

# Planning and Infrastructure Bill

---

---

## EIGHTH MARSHALLED

## LIST OF AMENDMENTS

## TO BE MOVED

## IN COMMITTEE OF THE WHOLE HOUSE

---

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

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

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

**Amendment  
No.**

**Clause 55**

LORD LUCAS

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

- “(2A) In the five years following the coming into force of this section, EDPs may only apply to nutrient neutrality, and other matters which the Secretary of State determines are appropriately dealt with at the scale of an EDP.
- (2B) After the period of five years following the coming into force of this section, provisions may be made that concern wildlife and other more local concerns, but the Secretary of State may not make more than five such EDPs in any year.”

***Member's explanatory statement***

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

BARONESS COFFEY  
THE EARL OF CAITHNESS

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

BARONESS GRENDER

- 244 Clause 55, page 92, line 6, leave out “an” and insert “a significant”

*Member's explanatory statement*

*This amendment would require that an improvement made to the conservation status of an identified environmental feature within environmental delivery plans should be significant.*

LORD RANDALL OF UXBRIDGE

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

LORD GASCOIGNE  
BARONESS YOUNG OF OLD SCONE  
BARONESS PARMINTER

- 245 Clause 55, page 92, line 7, at end insert –  
“(c) comply with the principles of the mitigation hierarchy.”

BARONESS TAYLOR OF STEVENAGE

- 245A Clause 55, page 92, line 7, at end insert –  
“(3A) An EDP must set out the anticipated sequencing of the implementation of the conservation measures by reference to the development to which the EDP applies.”

*Member's explanatory statement*

*This amendment would require Natural England to include in an EDP an indication of the sequencing of the conservation measures vis-a-vis the development.*

EARL RUSSELL

- 246 Clause 55, page 92, line 8, leave out subsection (4) and insert –  
“(4) An EDP passes the overall improvement test if the conservation measures will be sufficient to significantly and measurably outweigh the negative effect caused by the environmental impact of development on the conservation status of each identified environmental feature and to achieve a significant environmental improvement.”

***Member's explanatory statement***

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

BARONESS TAYLOR OF STEVENAGE

**246A** Clause 55, page 92, line 9, leave out “, if Natural England considers it appropriate,”

***Member's explanatory statement***

*This amendment is consequential on my amendment to clause 55 inserting a new subsection (4A).*

BARONESS COFFEY  
THE EARL OF CAITHNESS

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

BARONESS TAYLOR OF STEVENAGE

**247A** Clause 55, page 92, line 12, at end insert –

“(4A) But an EDP may include conservation measures of the type mentioned in subsection (4) only if Natural England considers that such measures would make a greater contribution to the improvement of the conservation status of the feature than measures that address the environmental impact of development on the feature at the protected site itself.”

***Member's explanatory statement***

*The effect of this amendment would be that network conservation measures can only be included in an EDP if Natural England considers that they will be more effective, in contributing to the improvement of the conservation status of the affected feature, than onsite measures.*

LORD ROBOROUGH  
LORD BLENCATHRA

**248** [*Withdrawn*]

BARONESS TAYLOR OF STEVENAGE

**248A** Clause 55, page 92, line 13, leave out subsection (5) and insert –

“(5) An EDP must include conservation measures that are not, at the time the EDP is made, expected to be needed but which must be implemented in the circumstances set out in the EDP.

- (5A) Those circumstances must relate to the effectiveness of the conservation measures that have already been implemented, as revealed by the monitoring of the EDP (see section 76(4)(a)).”

***Member's explanatory statement***

*This amendment would require Natural England to include backup conservation measures in an EDP, in case the primary ones prove to be ineffective, and to specify the circumstances in which the backup measures will be implemented. (See also my amendment to clause 76 inserting a new subsection (4) about monitoring.)*

LORD RANDALL OF UXBRIDGE

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

THE EARL OF CAITHNESS  
LORD BLENCATHRA

- 249** Clause 55, page 92, line 20, at end insert “and monitored,
- (c) the scientific basis for the conservation measure proposed,
  - (d) how the EDP relates to local policies and in particular local nature recovery strategies, and
  - (e) the timeframe required to address the environmental impact of development on the identified environmental feature (see also section 54(7)(b)),”

***Member's explanatory statement***

*This amendment seeks to provide greater detail around the making of an EDP.*

BARONESS TAYLOR OF STEVENAGE

- 249A** Clause 55, page 92, line 23, leave out “the”

***Member's explanatory statement***

*This amendment would be a drafting correction so that subsection (6) refers to “the environmental impact of development” which is the defined term in subsection (8).*

LORD ROBOROUGH  
LORD BLENCATHRA

- 250** Clause 55, page 92, line 25 after “imposed” insert “in relation to development which falls within the scope of the EDP”

***Member's explanatory statement***

*This amendment clarifies that conservation measures can only be in the form of a requirement for Natural England to seek planning conditions to be imposed on development of a type which would fall within the scope of the EDP.*

EARL RUSSELL

**251** Clause 55, page 92, line 25, at end insert –

- “(7A) Natural England may only accept the request under subsection (7) if Natural England is satisfied that –
- (a) the developer has taken reasonable steps to appropriately apply the mitigation hierarchy, including by seeking to avoid harm wherever possible to the protected feature, and
  - (b) in the case of a plan or project affecting an irreplaceable habitat, a European Protected Species, or part of the National Site Network, there being no alternative solutions, the plan or project must be carried out for imperative reasons of overriding public interest.”

***Member's explanatory statement***

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

BARONESS YOUNG OF OLD SCONE

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

- “(7A) A conservation measure delivered away from the development site (“offsite”) will, by virtue of a –
- (a) condition subject to which the planning permission is granted,
  - (b) planning obligation, or
  - (c) conservation covenant,
- be maintained in perpetuity.”

***Member's explanatory statement***

*This amendment would prevent sites created as compensation habitat being lost to subsequent development.*

LORD ROBOROUGH  
LORD BLENCATHRA

**252** [*Withdrawn*]

LORD ROBOROUGH  
THE EARL OF KINNOULL  
LORD BLENCATHRA

**253** Clause 55, page 92, line 29, at end insert –

- “(9) Where an EDP identifies environmental features that are likely to be negatively affected by any invasive non-native species that is present at the site of the development, Natural England, or a body acting on behalf of Natural England,

must take all reasonable steps to eradicate the invasive non-native species that has been identified at the site.”

***Member's explanatory statement***

*This amendment seeks to protect all environmental features identified as at risk by invasive non-native species.*

LORD LUCAS

**253A** Clause 55, page 92, line 29, at end insert –

- “(9) The Secretary of State may, by regulations, set out –
- (a) the circumstances in which an EDP, in addition to any environmental features identified pursuant to subsection (1), may be required to also be accompanied by specified biodiversity information for the area in which development is contemplated from specified organisations;
  - (b) those organisations from which information must be obtained pursuant to paragraph (a), and what fees those organisations may charge for the collection and retrieval of that information;
  - (c) what flora, fauna, or other biodiversity information that must encompass;
  - (d) that any new biodiversity information generated while making an EDP or for any connected purpose must be contributed at no cost to specified organisations;
  - (e) those organisations to which biodiversity information must be contributed pursuant to paragraph (d).”

***Member's explanatory statement***

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

LORD CROMWELL

**253B** Clause 55, page 92, line 29, at end insert –

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

***Member's explanatory statement***

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

LORD LUCAS

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

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

*Member's explanatory statement*

*This amendment seeks to probe the intersection of EDPs and biodiversity net gain.*

LORD ROBOROUGH  
BARONESS JONES OF MOULSECOOMB  
EARL RUSSELL

*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 NEVILLE-ROLFE

275A Clause 58, page 94, line 2, at end insert –

“(2A) In preparing an EDP, Natural England must have regard to its effect on the ability of smaller developers and housebuilders to develop land for residential dwellings and for such developments to be economically viable.”

***Member's explanatory statement***

*This probing amendment seeks to ensure that EDPs do not place any excessive burdens on smaller developers and construction firms.*

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

- 308A★** Clause 71, page 104, line 17, after “Natural England” insert “or another public authority handling funds pursuant to section 71(5)(d) and section 72(7)”

***Member's explanatory statement***

*This amendment ensures that nature restoration levies are used to fund nature restoration activity even if transferred to, or collected by, an authority other than Natural England.*

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) disapplies or modifies, in relation to a relevant enactment, any effect of nutrients in water;
  - (b) confers, removes or otherwise modifies a function (including a function involving the exercise of a discretion) under or by virtue of a relevant enactment;
  - (c) affects how such a function is exercised, including the extent to which (if any) the effect of nutrients in water is taken, or to be taken, into account;
  - (d) provides for an obligation under or by virtue of a relevant enactment to be treated as discharged (in circumstances where, but for the provision, the obligation may not have been discharged);
  - (e) amends, repeals, revokes or otherwise modifies any provision of a relevant enactment.
- (3) A “relevant enactment” means –
  - (a) an enactment comprised in or made under an Act of Parliament so far as it relates to planning or development in England, or
  - (b) retained direct EU legislation, so far as it relates to planning or development in England.
- (4) The enactments referred to in subsection (3)(a) do not include –
  - (a) this section;
  - (b) Part 6 of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012).
- (5) Neither regulation 9 nor 16A of the Conservation of Habitats and Species Regulations 2017 applies in relation to this section.
- (6) In subsection (1) “habitats site” means a European site within the meaning of the Conservation of Habitats and Species Regulations 2017 (S.I.2017/1012) (see regulation 8) and “nutrient affected catchment area” means an area designated under Section (*Nutrient affected and sensitive catchment areas*), and a habitats site is connected to a nutrient affected catchment area if water released into the catchment area would drain into the site.
- (7) In this section “nutrients” means nutrients of any kind.
- (8) The power under subsection (1) may not be exercised after 31 March 2030.”

**Member's explanatory statement**

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

LORD ROBOROUGH  
BARONESS MACLEAN OF REDDITCH

**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  
LORD ROBOROUGH

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 be regulations appoint, but not before the independent body as specified in section (Independent oversight of administration of Part 3) has been established.”

BARONESS NEVILLE-ROLFE

**361A** Clause 110, page 152, line 25, after “and 6)”, insert “may not come until force until the Secretary of State has published the guidance in subsection (3A) and, following this, it”

**Member's explanatory statement**

*This probing amendment, connected with another in the name of Baroness Neville-Rolfe, seeks to prevent the commencement of provision on EDPs until guidance has been published setting out how any regulatory burdens on smaller developers and construction firms can be minimised.*

BARONESS NEVILLE-ROLFE

**361B** Clause 110, page 152, line 26, at end insert –

“(3A) The guidance in subsection (3) must explain how an EDP should be prepared in such a way as to –

(a) minimise any regulatory burden on smaller developers and construction firms, and

- (b) ensure developments by smaller developers and construction firms are economically viable.”

***Member's explanatory statement***

*This probing amendment, connected with another in the name of Baroness Neville-Rolfe, seeks to prevent the commencement of provision on EDPs until guidance has been published setting out how any regulatory burdens on smaller developers and construction firms can be minimised.*

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

---

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

---

*16 September 2025*

---

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS