on planning and development decisions in their area, and the resources needed to bring this contamination to safe levels in order to support future safe planning and development in their area.

(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 and the effect that it is having on planning and development decisions 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 in order to support future safe planning and development in England, and

(d) identify any legislative changes necessary to bring all land contamination in England to safe levels in order to support future safe planning and development in England."

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.

LORD RAVENSDALE
LORD HUNT OF KINGS HEATH

346DA 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.""

LORD HOWARD OF RISING

346DB After Clause 87, insert the following new Clause—

"Amendment to the Habitats Regulations 2017

In Schedule 2 of the Habitats Regulations 2017, omit—

"Bats, Horseshoe (all species)	Rhinolophidae
Bats, Typical (all species)	Vespertilionidae""

Member's explanatory statement
This probing amendment would remove the legal protection afforded to bats under the Conservation of Habitats and Species Regulations 2017.

LORD LUCAS

346DC After Clause 87, insert the following new Clause—

"Exemption of lawful demolition and construction from sections 1 and 3 of the Wildlife and Countryside Act 1981

In section 4 of the Wildlife and Countryside Act 1981 (exceptions to ss. 1 and 3), after subsection (3)(a), insert—

"(ab) lawful demolition and construction;"."

Member's explanatory statement
This amendment seeks to remove potential obstacles to development caused by provisions made under sections 1 or 3 of the Wildlife and Countryside Act 1981.

LORD ROBOROUGH
BARONESS MACLEAN OF REDDITCH

346DD After Clause 87, insert the following new Clause—

"Regulations: nutrients in water in England

(1) The Secretary of State may by regulations make provision about the operation of any relevant enactment in connection with the effect of nutrients in water that could affect a habitats site connected to a nutrient affected catchment area.

(2) The regulations may make any provision which the Secretary of State considers appropriate, including provision that—

(a) disapplies or modifies, in relation to a relevant enactment, any effect of nutrients in water;

(b) confers, removes or otherwise modifies a function (including a function involving the exercise of a discretion) under or by virtue of a relevant enactment;

(c) affects how such a function is exercised, including the extent to which (if any) the effect of nutrients in water is taken, or to be taken, into account;

(d) provides for an obligation under or by virtue of a relevant enactment to be treated as discharged (in circumstances where, but for the provision, the obligation may not have been discharged);

(e) amends, repeals, revokes or otherwise modifies any provision of a relevant enactment.

(3) A "relevant enactment" means—

(a) an enactment comprised in or made under an Act of Parliament so far as it relates to planning or development in England, or

(b) retained direct EU legislation, so far as it relates to planning or development in England.

(4) The enactments referred to in subsection (3)(a) do not include—

(a) this section;

(b) Part 6 of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012).

(5) Neither regulation 9 nor 16A of the Conservation of Habitats and Species Regulations 2017 applies in relation to this section.

(6) In subsection (1) "habitats site" means a European site within the meaning of the Conservation of Habitats and Species Regulations 2017 (S.I.2017/1012) (see regulation 8) and "nutrient affected catchment area" means an area designated under Section (*Nutrient affected and sensitive catchment areas*), and a habitats site is connected to a nutrient affected catchment area if water released into the catchment area would drain into the site.

(7) In this section "nutrients" means nutrients of any kind.

(8) The power under subsection (1) may not be exercised after 31 March 2030."

Member's explanatory statement
This amendment, and others in the name of Lord Roborough, confers a power on the Secretary of State to make regulations affecting the operation, in connection with the effect of nutrients in water, of enactments concerned with the environment, planning or development in England.

LORD ROBOROUGH
BARONESS MACLEAN OF REDDITCH
Revised version of Amendment 346DE

346DE★ After Clause 87, insert the following new Clause—

"Nutrient affected catchment areas

(1) Where the Secretary of State considers that a habitats site that is wholly or partly in England is in an unfavourable condition by virtue of pollution from nutrients in water of any kind, the Secretary of State must designate the catchment area for the habitats site as a nutrient affected catchment area.

(2) The pollution in subsection (1) must be caused by development or changes made to land or buildings following a planning decision.

(3) In determining—

(a) whether a habitats site is in an unfavourable condition by virtue of pollution from nutrients in water of any kind, or

(b) the catchment area for a habitats site,

the Secretary of State may take into account, in particular, advice from, or guidance published by, Natural England, the Environment Agency or the Joint Nature Conservation Committee.

(4) A designation under subsection (1)—

(a) must be in writing,

(b) must be published as soon as practicable after being made, and

(c) takes effect—

(i) on the day specified in the designation, or

(ii) if none is specified, on the day on which it is made.

(5) A designation under this section may not be revoked, and it is immaterial for the purposes of the continued designation of an area whether subsection (1) continues to be satisfied in relation to it.

(6) In this section "catchment area", in relation to a habitats site, means the area where water, if released, would drain into the site."

Member's explanatory statement

This amendment, and others in the name of Lord Roborough, confers a power on the Secretary of State to make regulations affecting the operation, in connection with the effect of nutrients in water, of enactments concerned with the environment, planning or development in England.

LORD ROBOROUGH

346DF★ After Clause 87, insert the following new Clause—

"Report on the merits of removing distance from the biodiversity metric

The Secretary of State must, within six months of the day on which this Act is passed, lay a report before Parliament assessing the merits of removing distance from the biodiversity metric when measuring the biodiversity value of registered offsite biodiversity gain under paragraph 4 of Schedule 7A of the Town and Country Planning Act 1990."

Member's explanatory statement

This a probing amendment which would require the Secretary of State to report on the potential benefit of removing distance from the biodiversity metric when measuring the biodiversity value of registered offsite biodiversity gain under paragraph 4 of Schedule 7A of the Town and Country Planning Act 1990.

Before Clause 88

BARONESS TAYLOR OF STEVENAGE
LORD GRANTCHESTER

346E Before Clause 88, insert the following new Clause—

"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 LUCAS

349B Schedule 6, page 173, line 38, at end insert—

"(ba) after paragraph (6) insert—

"(6A) In considering whether there is likely to be a significant effect for the purpose of paragraph (1), the competent authority must have regard to the manner in which the plan or project is proposed to be carried out, including any conditions, restrictions or other mitigation measures which the person applying for the consent, permission or other authorisation proposes to implement and which are likely to be secured.

(6B) De minimis effects should not be considered likely to cause a significant effect on a European site or European offshore marine site for the purpose of paragraph (1)(b) or to adversely affect the integrity of a European site or European offshore marine site for the purpose of paragraph (5), including in cases where there is a de minimis effect on a natural habitat type whose preservation was the objective justifying the designation of the site, including priority natural habitat types.

(6C) In carrying out its functions pursuant to this article, the competent authority must act in accordance with guidance issued by the Secretary of State, which may include guidance specifying the information that may be reasonably required by a competent authority for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required pursuant to paragraph (2).";

(bb) After paragraph (7)(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, or

(iii) the conditions of a marine licence granted pursuant to Marine and Coastal Access Act 2009

provided that the assessment requirements were complied with at the time of the grant of planning permission, development consent or marine licence.";"

Member's explanatory statement
This amendment is intended to address the problems caused by three legal cases (People Over Wind, Sweetman No 1 and CG Fry), and to provide a hook for statutory guidance aimed primarily at addressing the customs and practice of the Statutory Nature Conservation Bodies.

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."

LORD LANSLEY

351ZA After Schedule 6, insert the following new Schedule—

"SCHEDULE

MAYORAL DEVELOPMENT CORPORATIONS FOR PLANNING AND DEVELOPMENT PURPOSES: AMENDMENT OF THE LOCALISM ACT 2011

Introduction

1 The Localism Act 2011 is amended in accordance with this Schedule.

Part 8

2 In the heading of Part 8, after "London" insert "and areas of other mayoral strategic authorities".

Interpretation

3 In section 196—

(a) before the definition of "the Mayor" insert—

""CCA" means a combined county authority established under Chapter 1 of Part 2 of the Levelling-up and Regeneration Act 2023;

"combined authority" means a combined authority established under Part 6 of the Local Democracy, Economic Development and Construction Act 2009;

"constituent council" means—

(a) in relation to a combined authority—

(i) a county council the whole or any part of whose area is within the area of the authority, or

(ii) a district council whose area is within the area of the authority;

(b) in relation to a CCA—

(i) a county council for an area within the area of the authority, or

(ii) a unitary district council for an area within the area of the authority;

and here "unitary district council" means the council for a district for which there is no county council;";

(b) for the definition of "the Mayor" substitute—

""the Mayor" means—

(a) the Mayor of London,

(b) the mayor for the area of a combined authority, or

(c) the mayor for the area of a CCA;";

(c) after the definition of "MDC" insert—

""strategic authority area" means—

(a) in relation to the Mayor of London or a mayoral development area designated by that Mayor, Greater London;

(b) in relation to the mayor for the area of a combined authority or a mayoral development area designated by the mayor for such an area, the area of the combined authority, or

(c) in relation to the mayor for the area of a CCA or a mayoral development area designated by the mayor for such an area, the area of the CCA;".

Designation of Mayoral development areas

4 (1) Section 197 is amended in accordance with this paragraph.

(2) In subsection (1), for "Greater London" substitute "a strategic authority area".

(3) In subsection (3), in the words before paragraph (a), for "the Mayor" substitute "the Mayor of London".

(4) After subsection (5) insert—

"(5A) The mayor for the area of a combined authority or CCA may designate a Mayoral development area only if—

(a) the Mayor considers that designation of the area is expedient for furthering economic development and regeneration in the strategic authority area,

(b) the Mayor has consulted the persons specified by subsection (5B) and, if applicable, subsection (5C),

(c) the Mayor has had regard to any comments made in response by the consultees,

(d) in the event that those comments include comments made by a constituent council or a district council consulted under subsection (5C) that are comments that the Mayor does not accept, the Mayor has published a statement giving the reasons for the non-acceptance,

(e) the Mayor has laid before the combined authority or CCA, in accordance with its standing orders, a document stating that the Mayor is proposing to designate the area, and

(f) the combined authority or CCA approves the proposal.

(5B) The persons who have to be consulted before an area may be designated are—

(a) the constituent councils,

(b) each Member of Parliament whose parliamentary constituency contains any part of the area, and

(c) any other person whom the Mayor considers it appropriate to consult.

(5C) In the case of a combined county authority, any district council whose local authority area contains any part of the area also has to be consulted before the area may be designated.

(5D) For the purposes of subsection (5A)(f) the combined authority or CCA approves a proposal if it resolves to do so on a motion considered at a meeting of the combined authority or CCA throughout which members of the public are entitled to be present.".

Exclusion of land from Mayoral development areas

5 (1) Section 199 is amended in accordance with this paragraph.

(2) In subsection (2), for "the Mayor" substitute "the Mayor of London".

(3) After subsection (2) insert—

"(2A) Before making an alteration, the mayor for the area of a combined authority or CCA must consult—

(a) the constituent councils, and

(b) any other person whom the Mayor considers it appropriate to consult.".

Transfers of property etc to a Mayoral development corporation

6 (1) Section 200 is amended in accordance with this paragraph.

(2) In subsection (1), for "a person within subsection (3)" substitute "an eligible transferor".

(3) After subsection (1) insert—

"(1A) In the case of an MDC for an area in Greater London, "eligible transferor" means—

(a) a London borough council,

(b) the Common Council of the City of London in its capacity as a local authority,

(c) any company whose members—

(i) include the Mayor of London and a Minister of the Crown, and

(ii) do not include anyone who is neither the Mayor or London nor a Minister of the Crown, or

(d) a person within subsection (3).

(1B) In the case of an MDC for an area in the area of a combined authority, "eligible transferor" means a person within subsection (3).

(1C) In the case of an MDC for an area in the area of a CCA, "eligible transferor" means—

(a) any district council whose local authority area is within the area of the CCA, or

(b) a person within subsection (3).".

(4) In subsection (3)—

(a) omit paragraphs (a) and (b);

(b) in paragraphs (d) and (e), for "Greater London" substitute "the strategic authority area";

(c) omit paragraph (k).

(5) In subsection (4), for "liabilities of—" substitute "liabilities of an eligible transferee.

(4A) In the case of an MDC for an area in Greater London, "eligible transferee" means—".

(6) Before subsection (5) insert—

"(4A) 20 In the case of an MDC for an area in the area of a combined authority or CCA, "eligible transferee" means—

(a) the combined authority or CCA, o

(b) a company that is a subsidiary of the combined authority or CCA.".

(7) In subsection (9), after "(4)(c)" insert "or (4A)(b)".

Functions in relation to Town and Country Planning

7 (1) Section 202 is amended in accordance with this paragraph.

(2) In subsection (7), for "the Mayor" substitute "the Mayor of London".

(3) After subsection (7) insert—

"(7A) The mayor for the area of a combined authority or CCA may make a decision under any of subsections (2) to (6) only if—

(a) the Mayor has consulted the persons specified by section 197(5B) and, if applicable, section 197(5C), in relation to the area,

(b) the Mayor has had regard to any comments made in response by the consultees, and

(c) in the event that those comments include comments made by the constituent council or a district council specified by section 197(5C) that are comments that the Mayor does not accept, the Mayor has published a statement giving the reasons for the non-acceptance.".

Arrangements for discharge of, or assistance with, planning functions

8 In section 203, in subsections (1) and (4), after "City of London" insert ", or a county council or district council".

Acquisition of land

9 (1) Section 207 is amended in accordance with this paragraph.

(2) In subsection (2), for "Greater London" substitute "the strategic authority area".

(3) For subsection (3) substitute—

"(3) Before submitting a compulsory purchase order authorising an acquisition under subsection (2) to the Secretary of State for confirmation—

(a) 15 an MDC for an area in Greater London must obtain the consent of the Mayor of London;

(b) an MDC for an area in the area of a combined authority or CCA must obtain the consent of the mayor for that area."."

Clause 90

BARONESS YOUNG OF OLD SCONE

351A Clause 90, page 118, line 26, leave out paragraph (c)

Member's explanatory statement
This amendment, and another in the name of Baroness Young of Old Scone, would require the super-affirmative procedure for any regulations to amend to existing Acts or assimilated law under section 89(2).

BARONESS YOUNG OF OLD SCONE

351B Clause 90, page 118, line 29, at end insert—

"(2A) Regulations under section 89(2) (consequential amendments) which amend an Act or assimilated law are subject to the super-affirmative resolution procedure, as defined by section 18 of the Legislative and Regulatory Reform Act 2006."

Member's explanatory statement
This amendment, and another in the name of Baroness Young of Old Scone, would require the super-affirmative procedure for any regulations to amend to existing Acts or assimilated law under section 89(2).

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.

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.

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.

BARONESS SCOTT OF BYBROOK

360A Clause 110, page 152, line 18, at end insert—

"(ca) section (*Use of hotels as accommodation for asylum seekers: requirement for planning permission*) comes into force on the day on which this Act is passed;"

Member's explanatory statement
This ensures that the new clause 'Use of hotels as accommodation for asylum seekers: requirement for planning permission' (inserted by an amendment in the name of Baroness Scott of Bybrook) takes effect immediately when the Bill is passed.

BARONESS SCOTT OF BYBROOK

360B Clause 110, page 152, line 18, at end insert—

"(ca) section (*Use of houses in multiple occupation as accommodation for asylum seekers: requirement for planning permission*) comes into force on the day on which this Act is passed;"

Member's explanatory statement
This ensures that the new clause 'Use of houses in multiple occupation as accommodation for asylum seekers: requirement for planning permission' (inserted by an amendment in the name of Baroness Scott of Bybrook) takes effect immediately when the Bill is passed.

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

FIFTH MARSHALLED

LIST OF AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

5 September 2025

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