Planning and Infrastructure Bill

RUNNING LIST OF ALL

AMENDMENTS ON REPORT

Tabled up to and including

19 September 2025

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

After Clause 12

BARONESS KRAMER

★ After Clause 12, insert the following new Clause—

"Whistleblowing and oversight for nationally significant infrastructure projects

(1) For the purposes of this Act, the National Infrastructure and Service Transformation Authority (NISTA) is responsible for receiving and investigating protected disclosures in connection with nationally significant infrastructure projects.

(2) In particular, NISTA is responsible for—

(a) receiving disclosures of information from individuals or organisations relating to suspected misconduct, mismanagement, breach of environmental regulations, or any other matter of public interest connected to nationally significant infrastructure projects;

(b) assessing whether such disclosures fall within its remit and merit investigation;

(c) undertaking investigations where appropriate and referring matters to relevant regulatory, law enforcement, or oversight bodies;

(d) providing advice and guidance to individuals considering making protected disclosures in relation to such projects;

(e) reporting on the nature, volume, and outcome of disclosures received, with appropriate protections for confidentiality and whistleblower anonymity;

(f) establishing and maintaining a framework setting out the protections afforded to whistleblowers, including remedies for individuals who suffer

detriment as a result of making a disclosure, and procedures for seeking redress.

(3) For the purposes of this section, "protected disclosures" are those that meet the conditions set out in section 43B of the Employment Rights Act 1996 (disclosures qualifying for protection), as they relate to the planning, development, or operation of nationally significant infrastructure projects.

(4) NISTA is responsible for ensuring it has—

(a) an appropriate governance structure;

(b) clear processes and criteria for assessing disclosures;

(c) mechanisms for collaboration with other statutory regulators or planning authorities."

Member's explanatory statement
This amendment places responsibility on the National Infrastructure and Service Transformation Authority (NISTA) to receive, investigate, and oversee whistleblowing disclosures relating to nationally significant infrastructure projects, ensuring protections for whistleblowers and coordination with relevant regulators.

After Clause 47

BARONESS MCINTOSH OF PICKERING

After Clause 47, insert the following new Clause—

"Deregulation of low hazard reservoirs

Within six months of the day on which this Act is passed, the Secretary of State must publish an assessment of the impact of the current regulatory regime for low hazard reservoirs, and set out proposals for the deregulation of such reservoirs to facilitate their construction."

Member's explanatory statement
This is an amendment to encourage the consideration of measures to facilitate the construction of small reservoirs that pose little potential threat to local communities.

After Clause 51

LORD MURRAY OF BLIDWORTH

After Clause 51, insert the following new Clause—

"Promotion and use of mediation etc

(1) The Town and Country Planning Act 1990 is amended as follows.

(2) After section 323A insert—

"323B Promotion and use of mediation etc.

(1) The Secretary of State may issue guidance in relation to the promotion and use of mediation and other forms of alternative dispute resolution (ADR) technique in relation to the following—

(a) the preparation of local development plans and related evidence reports under Part 2,

(b) a prospective applicant's compliance with any requirements in respect of pre-application consultation imposed under or by virtue of sections 61W or 61Z,

(c) assisting in the determination of an application for planning permission, including related planning obligations or their variation under sections 106 and 106A, and

(d) any other matter related to planning that they consider appropriate.

(2) Guidance under subsection (1) may include provision about—

(a) the form of mediation or other ADR technique that is to be used in a particular circumstance, and

(b) the procedure to be followed in any such mediation.

(3) Local authorities must have regard to any guidance issued under subsection (1).

(4) Before issuing any guidance under subsection (1), the Secretary of State must consult—

(a) planning authorities, and

(b) such other persons that they consider appropriate.

(5) The Secretary of State must make any guidance issued under subsection (1) publicly available.

(6) The power under subsection (1) to issue guidance includes power to—

(a) issue guidance that varies guidance issued under that subsection, and

(b) revoke guidance issued under that subsection.

(7) For the purposes of this section, "mediation" and "ADR technique" includes any means of exploring, resolving or reducing disagreement between persons involving an impartial person as the Secretary of State considers appropriate.

(8) The Secretary of State must issue guidance under subsection (1) within the period of two years beginning with the date on which the Planning and Infrastructure Act 2025 is passed.""

Member's explanatory statement

This amendment requires that guidance must be issued on the promotion and use of mediation and other forms of ADR in the planning process. It is intended to engender a culture of informal resolution of disputes, in order to reduce the risk of the delay and expense caused by litigation.

BARONESS MCINTOSH OF PICKERING

After Clause 51, insert the following new Clause—

"Property flood resilience measures: planning permission

(1) Planning permission for the building of new homes at higher risk of flooding can only be granted if property flood resilience measures are implemented as part of the construction.

(2) For the purposes of implementing subsection (1) and within six months of the passing of this Act, the Secretary of State must make regulations under section 1 of the Building Act 1984 to require that property flood resilience measures are included in any new homes at higher risk of flooding.

(3) Property flood resilience measures under this section may include—
(a) raised electrical sockets;
(b) non-return valves on utility pipes;
(c) airbrick covers;
(d) resilient wall plaster;
(e) any other measure as the Secretary of State may specify."

BARONESS MCINTOSH OF PICKERING
THE EARL OF CLANCARTY

After Clause 51, insert the following new Clause—

"Agent of change: integration of new development with existing businesses and facilities

(1) In this section—
"agent of change principle" means the principle requiring planning policies and decisions to ensure that new development can be integrated effectively with existing businesses and community facilities so that those businesses and facilities do not have unreasonable restrictions placed on them as a result of developments permitted after they were established;
"development" has the same meaning as in section 55 of the Town and Country Planning Act 1990 (meaning of "development" and "new development");
"licensing functions" has the same meaning as in section 4(1) of the Licensing Act 2003 (general duties of licensing authorities);
"provision of regulated entertainment" has the same meaning as in Schedule 1 to the Licensing Act 2003 (provision of regulated entertainment);
"relevant authority" means a relevant planning authority within the meaning of section 91 of the Levelling-up and Regeneration Act 2023, or a licensing authority within the meaning of section 3 of the Licensing Act 2003 (licensing authorities).

(2) In exercising any functions under the Town and Country Planning Act 1990 or any licensing functions concerning development which is or is likely to be affected

by an existing business or facility, a relevant authority shall have special regard to the agent of change principle.

(3) An application for development within the vicinity of any premises licensed for the provision of regulated entertainment shall contain, in addition to any relevant requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I. 2015/595), a noise impact assessment.

(4) In determining whether noise emitted by or from an existing business or community facility constitutes a nuisance to a residential development, the decision-maker shall have regard to—

(a) the chronology of the introduction of the relevant noise source and the residential development, and

(b) what steps have been taken by the developer to mitigate the entry of noise from the existing business or facility to the residential development."

After Clause 52

BARONESS MCINTOSH OF PICKERING

After Clause 52, insert the following new Clause—

"Local plans and planning applications: flooding

(1) Local plans prepared by local authorities must apply a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impacts of climate change, so as to avoid, where possible, flood risk to people and property.

(2) Local authorities must fulfil their obligations under subsection (1) by—

(a) applying the sequential test and then, if necessary, the exception test under subsection (7);

(b) safeguarding land from development that is required, or likely to be required, for current or future flood management;

(c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management);

(d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.

(3) A sequential risk-based approach should also be taken to individual planning applications in areas known to be at risk now or in future from any form of flooding.

(4) The sequential test must be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable

elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).

(5) Applications for some minor development and changes of use should not be subject to the sequential test, nor the exception test, but should still meet the requirements for site-specific flood risk assessments.

(6) Having applied the sequential test, if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.

(7) To pass the exception test it should be demonstrated that—

(a) the development would provide wider sustainability benefits to the community that outweigh the flood risk, and

(b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

(8) Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again, but the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account.

(9) When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

(10) Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that—

(a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

(b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

(c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

(d) any residual risk can be safely managed;

(e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan."

Member's explanatory statement

The Sequential and Exception Tests are planning tools that help (a) ensure new development is directed away from areas at the highest risk of flooding and (b) make development that is necessary in areas of flood risk safe throughout its lifetime, without increasing flood risk elsewhere. However, these tests are currently only guidance. A statutory basis would help ensure that Local Planning Authorities place due regard on them when preparing Local Plans and considering individual planning applications.

BARONESS MCINTOSH OF PICKERING

After Clause 52, insert the following new Clause—

"Strategic flood risk assessment maps

Local planning authorities must ensure that the maps included in their Strategic Flood Risk Assessments are based on the most up-to-date flood risk assessments provided by the Environment Agency."

Member's explanatory statement
Strategic Flood Risk Assessments ensure that planning decisions take into account risks from all sources of flooding. Placing a duty on local planning authorities to keep Strategic Flood Risk Assessments up to date will ensure that they can reliably inform the development of local plans and incorporate the latest information from the Environment Agency's new National Flood Risk Assessment.

THE EARL OF CLANCARTY

★ After Clause 52, insert the following new Clause—

"Amendments to the Localism Act 2011: assets of cultural value

(1) The Localism Act 2011 is amended as follows.

(2) In section 87 (list of assets of community value)—
- (a) in subsection (1), after "community" insert "and cultural",
- (b) in subsection (2), after "community" insert "and cultural",
- (c) in subsection (3), after "community" insert "and cultural",
- (d) in subsection (5), after "community" insert "and cultural", and
- (e) in subsection (6), after "community" insert "and cultural".

(3) After section 88 (land of community value), insert—

"88A Land of cultural value

(1) For the purposes of this Chapter but subject to regulations under subsection (2), a building or other land in a local authority's area is land of cultural value if in the opinion of the authority the primary use of that building or land—
- (a) substantially furthers the cultural well-being or cultural interests of a local community or the nation, or
- (b) provides a necessary venue for the furthering of specialist cultural skills, including (but not limited to) music venues, recording studios, rehearsal spaces, visual artists' studios and other creative spaces.

(2) The appropriate authority may by regulations—
- (a) provide that a building or other land is not land of cultural value if the building or other land is specified in the regulations or is of a description specified in the regulations;

(b) provide that a building or other land in a local authority's area is not land of cultural value if the local authority or some other person specified in the regulations considers that the building or other land is of a description specified in the regulations.

(3) A description specified under subsection (2) may be framed by reference to such matters as the appropriate authority considers appropriate.

(4) In relation to any land, those matters include (in particular)—

(a) the owner of any estate or interest in any of the land or in other land;

(b) any occupier of any of the land or of other land;

(c) the nature of any estate or interest in any of the land or in other land;

(d) any use to which any of the land or other land has been, is being or could be put;

(e) statutory provisions, or things done under statutory provisions, that have effect (or do not have effect) in relation to—

(i) any of the land or other land, or

(ii) any of the matters within paragraphs (a) to (d);

(f) any price, or value for any purpose, of any of the land or other land.""

Member's explanatory statement
This amendment expands the existing assets of community value scheme to also include assets of cultural value.

After Clause 87

BARONESS MCINTOSH OF PICKERING

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 MCINTOSH OF PICKERING

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.

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PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS