

# Planning and Infrastructure Bill

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## SEVENTH MARSHALLED

### LIST OF AMENDMENTS

#### TO BE MOVED

#### IN COMMITTEE OF THE WHOLE HOUSE

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

Clauses 1 to 12	Clauses 53 to 66
Clauses 29 to 41	Schedule 4
Schedule 2	Clauses 67 to 83
Clauses 42 to 47	Schedule 5
Clauses 13 to 23	Clauses 84 to 89
Schedule 1	Schedule 6
Clauses 24 to 28	Clauses 90 to 92
Clauses 48 to 52	Clauses 107 to 111
Schedule 3	Title
Clauses 93 to 106	

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

**Amendment  
No.**

**After Clause 52**

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.*

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  
LORD HUNT OF KINGS HEATH

**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.*

## BARONESS COFFEY

**185SH★** After Clause 52, insert the following new Clause—

**“Restriction on works affecting listed buildings: exemption**

After section 7(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (restriction on works affecting listed buildings), insert—

“(3) Subsection (1) does not apply to any internal maintenance, repairs or changes to Grade II listed buildings.””

***Member’s explanatory statement***

*This removes the requirement for listed building consent being required for internal maintenance, repairs or changes to Grade II listed buildings.*

**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

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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  
BARONESS WOLF OF DULWICH

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  
BARONESS WOLF OF DULWICH

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** [Withdrawn]

## 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  
LORD GRABINER

**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.*

BARONESS BENNETT OF MANOR CASTLE

**227GA** After Clause 106, insert the following new Clause –

**“Building regulations: animal and plant habitats and safety**

- (1) The Secretary of State must, within 18 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 ensure the provision of habitat for, safety of, and opportunities for living and feeding space for nature mammals, birds, reptiles and insects.
- (2) Regulations must require animal and plant needs to be considered in designs, the installation of appropriate measures, the use of relevant materials in line with

best practice guidance, except where such installation is not practicable or appropriate.”

***Member's explanatory statement***

*This new clause would require the Secretary of State to introduce regulations to aim to ensure that new buildings provide appropriate habitat and spaces for boosting biodiversity.*

**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

*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

*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 amendment 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

*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

*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  
BARONESS WILLIS OF SUMMERTOWN

**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 HODGSON OF ABINGER

- 261A** Clause 57, page 93, line 23, at end insert —  
“(6A) An EDP must pay due regard to the welfare of animals, where “animal” has the meaning given by section 5(1) of the Animal Welfare (Sentience) Act 2022.”

***Member's explanatory statement***

*This amendment seeks to ensure that animal welfare is considered when Environmental Delivery Plans are produced. It addresses the concerns raised by the government's Animal Sentience Committee in their June 2025 letter to Ministers, that the Bill as drafted does not pay due regard to the welfare of sentient animals.*

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

*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 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

*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

*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

*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

*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

*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

*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

*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

*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

*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

*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

*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

*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

*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

*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

*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

*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

*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

*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

*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

*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

*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

*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

*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

*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

*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

*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

*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** [Withdrawn]

LORD OFFORD OF GARVEL

**346C** [Withdrawn]

LORD OFFORD OF GARVEL

**346D** [Withdrawn]

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) disappplies 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

**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.*

## LORD OFFORD OF GARVEL

**346DG★** After Clause 87, insert the following new Clause—

**“Nuclear power station development**

- (1) Section 104 of the Planning Act 2008 (decisions in cases where national policy statement has effect) is amended as set out in subsections (2) to (4).
- (2) In subsection (2), insert at the beginning “Subject to subsection (3A)”.
- (3) In subsection (3), for “(4)” substitute “(3A)”.
- (4) After subsection (3) insert—
 

“(3A) Subsection (2)(a) to (c) does not apply, and this subsection applies, in the case of an application for an order granting development consent for a nuclear-powered generating station with a proposed nameplate capacity of 500MW or higher, if and to the extent that the Secretary of State considers it is necessary and appropriate to disregard any provision of—

  - (a) the Conservation of Habitats and Species Regulations 2017,
  - (b) the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, or
  - (c) any environmental delivery plan made under the Planning and Infrastructure Act 2025,

to secure the provision of the generating station in an economic, efficient, proportionate and timely manner.”.
- (5) By the end of the period of six months beginning with the day on which this Act is passed, the Secretary of State must make regulations to amend the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 to provide for a bespoke regime for the environmental impact assessment of any proposal for an order granting development consent for a nuclear-powered generating station with a proposed nameplate capacity of 500MW or higher.

- (6) Regulations made pursuant to subsection (5) must make provision for –
  - (a) a page limit for environmental statements, not exceeding 1,000 pages for the main body of the statement and a total of 4,000 pages for any appendices, and
  - (b) any person or body consulted on an environmental impact assessment to respond to the consultation within 21 days.”

***Member's explanatory statement***

*This clause makes special provision in relation to large-scale nuclear power station developments by allowing the Secretary of State, when determining an application for a Development Consent Order, to disregard regulations relating to environmental impact assessment, habitats regulations assessment, or any environmental delivery plan, if this is considered necessary for the delivery of the nuclear power station. It also requires the Secretary of State to bring forward regulations to put in place a more proportionate environmental impact assessment regime for proposed nuclear power station development.*

**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

*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

*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

*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

*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

*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 by 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

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SEVENTH MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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*12 September 2025*

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