

Planning and Infrastructure Bill

RUNNING LIST OF ALL AMENDMENTS ON REPORT

*Tabled up to and including
13 October 2025*

[Amendments marked ★ are new or have been altered]

Before Clause 1

BARONESS PINNOCK

Before Clause 1, insert the following new Clause —

“Purpose

The purpose of this Act is to —

- (a) accelerate the delivery of new homes and critical infrastructure,
- (b) improve the planning and consenting processes,
- (c) support nature recovery through more effective development and restoration, and
- (d) increase community acceptability of infrastructure and development.”

Member's explanatory statement

This amendment sets out the purpose of the Act.

Clause 1

BARONESS MCINTOSH OF PICKERING

Clause 1, page 1, line 14, at end insert —

- “(1A) When carrying out a review under subsection (1), the Secretary of State must assess the cumulative impact of nationally significant infrastructure projects on —
- (a) the environment;
 - (b) residents living in areas in which such projects are being developed.”

After Clause 2

BARONESS TAYLOR OF STEVENAGE

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After Clause 2, insert the following new Clause —

“Projects relating to water

- (1) Part 3 of the Planning Act 2008 (nationally significant infrastructure projects) is amended as set out in subsections (2) to (4).
- (2) In section 27 (dams and reservoirs) —
 - (a) in subsection (1)(b), after “by” insert “, or by a person appointed by,”;
 - (b) in subsection (2)(b), after “by” insert “, or by a person appointed by,”;
 - (c) after subsection (3) insert —
 - “(4) In this section, references to “a person appointed by” a water undertaker include a person whose bid is accepted by a water undertaker under regulation 6(6) of the Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013 (S.I. 2013/1582).”
- (3) In section 28 (transfer of water resources) —
 - (a) in subsection (1)(a), after “by” insert “, or by a person appointed by,”;
 - (b) after subsection (2) insert —
 - “(3) In this section, the reference to “a person appointed by” a water undertaker includes a person whose bid is accepted by a water undertaker under regulation 6(6) of the Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013 (S.I. 2013/1582).”
- (4) In section 28A (desalination plants) —
 - (a) in subsection (1)(b), after “by” insert “, or by a person appointed by,”;
 - (b) in subsection (2)(b), after “by” insert “, or by a person appointed by,”;
 - (c) after subsection (3) insert —
 - “(4) In this section, references to “a person appointed by” a water undertaker include a person whose bid is accepted by a water undertaker under regulation 6(6) of the Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013 (S.I. 2013/1582).”
- (5) The amendments made by this section do not apply in relation to a project where, before the day on which this section comes into force —
 - (a) consent for the project was required, or otherwise provided for, by or under an enactment other than section 31 of the Planning Act 2008 (requirement for development consent in relation to development that is or forms part of a nationally significant infrastructure project), and
 - (b) any steps provided for by or under the enactment in question, to obtain that consent, had been taken.

- (6) In subsection (5), “consent” means any consent, approval, permission, authorisation, confirmation, direction or decision (however described, given or made).”

Member's explanatory statement

This amendment would allow projects carried out by third parties appointed by water undertakers to fall within the definition of a nationally significant infrastructure project by virtue of section 14(1)(m), (n) or (na) of the Planning Act 2008, provided the other conditions in sections 27, 28 and 28A of the 2008 Act are met.

Clause 4

BARONESS PINNOCK

Clause 4, page 8, line 22, leave out paragraph (a)

Member's explanatory statement

This amendment removes the provisions in the bill which remove the requirements for pre-application requirements for development consent.

BARONESS PINNOCK

Clause 4, page 8, line 26, leave out paragraph (e)

Member's explanatory statement

This amendment removes the provisions in the bill which remove the requirements for pre-application requirements for development consent.

Clause 5

BARONESS PINNOCK
EARL RUSSELL

Clause 5, page 10, line 24, at end insert—

- “(3) Applicants must have regard to any guidance issued by the Secretary of State to assist them in complying with section 50.”

Member's explanatory statement

This amendment requires applicants for NSIPs to have regard to the Secretary of State's guidance in assisting them to comply with section 50.

BARONESS PINNOCK
EARL RUSSELL

Clause 5, page 10, line 24, at end insert —

- “(7A) In issuing guidance under this section the Secretary of State must have regard to the need to ensure pre-application consultation is meaningful, including, but not limited to, adherence to the following principles —
- (a) pre-application consultation should be open and transparent with information and evidence provided in a timely and straightforward fashion to provide affected or interested parties with objective and relevant information to enable them to make an informed response;
 - (b) applicants should demonstrate a responsive approach to queries and challenges raised;
 - (c) applicants should ensure consultation and engagement activities are inclusive and enable affected or interested parties to have a reasonable opportunity to participate;
 - (d) applicants’ interpretation and representation of results should be fair and objective;
 - (e) all pre-application consultation should be undertaken through meaningful engagement with communities and stakeholders, offering genuine opportunities to influence proposals;
 - (f) pre-application engagement should be proportionate, with applicants providing the right level of information to enable positive outcomes to be delivered.”

Member's explanatory statement

This amendment provides principles which the Secretary of State’s guidance required by new section 50(2) of the Planning Act 2008 must have regard to, to ensure that pre-application consultation is meaningful.

Clause 6

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 6, page 11, line 14, leave out subsection (2)

Member's explanatory statement

This amendment would remove the amendment made by clause 6 to section 37(3) of the Planning Act 2008, with the result that the test for acceptance of an application for a development consent order would remain unchanged.

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 6, page 11, line 19, leave out subsection (3)

Member's explanatory statement

This amendment is consequential on my amendment to clause 6, page 12, line 31.

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 6, page 11, line 25, leave out subsections (5) and (6)

Member's explanatory statement

This amendment is consequential on my amendment to clause 6, page 12, line 31.

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 6, page 12, line 1, leave out paragraph (c)

Member's explanatory statement

This amendment is consequential on my amendment to clause 6, page 11, line 14.

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 6, page 12, line 29, leave out from “must” to end of line 30 and insert “—
- (a) prepare a statement of the Secretary of State’s reasons for that decision,
 - (b) provide a copy of the statement to the applicant, and
 - (c) publish the statement in such form and manner as the Secretary of State thinks appropriate.”

Member's explanatory statement

This amendment would require the Secretary of State to publish a statement of reasons for any decision not to accept an application under section 55 of the Planning Act 2008.

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 6, page 12, line 31, leave out subsections (12) and (13)

Member's explanatory statement

This amendment would remove new section 55A of the Planning Act 2008 which would have permitted the Secretary of State to require an applicant for a development consent order to provide further information before accepting the application. It would also make provision consequential on this.

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 6, page 13, line 33, at end insert—

“(13A) In section 118 (legal challenges relating to applications for orders granting development consent), in subsection (3)(b), for “notifies the applicant as required by subsection (7)” substitute “provides the copy of the statement of reasons for the decision to the applicant as required by subsection (7)(b).”

Member's explanatory statement

This amendment is consequential on the substitution of section 55(6) of the Planning Act 2008 by clause 6(11) of the Bill.

BARONESS TAYLOR OF STEVENAGE

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Clause 6, page 13, line 34, leave out subsection (14) and insert—

“(14) In consequence of the amendment in subsection (10), omit section 137(4) of the Localism Act 2011.”

Member's explanatory statement

This amendment is consequential on my amendment to clause 6, page 12, line 1.

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.

Clause 26

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 26, page 36, line 8, leave out from “regulations” to end of line 13 and insert “under this section”

Member's explanatory statement

This amendment makes all regulations implementing the consumer benefit scheme subject to the affirmative procedure.

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 26, page 38, line 36, leave out “in relation to which section 38A(6) applies” and insert “under section 38A”

Member's explanatory statement

This amendment is consequential on my amendment at page 36, line 8.

Clause 28

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 28, page 39, line 11, leave out “appropriate forestry authority” and insert “Commissioners”

Member's explanatory statement

This is one of a number of amendments that would result in Clause 28 no longer applying in relation to Wales.

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 28, page 39, line 13, at beginning insert “English”

Member's explanatory statement

This is one of a number of amendments that would result in Clause 28 no longer applying in relation to Wales.

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 28, page 39, line 17, after “across,” insert “English”

Member's explanatory statement

This is one of a number of amendments that would result in Clause 28 no longer applying in relation to Wales.

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 28, page 39, line 19, at beginning insert “English”

Member's explanatory statement

This is one of a number of amendments that would result in Clause 28 no longer applying in relation to Wales.

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 28, page 39, line 27, after “on” insert “English”

Member's explanatory statement

This is one of a number of amendments that would result in Clause 28 no longer applying in relation to Wales.

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 28, page 39, line 30, leave out “appropriate forestry authority’s” and insert “Commissioners”

Member's explanatory statement

This is one of a number of amendments that would result in Clause 28 no longer applying in relation to Wales.

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 28, page 39, line 34, leave out from “41(2)” to end of line 35

Member's explanatory statement

This is one of a number of amendments that would result in Clause 28 no longer applying in relation to Wales.

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 28, page 39, line 36, leave out “appropriate forestry authority” and insert “Commissioners”

Member's explanatory statement

This is one of a number of amendments that would result in Clause 28 no longer applying in relation to Wales.

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 28, page 40, leave out lines 1 to 18

Member's explanatory statement

This amendment and my amendment at page 41, line 13 would replace the current power to impose consent requirements on the exercise of the powers conferred by Clause 28 with a narrower power limited to generating stations above a certain megawatt capacity.

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 28, page 40, leave out lines 20 to 23

Member's explanatory statement

This amendment is consequential on my amendment at page 40, line 1.

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 28, page 40, line 30, at beginning insert ““English”

Member's explanatory statement

This is one of a number of amendments that would result in Clause 28 no longer applying in relation to Wales.

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 28, page 40, line 31, leave out “appropriate forestry authority” and insert “Commissioners”

Member's explanatory statement

This is one of a number of amendments that would result in Clause 28 no longer applying in relation to Wales.

BARONESS TAYLOR OF STEVENAGE

★ Clause 28, page 41, line 13, at end insert—

“3B Section 3A: power to require Secretary of State’s consent in certain cases

- (1) The Secretary of State may make regulations that, in a case within subsection (2), require the consent of the Secretary of State to an exercise of the Commissioners’ powers under section 3A.
- (2) The cases are those where—
 - (a) a proposed exercise of the powers is intended to enable the construction on English forestry land of the whole or part of a generating station (including an extension to an existing station), and
 - (b) the capacity threshold is exceeded.
- (3) In the case of the construction of a new generating station, the capacity threshold is exceeded if it is expected that the generating capacity of the station would equal or exceed the relevant wattage.
- (4) In the case of an extension to an existing station, the capacity threshold is exceeded if it is expected that—
 - (a) the extension would cause the generating capacity of the station to equal or exceed the relevant wattage, or
 - (b) the extension, whether alone or taken together with previous non-consented extensions, would increase the generating capacity of the station by at least the relevant wattage.
- (5) An extension is “non-consented” for the purposes of subsection (4)(b) if—
 - (a) it was enabled by an exercise of the Commissioners’ powers under section 3A, and
 - (b) that exercise of those powers did not have the consent of the Secretary of State under regulations under subsection (1).
- (6) But an extension ceases to be “non-consented” for those purposes if—
 - (a) a subsequent extension to the station in question is constructed having been enabled by an exercise of the Commissioners’ powers under section 3A, and
 - (b) that exercise of those powers had the consent of the Secretary of State under regulations under subsection (1).
- (7) The relevant wattage is—
 - (a) 5 megawatts, if the station generates electricity from wind, and
 - (b) 50 megawatts, if it does not.
- (8) The Secretary of State may by regulations amend this section so as to change the relevant wattage (including by adding or combining categories of station in relation to which a particular wattage is prescribed).
- (9) In calculating the relevant wattage there is to be disregarded—

- (a) in the case of a generating station only partly situated on English forestry land, any generating capacity that can be attributed to parts not situated on English forestry land;
 - (b) in the case of a generating station whose capacity is provided in part by facilities for the storage of electricity and in part by other means, the capacity provided by those facilities.
- (10) In this section –
- “generating station” has the same meaning as in Part 1 of the Electricity Act 1989 (see section 64(1));
 - “storage” is to be read in accordance with section 3A(9).

3C Regulations under section 3B: further provision

- (1) Regulations under section 3B(1) may –
 - (a) make provision about the process by which consent is to be sought and given or refused;
 - (b) provide for consent to be given subject to conditions.
- (2) Regulations under section 3B may –
 - (a) make different provision for different purposes or areas;
 - (b) include consequential, incidental, supplementary, transitional or saving provision.
- (3) Regulations under section 3B are to be made by statutory instrument.
- (4) A statutory instrument containing (whether alone or with other provision) regulations under section 3B(8) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (5) A statutory instrument containing regulations under section 3B(1) (but not regulations under section 3B(8)) is subject to annulment in pursuance of a resolution of either House of Parliament.”

Member's explanatory statement

See the explanatory statement for my amendment at page 40, line 1.

After Clause 28

BARONESS TAYLOR OF STEVENAGE

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After Clause 28, insert the following new Clause –

“Wind generating stations that may affect seismic array systems

- (1) The Secretary of State may make regulations about planning permissions or consents relating to wind generating stations that may affect the functioning of a relevant seismic array system.

- (2) A “relevant seismic array system” is a spatially distributed system of linked seismometers, arranged so as to enhance the detection and characterisation of seismic signals, that –
 - (a) is used for defence purposes, and
 - (b) is in use on the day on which this Act is passed.
- (3) The regulations may provide for –
 - (a) an exclusion zone, and
 - (b) a restricted zone,around a relevant seismic array system.
- (4) The regulations may –
 - (a) require a planning decision-maker to refuse, or decline to determine or accept, a planning application relating to a wind generating station that is (or would be) situated in an exclusion zone;
 - (b) provide that a relevant development order or MCA scheme may not be made if it would grant planning permission for development relating to a wind generating station that is (or would be) situated in an exclusion zone;
 - (c) allow the Secretary of State to direct that a relevant development order or MCA scheme may not be made if it would grant such planning permission.
- (5) The regulations may, in relation to a planning application relating to a wind generating station that is (or would be) situated in a restricted zone –
 - (a) require the applicant to provide specified information about the seismic impact of the proposals (“seismic impact information”) to which their application relates;
 - (b) require the planning decision-maker to use the seismic impact information in a specified way when determining the application (including when determining conditions relating to a permission or consent);
 - (c) require the planning decision-maker to refuse, or decline to determine or accept, the application in specified circumstances;
 - (d) require the planning decision-maker to provide the Secretary of State with the seismic impact information, and to seek the Secretary of State’s views on the seismic impact of the proposals;
 - (e) require the planning decision-maker to refuse, or decline to determine or accept, the application if the Secretary of State objects to it on grounds relating to the seismic impact of the proposals.
- (6) The regulations may –
 - (a) require a person proposing to make a relevant development order or MCA scheme to consult the Secretary of State if the order or scheme would grant planning permission for development relating to a wind generating station that is (or would be) situated in a restricted zone;
 - (b) allow the Secretary of State to direct that a relevant development order or MCA scheme may not be made if it would grant such planning permission.
- (7) The regulations may include provision about the procedure for planning applications to which they relate, such as –

- (a) provision enabling or requiring a planning decision-maker to decline to determine or accept an application;
 - (b) provision modifying the process for determining an application;
 - (c) provision allowing the Secretary of State to give a direction to the planning-decision maker about the procedure for an application;
 - (d) provision modifying or disapplying a right of appeal or review;
 - (e) provision disapplying a duty imposed on a planning decision-maker when determining an application.
- (8) The regulations may require a planning decision-maker to have regard to guidance issued by the Secretary of State.
- (9) Regulations under this section may –
 - (a) amend or repeal provision contained in an Act of Parliament or an Act of the Scottish Parliament;
 - (b) make different provision for different purposes or areas;
 - (c) make provision binding the Crown;
 - (d) make transitional, transitory or saving provision;
 - (e) make incidental, supplementary or consequential provision.
- (10) Regulations under this section are to be made by statutory instrument.
- (11) A statutory instrument containing regulations under this section which amend or repeal provision contained in an Act of Parliament or an Act of the Scottish Parliament may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (12) Any other statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (13) If a draft of a statutory instrument containing regulations under this section would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.
- (14) In this section –
 - “MCA scheme” means a masterplan consent area scheme made under Part 3 of the Town and Country Planning (Scotland) Act 1997;
 - “planning application” means –
 - (a) an application for planning permission under Part 3 or Part 13 of the Town and Country Planning Act 1990,
 - (b) an application for planning permission under Part 3 or Part 12 of the Town and Country Planning (Scotland) Act 1997,
 - (c) an application for an order granting development consent under section 37 of the Planning Act 2008, or
 - (d) an application under section 36 or 36C of the Electricity Act 1989 (consent for construction etc of generating station);
 - “planning decision-maker” means a person who determines a planning application;

“relevant development order” means –

- (a) a local development order made under section 61A of the Town and Country Planning Act 1990;
- (b) a Mayoral development order made under section 61DA of that Act;
- (c) a neighbourhood development order made under section 61E of that Act;
- (d) a development order made under section 30 of the Town and Country Planning (Scotland) Act 1997;

“wind generating station” means a generating station that generates electricity from wind.”

Member's explanatory statement

This new clause would empower the Secretary of State to make regulations relating to planning permissions for wind generating stations that may affect the operation of seismic array systems used for defence purposes that are in use at the time that the Act is passed.

LORD FULLER
BARONESS SCOTT OF BYBROOK
LORD JAMIESON

After Clause 28, insert the following new Clause –

“Prohibition on the application of the nationally significant infrastructure projects regime to large-scale solar developments on the best and most versatile land

- (1) Section 14 of the Planning Act 2008 (nationally significant infrastructure projects: general) is amended as follows.
- (2) After subsection (1) insert –
 - “(1A) Large-scale solar developments must not be considered nationally significant infrastructure projects where they are built or developed on agricultural land at grade 1, 2, or 3a.”.
- (3) After subsection (3) insert –
 - “(3ZA) The Secretary of State may not use orders under subsection (3)(a) to extend the application of subsection (1) to large-scale solar developments.”.

Member's explanatory statement

This amendment seeks to ensure that planning decisions remain in the hands of local councils for large-scale solar developments on the best and most versatile land through prohibiting such developments from falling under the nationally significant infrastructure projects provisions in the Planning Act 2008.

EARL RUSSELL
LORD KREBS
BARONESS YOUNG OF OLD SCONE

After Clause 28, insert the following new Clause –

“Duties of the Forestry Commission in relation to land use, climate and nature

In section 1 of the Forestry Act 1967 (The Forestry Commission), after subsection (3B) insert –

- “(3C) In exercising their functions related to planning, development and infrastructure, the Commissioners must –
- (a) take all reasonable steps to contribute to –
 - (i) the achievement of targets set under Part 1 of the Climate Change Act 2008,
 - (ii) the achievement of biodiversity targets set under sections 1 to 3 of the Environment Act 2021, and
 - (iii) adapting to any current or predicted impacts of climate change identified in the most recent report under section 56 of the Climate Change Act 2008;
 - (b) ensure that, in making arrangements for the use of land placed at their disposal by the Minister, an appropriate balance is struck between energy infrastructure and maintaining ecosystem services, such as timber production, biodiversity, access, and recreation; and
 - (c) in any such arrangements, avoid any direct or indirect adverse effects on –
 - (i) sites designated under the Conservation of Habitats and Species Regulations 2017 or the Wildlife and Countryside Act 1981, and
 - (ii) irreplaceable habitats such as ancient woodland.””

Member’s explanatory statement

This amendment would place a duty on the Forestry Commission to contribute to climate change mitigation, biodiversity targets and climate adaptation when exercising its functions, while also requiring it to balance energy infrastructure and maintaining ecosystem services, such as timber production, biodiversity, access, and recreation. It further preserves explicit protections against adverse impacts on designated nature conservation sites and irreplaceable habitats such as ancient woodland.

BARONESS HODGSON OF ABINGER

After Clause 28, insert the following new Clause –

“Prohibition of solar power development on higher-quality agricultural land

No permission may be granted for the building or installation of provision for solar power generation where the development would involve –

- (a) the building on or development of agricultural land at grade 1, 2, or 3a, and
- (b) building or installation at ground level.”

Member's explanatory statement

This new clause would prohibit the development of solar power generation on higher-quality agricultural land.

EARL RUSSELL
LORD RAVENSDALE

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After Clause 28, insert the following new Clause—

**“Local Area Energy Plans to inform electricity infrastructure requirements:
Government-led development**

- (1) The Secretary of State must, within 12 months of the day on which this Act is passed, complete a programme for the purpose of developing a national framework for the preparation and use of Local Area Energy Plans (“LAEPs”) in order to inform local authority and combined authority decisions about electricity infrastructure requirements.
- (2) The programme must consist of detailed planning, research and consultation with relevant stakeholders, including local and combined authorities, the devolved administrations, Great British Energy, Ofgem, network and supply operators, energy companies, community representatives and expert bodies.
- (3) The programme must—
 - (a) evaluate the feasibility, costs, and benefits of requiring LAEPs across the United Kingdom in order to inform local authority and combined authority decisions about electricity infrastructure requirements,
 - (b) identify the data, modelling standards, and technical methodologies necessary for consistent and interoperable plans,
 - (c) consider how LAEPs could best support national and regional energy strategies that will inform rational decisions about electricity infrastructure requirements in line with the United Kingdom’s decarbonisation targets, and support market reforms with an impact on electricity infrastructure requirements, and
 - (d) assess options for phased implementation and governance, including possible statutory duties on local authorities.
- (4) In carrying out the programme, the Secretary of State must ensure that—
 - (a) extensive consultation takes place with all relevant stakeholders,
 - (b) pilot projects or regional pathfinder initiatives are undertaken where appropriate,
 - (c) the process draws on existing local and regional energy planning work, and
 - (d) due regard is had to the differing capacities, demographics, and infrastructure profiles of areas across the United Kingdom.

- (5) The Secretary of State must, within 18 months of commencement of this section, publish a report setting out –
 - (a) the findings of the planning, research, and consultations;
 - (b) options for introducing, within one year of publication, a statutory requirement for LAEPs in order to inform decisions about electricity infrastructure requirements;
 - (c) proposals for funding, technical support, training, and capacity building initiatives to assist local authorities in preparing and implementing LAEPs;
 - (d) clear evaluation criteria and success metrics for the programme and any pilots carried out.
- (6) The Secretary of State must ensure that adequate ring-fenced funding is made available for the programme, including resources for stakeholder engagement, data collection, pilot projects, technical analysis, and support, training, and capacity building for local authorities.
- (7) The Secretary of State must –
 - (a) make a formal policy decision on whether to proceed with the introduction of LAEPs in order to inform local authority and combined authority decisions about electricity infrastructure requirements;
 - (b) lay before both Houses of Parliament a statement setting out that decision and the reasons for it –
 - (i) within two years of the commencement of this section, or
 - (ii) within six months of the publication of the report under subsection (4), whichever is the later; and
 - (c) following that decision, prepare and publish a report setting out –
 - (i) the implications of the decision for the development and implementation of LAEPs, and
 - (ii) any further steps the Government intends to take in relation to the national framework or local delivery.
- (8) In developing the report and proposals under subsection (5), the Secretary of State must have regard to –
 - (a) comparability and interoperability of data across the United Kingdom,
 - (b) minimising administrative burdens on local authorities,
 - (c) ensuring value for money, and
 - (d) enabling efficient integration with regional and national strategic energy plans.”

Member's explanatory statement

This amendment requires the Government to lead a national programme of planning, research, and consultation on Local Area Energy Plans. The Government must publish a report within 18 months of commencement. A formal decision on whether to impose statutory LAEP duties must be made within two years of commencement or within six months of the report's publication.

Clause 41

BARONESS PINNOCK

Clause 41, page 54, line 22, at end insert—

- “(1A) Any disapplication of heritage protections under this section must be exercised in a manner that—
- (a) recognises the value of the United Kingdom’s archaeological and architectural heritage to the nation and to local communities;
 - (b) respects the principle that structures and sites are designated for protection only where they are of special or particular historic or cultural significance; and
 - (c) ensures that development under this Act gives due regard to the importance of conserving the historic environment alongside the need for future infrastructure.”

Member's explanatory statement

This amendment imposes considerations for any disapplication of heritage protections.

BARONESS TAYLOR OF STEVENAGE

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Leave out Clause 41 and insert the following new Clause—

“Deemed grant of listed building consent etc

- (1) In the Transport and Works Act 1992, for section 17 (listed buildings and conservation areas) substitute—

“17 Listed buildings: England

- (1) On making an order under section 1 or 3 that authorises controlled listed building works in England, the Secretary of State may direct that listed building consent for the works is deemed to be granted, subject to such conditions (if any) as may be specified in the direction.
- (2) Section 16(2) of the Listed Buildings Act (duty of special regard to listed buildings) applies to the making of a direction under this section as it would apply to the grant of listed building consent in relation to the building concerned.
- (3) Section 72(1) of the Listed Buildings Act (duty of special attention to conservation areas) applies to the making of a direction under this section in relation to a building in a conservation area as it would apply to the grant of listed building consent in relation to that building.
- (4) The provisions of the Listed Buildings Act apply in relation to any listed building consent deemed to be granted by virtue of a direction of the Secretary of State under this section as if the consent had been granted by the Secretary of State on an application referred under section 12 of that Act.

- (5) But that does not bring the decision to make the direction within section 62(2)(a) of that Act (decisions of Secretary of State that may only be challenged by way of statutory review).
- (6) In this section —
 - “conservation area” has the same meaning as in the Listed Buildings Act (see section 91(1) of that Act);
 - “controlled listed building works in England” means works to which section 7(1) of the Listed Buildings Act (demolition or alteration in character of a listed building in England) applies;
 - “listed building consent” means consent under section 8 of the Listed Buildings Act (listed building consent in England);
 - “the Listed Buildings Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990.

17A Listed buildings and conservation areas: Wales

- (1) On making an order under section 1 or 3 that authorises controlled listed building works in Wales, the Welsh Ministers may direct that listed building consent for the works is deemed to be granted, subject to such conditions (if any) as may be specified in the direction.
- (2) On making an order under section 1 or 3 that authorises controlled conservation area works in Wales, the Welsh Ministers may direct that conservation area consent for the works is deemed to be granted, subject to such conditions (if any) as may be specified in the direction.
- (3) Section 96(2) of HEWA 2023 (duty of special regard to listed buildings) applies to the making of a direction under subsection (1) as it would apply to the grant of listed building consent in relation to the building concerned.
- (4) Section 160(1) of HEWA 2023 (duty of special regard to conservation areas) applies —
 - (a) to the making of a direction under subsection (1) in relation to a building in a conservation area, as it would apply to the grant of listed building consent in relation to that building, and
 - (b) to the making of a direction under subsection (2), as it would apply to the grant of conservation area consent in relation to the building concerned.
- (5) The provisions of HEWA 2023 apply in relation to any consent deemed to be granted by virtue of a direction of the Welsh Ministers under this section as if the consent had been granted by the Welsh Ministers on an application referred under section 94 of that Act.
- (6) But that does not bring the decision to make the direction within section 182(2)(b) of that Act (decisions of Welsh Ministers that may only be challenged by way of statutory review).
- (7) In this section —

“conservation area” has the same meaning as in HEWA 2023 (see section 210 of that Act);

“conservation area consent” means consent under section 162 of HEWA 2023 (conservation area consent in Wales);

“controlled conservation area works in Wales” means works to which section 161 of HEWA 2023 (demolition of building in conservation area in Wales) applies;

“controlled listed building works in Wales” means works to which section 88 of HEWA 2023 (demolition or alteration in character of a listed building in Wales) applies;

“HEWA 2023” means the Historic Environment (Wales) Act 2023;

“listed building consent” means consent under section 89 of HEWA 2023 (listed building consent in Wales).”

(2) In section 22 of that Act (validity of orders) –

- (a) in the heading, for “under section 1 or 3” substitute “and directions”;
- (b) after subsection (3) insert –

“(4) This section applies to a direction under –

- (a) section 90(2A) of the Town and Country Planning Act 1990 (deemed planning permission),
- (b) section 17 or 17A of this Act (deemed listed building or conservation area consent), or
- (c) section 12(2A) of the Planning (Hazardous Substances) Act 1990 (deemed hazardous substances consent),

as it applies to an order under section 1 or 3.”

(3) In section 12 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (reference of applications for listed building consent to Secretary of State), omit subsection (3A).

(4) In section 94(4) of the Historic Environment (Wales) Act 2023 (reference to Welsh Ministers of application for listed building consent associated with Transport and Works Act application), after “application” in the second place it occurs insert “to the Secretary of State”.

Member's explanatory statement

This amendment would replace the proposed power to remove the need for various heritage-related consents for a Transport and Works Act project with a power to put in place deemed listed building consent or (in Wales) conservation area consent for such a project.

LORD PARKINSON OF WHITLEY BAY

Leave out Clause 41

Member's explanatory statement

This amendment aims to conserve the consent requirements relating to Listed Buildings, Conservation Areas, and Scheduled Monuments which would otherwise be disapplied for transport projects.

After Clause 41

LORD LANSLEY

After Clause 41, insert the following new Clause —

“Heritage assets

- (1) The Transport and Works Act 1992 is amended as follows.
- (2) After section 6(5) insert —
 - “(5A) Rules made under this section must incorporate requirements to reflect the provisions of sections 7 and 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990.””

Member's explanatory statement

This amendment would require that when making Transport and Works Act Orders, the Secretary of State must have regard to the procedures in the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to works for demolition or affecting the character of listed buildings.

Clause 47

BARONESS PIDGEON

Clause 47, page 59, line 18, at end insert —

- “(5A) After subsection (5), insert —
- “(6) References in this Part to public charge points are to be taken as including cross-pavement charging solutions.””

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.

BARONESS PIDGEON

After Clause 47, insert the following new Clause—

“Permitted development and charging points

- (1) Part 2 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 is amended as follows.
- (2) In paragraph D, after “parking”, insert “or adjacent to a public highway lawfully used for on-street parking where a local highway authority approved cross-pavement charging solution is installed,”.
- (3) In paragraph D.1, for sub-paragraph (a) substitute “overhang the footway by more than 150mm perpendicular to the property boundary including the cable plug when it is plugged in;”.
- (4) After paragraph E.3 insert—

“Class EA - Ancillary equipment for electrical upstands for recharging electric vehicles

Permitted development

EA The installation, alteration or replacement, within an area lawfully used for off-street parking, of equipment or storage facilities to support the operation of electrical outlets for recharging electric vehicles.

Development not permitted

EA.1 Development is not permitted by Class E if the equipment and storage facilities upstand and the outlet would—

- (a) not be located in a non-domestic off-street ground level car park,
- (b) result in the installation of more than unit being provided for the car park,
- (c) exceed 29 cubic metres,
- (d) exceed 3 metres in height,
- (e) be within 5 metres of the highway, or
- (f) be within 10 metres of the curtilage of a dwelling house or block of flats.

Conditions

EA.2. Development is permitted by Class E subject to the conditions that when the development is no longer needed as equipment or storage to support the operation of charging points for electric vehicles—

- (a) the development is removed as soon as reasonably practicable, and
- (b) the land on which the development was mounted or into which the development was set is, as soon as reasonably practicable, and so far as reasonably practicable, reinstated to its condition before that development was carried out.”

Clause 48

BARONESS THORNHILL

Clause 48, page 61, line 6, at end insert —

- “(ba) the requirement for proportionality in the level of the fee or charge, based on the nature and size of the development to which the fee or charge will apply;”

Member's explanatory statement

This amendment would require that any fee or charge set out in regulations is proportionate to the nature and size of the development it applies to.

BARONESS MCINTOSH OF PICKERING

Clause 48, page 61, line 20, at end insert “but may also include the cost of enforcement functions.”

Member's explanatory statement

Clause 48 enables local planning authorities to set their own planning charges at a level up to, but not exceeding, cost recovery for planning applications for which a fee is payable. The Bill's explanatory notes state that enforcement activity would not be covered. This amendment would allow the cost of enforcement measures, such as checking whether any specified flood mitigation or resilience measures have been installed adequately, to be included in the fees.

Clause 51

LORD LANSLEY

Clause 51, page 69, line 22, at end insert —

- “(3) In section 333 of the Town and Country Planning Act 1990 (regulations and orders), after subsection (3ZAA), insert —
- “(3ZAB) The first regulations under sections 319ZZC or 319ZZD may not be made unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.
- (3ZAC) Regulations made under sections 319ZZC or 319ZZD are subject to annulment in pursuance of a resolution of either House of Parliament (except for the first such regulations).””

Member's explanatory statement

This amendment would require that when regulations for a national scheme of delegation of planning decisions are made for the first time, these should be made by an affirmative resolution procedure.

After Clause 51

BARONESS TAYLOR OF STEVENAGE

★ After Clause 51, insert the following new Clause —

“Directions restricting refusal of planning permission in England

In section 74 of the Town and Country Planning Act 1990 (directions etc as to method of dealing with applications), in subsection (1)(a), after “grant” insert “or, in the case of an authority in England, the refusal,”.

Member's explanatory statement

This amendment would allow a development order to enable the Secretary of State to give directions restricting the refusal of planning permission or permission in principle by a local planning authority in England.

BARONESS TAYLOR OF STEVENAGE

★ After Clause 51, insert the following new Clause —

“Directions giving deemed planning permission: special regard to heritage assets

(1) In section 90 of the Town and Country Planning Act 1990 (directions deeming planning permission to be granted for certain development with government authorisation), after subsection (2A) insert —

“(2B) Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (special regard to listed buildings) applies to a government department or the Secretary of State in considering whether to make a direction under this section as it applies to the Secretary of State in considering whether to grant planning permission.”

(2) In section 90(2B) of that Act (inserted by subsection (1)) —

- (a) for “applies”, in the first place it appears, substitute “and section 58B of this Act (special regard to other heritage assets) apply”;
- (b) for “it applies” substitute “they apply”.

Member's explanatory statement

There is currently a duty to have special regard to the desirability of preserving listed buildings, their settings and their features of special architectural or historic interest when deciding whether to grant planning permission. This new Clause would apply that duty to certain powers to put in place deemed planning permission (including in relation to a Transport and Works Act project).

BARONESS TAYLOR OF STEVENAGE

★ After Clause 51, insert the following new Clause—

“Planning permission etc: extension of time in event of legal challenge

- (1) The Town and Country Planning Act 1990 is amended as set out in subsections (2) and (3).
- (2) In section 91 (general condition limiting duration of planning permission), for subsections (3A) and (3B) substitute—
 - “(3A) In subsections (3B) to (3BB)—
 - “implementation period” means the period before the end of which a development to which a planning permission relates must be begun (see subsections (1) and (3));
 - “relevant proceedings” means proceedings to challenge the validity, in respect of the development of land in England, of a grant of planning permission or of a deemed grant of planning permission.
 - (3B) If a person is given permission by a court to bring relevant proceedings, the implementation period is extended by one year.
 - (3BA) If a party to relevant proceedings is given permission to appeal to the Court of Appeal against a decision determining the challenge, the implementation period is extended by one year.
 - (3BB) If a party to relevant proceedings is given permission to appeal to the Supreme Court against a decision determining the challenge, the implementation period is extended by two years.
 - (3BC) Any extension of a period under subsection (3B), (3BA) or (3BB) is to run concurrently with any other extension of the period under the same subsection (so far as they overlap).
 - (3BD) Any extension of a period under subsection (3BA) is to run consecutively to the previous extension of the period under subsection (3B) (if they would otherwise overlap).
 - (3BE) Any extension of a period under subsection (3BB) is to run consecutively to the previous extension of the period under subsection (3B) and any previous extension of the period under subsection (3BA) (if they would otherwise overlap).
 - (3BF) The references in subsections (3BA) and (3BB) to determining a challenge are to determining it after a full hearing (and accordingly do not include a refusal of permission or leave).”

(3) After section 92 insert –

“92A Extension of outline planning permission etc in event of legal challenge

- (1) This section applies where a person is given permission by a court to bring proceedings challenging the validity, in respect of the development of land in England, of –
 - (a) a grant (or deemed grant) of outline planning permission, or
 - (b) the approval of reserved matters under such a permission.
- (2) Any reserved matters application period or implementation period that is running when the court gives permission to bring the proceedings is extended by one year.
- (3) If a party to the proceedings is given permission to appeal to the Court of Appeal against a decision determining the challenge, any reserved matters application period or implementation period that is running at that time is extended by one year.
- (4) If a party to the proceedings is given permission to appeal to the Supreme Court against a decision determining the challenge, any reserved matters application period or implementation period that is running at that time is extended by two years.
- (5) Any extension of a period under subsection (2), (3) or (4) is to run concurrently with any other extension of the period under the same subsection (so far as they overlap).
- (6) Any extension of a period under subsection (3) is to run consecutively to the previous extension of the period under subsection (2) (if they would otherwise overlap).
- (7) Any extension of a period under subsection (4) is to run consecutively to the previous extension of the period under subsection (2) and any previous extension of the period under subsection (3) (if they would otherwise overlap).
- (8) For the purposes of subsections (2) to (4), an implementation period that is determined by reference to an approval of a reserved matter starts to run when the reserved matters application is made (and the reserved matters application period ceases to run at that point).
- (9) Subsection (10) applies if a reserved matters application is made without taking advantage of an extension under this section.
- (10) Any implementation period determined by reference to the approval sought by the reserved matters application is extended by the number of days by which the reserved matter application period is extended under this section.
- (11) Subsection (12) applies if a reserved matters application period is extended (or further extended) under this section and the reserved matter application is made taking advantage of the extension but before the end of the period as extended.

- (12) Any implementation period determined by reference to the approval sought by the reserved matters application is extended by the number of whole days remaining in the reserved matters application period (as extended) when the reserved matters application is made.
- (13) In this section —
 - “implementation period”, in relation to a grant of outline planning permission, means the period before the end of which development to which the permission relates must be begun (see section 92(2)(b), (4) and (5));
 - “outline planning permission” has the same meaning as in section 92;
 - “reserved matters application” means an application for the approval of a reserved matter in pursuance of section 92;
 - “reserved matters application period”, in relation to a grant of outline planning permission, means the period before the end of which a reserved matters application relating to the permission is required to be made (see section 92(2)(a), (4) and (5)).
- (14) In this section, references to determining a challenge are to determining it after a full hearing (and accordingly do not include a refusal of permission or leave).”
- (4) In the Planning (Listed Buildings and Conservation Areas) Act 1990, in section 18 (limit of duration of listed buildings consent), for subsections (2A) and (2B) substitute —
 - “(2A) In subsections (2A) to (2BB) —
 - “implementation period” means the period before the end of which works to which a listed building consent relates are required to be begun in pursuance of subsection (1) or (2);
 - “relevant proceedings” means proceedings to challenge the validity of a grant of listed building consent or of a deemed grant of listed building consent.
 - (2B) If a person is given permission by a court to bring relevant proceedings, the implementation period is extended by one year.
 - (2BA) If a party to relevant proceedings is given permission to appeal to the Court of Appeal against a decision determining the challenge, the implementation period is extended by one year.
 - (2BB) If a party to relevant proceedings is given permission to appeal to the Supreme Court against a decision determining the challenge, the implementation period is extended by two years.
 - (2BC) Any extension of a period under subsection (2B), (2BA) or (2BB) is to run concurrently with any other extension of the period under the same subsection (so far as they overlap).

- (2BD) Any extension of a period under subsection (2BA) is to run consecutively to the previous extension of the period under subsection (2B) (if they would otherwise overlap).
- (2BE) Any extension of a period under subsection (2BB) is to run consecutively to the previous extension of the period under subsection (2B) and any previous extension of the period under subsection (2BA) (if they would otherwise overlap).
- (2BF) The references in subsections (2BA) and (2BB) to determining a challenge are to determining it after a full hearing (and accordingly do not include a refusal of permission or leave)."
- (5) The amendments made by subsections (2) and (4) do not operate to extend any implementation period that has already expired.
- (6) In relation to proceedings begun before the day on which subsection (2) comes into force ("the commencement date") –
 - (a) any extension of time under section 91(3B) of the Town and Country Planning Act 1990 that had already arisen before the commencement date as a result of those proceedings is unaffected;
 - (b) subsections (3B) to (3BB) of section 91 of that Act (as inserted by subsection (2)) apply so far as any event in the proceedings giving rise to an extension of time under those subsections occurs on or after the commencement date, but not otherwise.
- (7) In relation to proceedings begun before the day on which subsection (3) comes into force, section 92A of the Town and Country Planning Act 1990 (inserted by subsection (3)) applies so far as any event in the proceedings giving rise to an extension of time under that section occurs on or after that day, but not otherwise.
- (8) In relation to proceedings begun before the day on which subsection (4) comes into force ("the commencement date") –
 - (a) any extension of time under section 18(2B) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that had already arisen before the commencement date as a result of those proceedings is unaffected;
 - (b) subsections (2B) to (2BB) of section 18 of that Act (as inserted by subsection (4)) apply so far as any event in the proceedings giving rise to an extension of time under those subsections occurs on or after the commencement date, but not otherwise."

Member's explanatory statement

This amendment would extend the time for implementing a planning permission or listed building consent where the permission or consent is challenged in legal proceedings. There would be an extension of one year in all cases, with a further year where the case goes to the Court of Appeal and a further two years where the case goes to the Supreme Court.

BARONESS TAYLOR OF STEVENAGE

★ After Clause 51, insert the following new Clause—

“Provision of advice by Natural England to public authorities

- (1) The Natural Environment and Rural Communities Act 2006 is amended as set out in subsections (2) and (3).
- (2) In section 4 (advice)—
 - (a) after subsection (1) insert—
 - “(1A) Natural England is not required by subsection (1) to give advice in response to a request to which subsection (1B) applies that is made by a public authority other than a Minister of the Crown.
 - (1B) This subsection applies to a request for advice relating to—
 - (a) a specific development that requires, but has not been granted, planning permission under section 57 of the Town and Country Planning Act 1990 (“the 1990 Act”),
 - (b) an application for any consent, agreement or approval required by a condition imposed on a grant of planning permission required under that section,
 - (c) permission in principle for a specific development under section 58A of the 1990 Act, and
 - (d) the approval of a reserved matter within the meaning of section 92 of the 1990 Act.
 - (1C) Natural England may give advice in response to a request to which it is not required to respond as a result of subsection (1A).”;
 - (b) in subsection (2), after “(1)” insert “or (1C)”.
- (3) After section 4 insert—

“4A Supplementary provision

 - (1) Natural England must prepare and publish a statement setting out how it intends to deal with requests for advice which it is not required to give as a result of section 4(1A).
 - (2) Natural England must review the statement before the end of—
 - (a) the period of five years beginning with the day on which it is first published, and
 - (b) each successive period of five years.
 - (3) Natural England may review the statement more than once during any of those periods.
 - (4) Natural England may revise the statement following a review.
 - (5) Natural England must publish any revised statement.

- (6) Before publishing a statement (including a revised statement) under this section, Natural England must—
 - (a) consult the Secretary of State, and
 - (b) make any changes to the statement that the Secretary of State may require in response.
- (7) But the duty in subsection (6) does not apply in relation to the publication of a revised statement which, in the opinion of Natural England, contains no substantial revisions.
- (8) The Secretary of State may require a change as mentioned in subsection (6)(b) only if the Secretary of State considers that the change would promote Natural England's general purpose."
- (4) The duties imposed by section 4A(6) of the Natural Environment and Rural Communities Act 2006, as inserted by subsection (3), may be satisfied by consultation carried out, and changes made, before this section comes into force."

Member's explanatory statement

This new clause would permit Natural England not to respond certain to requests for advice under section 4(1) of the Natural Environment and Rural Communities Act 2006, and require it to publish a statement about how it intends to deal with requests to which it would no longer be required to respond.

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
BARONESS WILLIS OF SUMMERTOWN

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.”

LORD BEST
LORD CARLILE OF BERRIEW
BARONESS THORNHILL

After Clause 51, insert the following new Clause –

“Delivery of affordable housing

- (1) The Secretary of State must by regulations make provision for ensuring that when planning permission is granted subject to requirements for the delivery of affordable housing schemes on the relevant site, such requirements are fully implemented.
- (2) The requirements for the delivery of affordable housing schemes referred to in subsection (1) shall be satisfied only if the percentage of the total housing constructed let as social rent housing exceeds the percentage set out in the authority’s affordable housing threshold or twenty per cent, whichever is higher.
- (3) In subsection (2) “social rent housing” has the meaning given in paragraph 7 of the Direction on the Rent Standard 2019 together with paragraph 4 of the Direction on the Rent Standard 2023, as modified by paragraph 8 of the Direction on the Rent Standard 2023.”

Member's explanatory statement

The amendment is intended to ensure affordable housing is actually delivered where this is the subject of planning consent, and the proportion of social rent housing is at least 20 per cent.

BARONESS SCOTT OF BYBROOK
LORD JAMIESON

After Clause 51, insert the following new Clause –

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

- (1) Section 55 of the Town and Country Planning Act 1990 (meaning of “development” and “new development”) is amended as follows.
- (2) After subsection (1), insert –
 - “(1ZA) For the purposes of this section, “the making of any material change in the use of any buildings or other land” includes –
 - (a) the repurposing of a hotel as accommodation for asylum seekers, and
 - (b) where a hotel has already been repurposed as accommodation for asylum seekers, the continuation of its use as such accommodation beyond the date on which the Planning and Infrastructure Act 2025 comes into force.”
- (3) At the end of subsection (2)(f), insert “unless the building is a hotel proposed for use as accommodation for asylum seekers”.

- (4) After section 106C of that Act insert –

“106D Use of hotels as accommodation for asylum seekers

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

Member's explanatory statement

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

BARONESS SCOTT OF BYBROOK
LORD JAMIESON

After Clause 51, insert the following new Clause –

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

- (1) Section 55 of the Town and Country Planning Act 1990 (meaning of “development” and “new development”) is amended as follows.
- (2) After subsection (1), insert –
 - “(1ZA) For the purposes of this section, “the making of any material change in the use of any buildings or other land” includes –
 - (a) the repurposing of a house in multiple occupation as accommodation for asylum seekers, and
 - (b) where a house in multiple occupation has already been repurposed as accommodation for asylum seekers, the continuation of its use as such accommodation beyond the date on which the Planning and Infrastructure Act 2025 comes into force.”
- (3) At the end of subsection (2)(f), insert “unless the building is proposed for use as a house in multiple occupation as accommodation for asylum seekers”.
- (4) After section 106C of that Act insert –

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

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

Member's explanatory statement

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

BARONESS SCOTT OF BYBROOK
LORD JAMIESON

After Clause 51, insert the following new Clause —

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

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

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

Member's explanatory statement

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

BARONESS SCOTT OF BYBROOK
LORD JAMIESON

After Clause 51, insert the following new Clause —

“Planning decisions: determination by committee

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

Member's explanatory statement

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

LORD HUNT OF KINGS HEATH
VISCOUNT HANWORTH

After Clause 51, insert the following new Clause —

“Town and Country Planning Act 1990: legal challenges

- (1) In the Senior Courts Act 1981, in subsection (1) of section 18 (restrictions on appeals to Court of Appeal), after paragraph (ca) (as inserted by section 12 of this Act) insert —
 - “(cb) from a refusal of permission to apply for judicial review in a case within section 61N, 106C, 287, 288, or 289 of the Town and Country Planning Act 1990 (proceedings relating to neighbourhood

development orders, development consent obligations, questioning validity of development plans and certain schemes and orders, questioning the validity of other orders, decisions and directions, and appeals to High Court against certain notices), if the High Court decides that the application for permission to apply for judicial review is totally without merit;”.

- (2) The power to make Civil Procedure Rules must be exercised so as to secure that Civil Procedure Rules include –
 - (a) provision requiring an application for permission to apply for judicial review in a case within section 61N, 106C, 287, 288, or 289 of the Town and Country Planning Act 1990 (proceedings relating to neighbourhood development orders, development consent obligations, questioning validity of development plans and certain schemes and orders, questioning the validity of other orders, decisions and directions, and appeals to High Court relating to certain notices) to be decided at an oral hearing;
 - (b) provision that the court may, at the oral hearing of such an application, decide that the application is totally without merit.”

Member's explanatory statement

This new clause restricts appeals to the Court of Appeal if the High Court decides that an application for judicial review against a decision under the Town and Country Planning Act 1990 is totally without merit.

LORD HUNT OF KINGS HEATH
VISCOUNT HANWORTH

After Clause 51, insert the following new Clause –

“Planning (Listed Buildings and Conservation Areas) Act 1990: legal challenges

- (1) In the Senior Courts Act 1981, in subsection (1) of section 18 (restrictions on appeals to Court of Appeal), after paragraph (cb) (as inserted by section (*Town and Country Planning Act 1990: legal challenges*) of this Act) insert –
 - “(cc) from a refusal of permission to apply for judicial review in a case within section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (proceedings for questioning the validity of other orders, decisions and directions), if the High Court decides that the application for permission to apply for judicial review is totally without merit;”.
- (2) The power to make Civil Procedure Rules must be exercised so as to secure that Civil Procedure Rules include –
 - (a) provision requiring an application for permission to apply for judicial review in a case within section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (proceedings for questioning the validity of other orders, decisions and directions) to be decided at an oral hearing;
 - (b) provision that the court may, at the oral hearing of such an application, decide that the application is totally without merit.”

Member's explanatory statement

This new Clause restricts appeals to the Court of Appeal if the High Court decides that an application for judicial review against a decision under the Planning (Listed Buildings and Conservation Areas) Act 1990 is totally without merit.

LORD HUNT OF KINGS HEATH
VISCOUNT HANWORTH

After Clause 51, insert the following new Clause –

“Planning (Hazardous Substances) Act 1990: legal challenges

- (1) In the Senior Courts Act 1981, in subsection (1) of section 18 (restrictions on appeals to Court of Appeal), after paragraph (cc) (as inserted by section (*Planning (Listed Buildings and Conservation Areas) Act 1990: legal challenges*) of this Act) insert –
 - “(cd) from a refusal of permission to apply for judicial review in a case within section 22 of the Planning (Hazardous Substances) Act 1990 (validity of decisions as to applications), if the High Court decides that the application for permission to apply for judicial review is totally without merit;”.
- (2) The power to make Civil Procedure Rules must be exercised so as to secure that Civil Procedure Rules include –
 - (a) provision requiring an application for permission to apply for judicial review in a case within section 22 of the Planning (Hazardous Substances) Act 1990 (validity of decisions as to applications) to be decided at an oral hearing;
 - (b) provision that the court may, at the oral hearing of such an application, decide that the application is totally without merit.”

Member's explanatory statement

This new Clause restricts appeals to the Court of Appeal if the High Court decides that an application for judicial review against a decision under the Planning (Hazardous Substances) Act 1990 is totally without merit.

BARONESS PINNOCK

After Clause 51, insert the following new Clause –

“Considerations when deciding an application for development consent

In section 55 of the Planning Act 2008 (acceptance of applications), after subsection (4) insert –

- “(4A) When deciding whether to accept an application, the Secretary of State must have regard to the extent to which consultation with affected communities has –
 - (a) identified and resolved issues at the earliest opportunity,

- (b) enabled interested parties to understand and influence the proposed project, provided feedback on potential options, and encouraged the community to help shape the proposal to maximise local benefits and minimise any disbenefits,
- (c) enabled applicants to obtain relevant information about the economic, social, community and environmental effects of the project, and
- (d) enabled appropriate mitigation measures to be identified, considered and, if appropriate, embedded into the proposed application before the application was submitted.””

Member's explanatory statement

This amendment requires the Secretary of State to have regard for affected communities when deciding an application for development consent.

BARONESS MCINTOSH OF PICKERING

After Clause 51, insert the following new Clause —

“Residential buildings on floodplains

- (1) Local planning authorities must not grant permission for residential properties to be built on functional floodplains or areas at high risk of flooding.
- (2) An area is a functional floodplain or at high risk of flooding for the purposes of subsection (1) if the Environment Agency assesses it as a Zone 3a or 3b flood zone.”

Member's explanatory statement

This amendment seeks to ensure that local authorities cannot grant planning permission for residential properties to be built on floodplains or on areas at high risk of flooding.

BARONESS MCINTOSH OF PICKERING

After Clause 51, insert the following new Clause —

“General duty of local authorities

In exercising or performing any —

- (a) licensing functions within the meaning of section 4(1) of the Licensing Act 2003 (general duties of licensing authorities);
- (b) planning functions within the meaning of Schedule 1 to the Town and Country Planning Act 1990 (local planning authorities: distribution of functions);

concerning development (within the meaning of section 55 of the Town and Country Planning Act 1990 (meaning of “development” and “new development”)) which is or is likely to be affected by an existing business or facility, a relevant local authority must have special regard to the desirability of preventing unreasonable restrictions for that business or facility resulting from the implementation of the development.”

BARONESS THORNHILL

After Clause 51, insert the following new Clause—

“Removal of permitted development rights for conversion to dwellinghouses

- (1) The Town and Country Planning (General Permitted Development) (England) Order 2015 (2015/596) is amended as follows—
 - (a) in Schedule 2, Part 3 (changes of use), the following Classes are repealed—
 - (i) Class G (commercial, business and service or betting office or pay day loan shop to mixed use);
 - (ii) Class L (small HMOs to dwellinghouses and vice versa);
 - (iii) Class M (certain uses to dwellinghouses);
 - (iv) Class MA (commercial, business and service uses to dwellinghouses);
 - (v) Class N (specified sui generis uses to dwellinghouses);
 - (vi) Class Q (buildings on agricultural units and former agricultural buildings to dwellinghouses).
 - (b) Schedule 2, Part 20 (construction of new dwellinghouses) is repealed.
- (2) Any development under the revoked Classes in Part 3 and Part 20 of Schedule 2 that has—
 - (a) commenced before the date on which this Act comes into force, and
 - (b) received valid prior approval or notification from the local planning authority before that date, shall be allowed to proceed under the conditions applicable prior to the repeal.
- (3) No new applications for prior approval under the revoked Classes may be submitted after the date on which this Act comes into force.”

Member's explanatory statement

This amendment removes a range of permitted development rights that previously allowed certain non-residential buildings to be converted into homes without full planning permission. It repeals specific change-of-use and new dwellinghouse construction rights in the General Permitted Development Order 2015. Developments already approved or commenced before the repeal may continue under existing rules, but no new applications can be made once the changes take effect.

VISCOUNT HANWORTH
BARONESS MILLER OF CHILTHORNE DOMER
LORD LUCAS

After Clause 51, insert the following new Clause—

“Applications for development consent: modelling and simulation

In section 42 of the Planning Act 2008 (duty to consult), after subsection (2) insert—

- “(3) In conducting a consultation under subsection (1), the applicant must provide and publish a digital twin model and simulation of the proposed development.

- (4) In this section, a “digital twin model and simulation” must—
 - (a) be constructed to a standard at least equivalent to Building Information Modelling Level 3 (BIM 3) as defined or recognised by the Secretary of State,
 - (b) include a virtual replica of all principal physical and environmental features of the development and its site,
 - (c) simulate anticipated impacts on land, water, air, biodiversity, transport infrastructure and the built environment, and
 - (d) describe the data sources, assumptions, validation methodology, and range of scenarios tested.
- (5) The Secretary of State may by regulations—
 - (a) define technical standards for digital twin and simulation methodologies;
 - (b) determine what constitutes compliance with BIM 3.”.

Member's explanatory statement

This new clause requires that applicants for Development Consent Orders provide and publish a digital twin model, meeting at least Building Information Modelling Level 3 standards, as part of the consultation process.

Clause 52

BARONESS WILLIS OF SUMMERTOWN
 BARONESS MILLER OF CHILTHORNE DOMER
 LORD GASCOIGNE
 BARONESS YOUNG OF OLD SCONE

Clause 52, page 72, line 40, at end insert “and must include the provision of a network of green and blue spaces which are publicly accessible to local communities.”

Member's explanatory statement

This amendment would require strategic planning authorities to include a network of green and blue spaces in the statement of policies which will relate to the development and use of land in the strategy area.

LORD BEST
 LORD CARLILE OF BERRIEW
 BARONESS THORNHILL

Clause 52, page 73, line 11, at end insert—

- “(4A) A spatial development strategy must meet the needs of older and disabled people, through a requirement for new homes to meet the Building Regulations Part M4(2) accessible and adaptable standard or the Part M4(3) wheelchair user dwelling standard, as set out in Schedule 1 to the Building Regulations 2010 (S.I. 2010/2214).”

Member's explanatory statement

The amendment introduces a requirement for all new homes to comply with the Part M4(2) accessible and adaptable standard, as defined in the Building Regulations 2010, or the higher M4(3) wheelchair user dwelling standard. The amendment aims to ensure that all new housing is inclusive, age-friendly, and suitable for people with varying mobility needs.

LORD LANSLEY

Clause 52, page 73, line 12, at end insert –

- “(za) an amount or distribution of development for employment, industrial, logistic or commercial purposes, the provision of which the strategic planning authority considers to be of strategic importance to the strategy area;”

Member's explanatory statement

This amendment would secure that a spatial development strategy must include a description of the amount or distribution of development for employment, industrial, logistics or commercial purposes, which are instrumental in determining the land use and requirements for housing in the strategy area.

BARONESS HODGSON OF ABINGER

Clause 52, page 73, line 19, at end insert –

- “(5A) Where a spatial development strategy makes a specification under subsection (5) it must include, for every part of the strategy area, requirements with respect to design that relate to affordable housing development or any other kind of housing development, which the strategic planning authority consider should be met.
- (5B) Subsection (5A) does not require the strategic planning authority to ensure –
- (a) that there are requirements for every description of development for every part of the strategy area, or
 - (b) that there are requirements in relation to every aspect of design.”

Member's explanatory statement

This amendment seeks to give effect to the uncommenced design code provisions of the Levelling-up and Regeneration Act 2023 by requiring any spatial development strategy that specifies an amount or distribution of housing or affordable housing to include a design code for the specified housing development.

BARONESS GRENDER

Clause 52, page 73, line 22, at end insert –

- “(6A) Where a strategy area includes a chalk stream, the spatial development strategy must include policies on permissible activities within the area of

the stream for the purposes of preventing harm or damage to the stream or its surrounding area.”

Member's explanatory statement

This amendment would ensure spatial development strategies include policies to protect chalk streams.

THE LORD BISHOP OF NORWICH
THE EARL OF CAITHNESS
VISCOUNT TRENCHARD

Clause 52, page 73, line 22, at end insert –

- “(6A) A spatial development strategy must –
- (a) list any chalk streams identified in the strategy area;
 - (b) identify the measures to be taken to protect any identified chalk streams from pollution, abstraction, encroachment and other forms of environmental damage; and
 - (c) impose responsibilities on strategic planning authorities in relation to the protection and enhancement of chalk stream habitats.”

Member's explanatory statement

This amendment would require a special development strategy to list chalk streams in the strategy area, outline measures to protect them from environmental harm, and impose responsibility on strategic planning authorities to protect and enhance chalk stream environments.

BARONESS SCOTT OF BYBROOK
LORD JAMIESON
BARONESS HODGSON OF ABINGER
BARONESS MACLEAN OF REDDITCH

Clause 52, page 73, line 29, at end insert –

- “(9A) A spatial development strategy must prioritise development on brownfield land and urban densification.
- (9B) A spatial development strategy must seek to increase sustainability and community building by minimising travel distances between places of employment, residence and commercial or leisure activities.”

Member's explanatory statement

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

LORD BEST
LORD CARLILE OF BERRIEW
BARONESS THORNHILL

Clause 52, page 76, line 9, at end insert –

“(iv) the housing needs of an ageing population;”

Member's explanatory statement

This amendment ensures the draft Spatial Development Strategy has regard to the housing needs of the ageing population.

LORD LANSLEY

Clause 52, page 89, line 13, at end insert –

“Neighbourhood priorities statements

12Y Neighbourhood priorities statements

- (1) Any qualifying body may make a statement, to be known as a “neighbourhood priorities statement”, which summarises what the body considers to be the principal needs and prevailing views, of the community in the neighbourhood area in relation to which the body is authorised, in respect of local development and infrastructure.
- (2) “Local matters” are such matters as the Secretary of State may prescribe, relating to –
 - (a) development, or the management or use of land, in or affecting the neighbourhood area,
 - (b) the development of housing in the neighbourhood area,
 - (c) the natural environment in the neighbourhood area,
 - (d) development of public spaces in the neighbourhood area, or
 - (e) the infrastructure or facilities available in the neighbourhood area.
- (3) A qualifying body may modify or revoke a neighbourhood priorities statement that has effect, for the time being, for the neighbourhood area in relation to which the body is authorised.
- (4) A neighbourhood priorities statement has effect from the time it is published by a relevant local planning authority and ceases to have effect upon such an authority publishing a notice stating that it has been revoked by a qualifying body.
- (5) A modification of a neighbourhood priorities statement has effect from the time the modification, or modified statement, is published by a relevant local planning authority.
- (6) Regulations made by the Secretary of State may impose requirements which must be met for a neighbourhood priorities statement, or any modification or revocation of such a statement, to be made or published.

- (7) Regulations under subsection (6) or section 15LE(2)(k) may provide that a requirement may be met, or (as the case may be) procedure may be complied with, by virtue of things done by a parish council, or other organisation or body, before it becomes a qualifying body.
- (8) Regulations under subsection (6) and section 15LE must (between them) –
 - (a) require a qualifying body to publish any proposed neighbourhood priorities statement, so that people who live, work or carry on business in the neighbourhood area to which the statement relates can comment on the proposed statement before the body makes the statement,
 - (b) require a qualifying body to publish any proposed material modification of a neighbourhood priorities statement, so that people who live, work or carry on business in the neighbourhood area to which the statement relates can comment on the proposed modification before the body makes the modification,
 - (c) require a relevant local planning authority to publish a neighbourhood priorities statement, if the statement is made in accordance with this section and any regulations made under this Part,
 - (d) require a relevant local planning authority to publish a notice of the revocation of a neighbourhood priorities statement, if the statement has been revoked in accordance with this section and any regulations made under this Part, and
 - (e) require a relevant local planning authority, if a modification of a neighbourhood priorities statement is made in accordance with this section and any regulations made under this Part, to publish the modification or a modified statement.
- (9) Subsection (10) applies if, as a result of a modification of a neighbourhood area under section 61G(6) of the principal Act, a neighbourhood priorities statement relates to more than one neighbourhood area.
- (10) Any modification, or revocation, of the neighbourhood priorities statement as it has effect for one of those areas does not affect the statement as it has effect in relation to the other area or areas.
- (11) Regulations under section 61G(11) of the principal Act (designation of areas as neighbourhood areas) may include provision about the consequences of the modification of designations –
 - (a) on proposals for neighbourhood priorities statements, or on neighbourhood priorities statements, that have already been made, or
 - (b) on proposals for the modification of neighbourhood priorities statements, or on modifications of neighbourhood priorities statements, that have already been made.
- (12) A authority mentioned in subsection (13) is a “relevant local planning authority”, in relation to a neighbourhood priorities statement, if some or

all of the neighbourhood area to which the statement relates falls within the area of the authority.

- (13) The authorities are –
- (a) a district council,
 - (b) a London borough council,
 - (c) a metropolitan district council,
 - (d) a county council in relation to an area in England for which there is no district council, or
 - (e) the Broads Authority.
- (14) In this section –
- “material modification”, in relation to a neighbourhood priorities statement, means a modification which a relevant local planning authority considers –
 - (a) materially affects a summary, in the statement, of any needs or views, of the community in the neighbourhood area, in relation to a local matter, and
 - (b) does not only correct an obvious error or omission;
 - “neighbourhood area” has the meaning given by sections 61G and 61I(1) of the principal Act;
 - “qualifying body” means a parish council or an organisation or body designated as a neighbourhood forum, which is authorised to act in relation to a neighbourhood area as a result of section 61F of the principal Act (whether or not as applied by section 38C of this Act).”

Member's explanatory statement

This amendment reproduces some of the provision in Schedule 7 of the Levelling-up and Regeneration Act 2023, not currently in force, creating a power for local councils to produce a neighbourhood priorities statement to inform plan-making and infrastructure provision affecting their neighbourhood.

After Clause 52

BARONESS MCINTOSH OF PICKERING

After Clause 52, insert the following new Clause –

“Local plans and planning applications: flooding

- (1) Local plans prepared by local authorities must apply a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impacts of climate change, so as to avoid, where possible, flood risk to people and property.
- (2) Local authorities must fulfil their obligations under subsection (1) by –
 - (a) applying the sequential test and then, if necessary, the exception test under subsection (7);

- (b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
 - (c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management);
 - (d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.
- (3) A sequential risk-based approach should also be taken to individual planning applications in areas known to be at risk now or in future from any form of flooding.
- (4) The sequential test must be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).
- (5) Applications for some minor development and changes of use should not be subject to the sequential test, nor the exception test, but should still meet the requirements for site-specific flood risk assessments.
- (6) Having applied the sequential test, if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.
- (7) To pass the exception test it should be demonstrated that –
 - (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk, and
 - (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- (8) Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again, but the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account.
- (9) When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- (10) Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that –

- (a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- (b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- (d) any residual risk can be safely managed;
- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”

Member's explanatory statement

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

BARONESS MCINTOSH OF PICKERING
BARONESS WILLIS OF SUMMERTOWN

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.

LORD BANNER
BARONESS SCOTT OF BYBROOK
LORD JAMIESON

After Clause 52, insert the following new Clause –

“Principle of proportionality in planning

- (1) The principle of proportionality in planning shall apply to –
 - (a) applications for any permission, consent, or other approval within the scope of the Planning Acts, including the supporting evidence base,
 - (b) environmental impact assessment and habitats assessment,
 - (c) the exercise of any functions within the scope of the Planning Acts, including but not limited to procedural and substantive decision-making (by local planning authorities, the Planning Inspectorate and the Secretary of State), and the preparation and provision of consultation responses (by statutory and non-statutory consultees), and
 - (d) the determination by the Courts of claims for judicial and statutory review.
- (2) Applications for any permission, consent or other approval within the scope of the Planning Acts, and appeals against the refusal or non-determination of such applications, must be determined in accordance with the principle of proportionality in planning.
- (3) So far as it is possible to do so, the Planning Acts and any secondary legislation enacted pursuant to them must be read and given effect in a way which is compatible with the principle of proportionality in planning.
- (4) The principle of proportionality in planning means that the nature and extent of information and evidence required to inform the determination of any permission, consent, or other approval within the scope of the Planning Acts shall be proportionate to the issues requiring determination, having regard to decisions already made (whether in the plan-making or development control context) and the extent to which those issues will or can be made subject to future regulation (whether by way of planning conditions and obligations, or other regulation whether or not pursuant to the Planning Acts).
- (5) The Secretary of State may publish guidance on how the principle of proportionality in planning is to be applied.
- (6) The principle of proportionality in planning must not be interpreted as affecting existing requirements for local planning authorities to justify the refusal or withholding of planning permission.
- (7) In this section the term “Planning Acts” includes –
 - (a) all primary legislation relating to planning prevailing at the time of the relevant application, decision or exercise of functions; and
 - (b) any secondary legislation relating to planning, environmental impact assessment or habitats assessment.”

Member's explanatory statement

This amendment introduces a principle of proportionality in planning to give decision-makers, applicants, consultees and the Courts confidence that less can be more, so as to facilitate more focused decision-making and more effective public participation.

LORD BANNER

After Clause 52, insert the following new Clause —

“Neighbourhood development orders and national planning policy

In Schedule 4B of the Town and Country Planning Act 1990 (process for making of neighbourhood development orders: independent examination), for paragraph 8(2)(a) substitute —

“(a) the order is in general conformity with national planning policy.”

Member's explanatory statement

This amendment requires new neighbourhood plans not merely to have regard to the National Planning Policy Framework and Planning Practice Guidance, but to be in general conformity with it, so as to avoid neighbourhood plans undermining national planning policy.

LORD BANNER
BARONESS SCOTT OF BYBROOK
LORD JAMIESON

After Clause 52, insert the following new Clause —

“Duration of planning permission

In section 91(3B) of the Town and Country Planning Act 1990 (general condition limiting duration of planning permission), for “one year” substitute “a period commensurate with the period beginning with the date on which the proceedings were issued by the Court and ending with the date of the final determination of the proceedings (including any appeals).”

Member's explanatory statement

This amendment stops the clock for the purposes of the time limit for development to be commenced when the relevant planning permission is subject to judicial or statutory review, thus avoiding the risk of a planning permission being timed out by protracted legal challenge, and to avoid the prospect of that risk being an incentive for meritless legal challenges.

LORD BANNER
LORD LANSLEY
BARONESS SCOTT OF BYBROOK
LORD JAMIESON

After Clause 52, insert the following new Clause — .

“Relationship between overlapping permissions

After section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out), insert —

“73AA Relationship between overlapping permissions

- (1) Where there is more than one planning permission which relates to some or all of the same land, the lawfulness of both past and future development carried out pursuant to one of those planning permissions shall be unaffected by the carrying out of development pursuant to another of those planning permissions, except to the extent expressly stated in any of those permissions or in any obligation under section 106 of this Act (planning obligations) related to any of those permissions.
- (2) Subsection (1) applies only where one of the relevant planning permissions was granted after the day on which the Planning and Infrastructure Act 2025 is passed.
- (3) In this section “planning permission” means —
 - (a) a planning permission under Part 3 of this Act, and
 - (b) a planning permission granted by article 3 (permitted development) of the Town and Country Planning (General Permitted Development) Order 2015 (S.I. 2015/596).”

Member’s explanatory statement

This amendment addresses the potentially deleterious implications of the Supreme Court’s judgment in the Hillside Parks case.

LORD LANSLEY
LORD BANNER
LORD SHIPLEY
LORD BEST

After Clause 52, insert the following new Clause —

“Chief planner

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

(2) After section 1, insert –

“1A Local planning authorities: chief planner

- (1) Each local planning authority must appoint an officer, to be known as chief planner, for the purposes of their functions as a local planning authority.
- (2) Two or more local planning authorities may, if they consider that the same person can efficiently discharge, for both or all of the planning authorities, the functions of chief planner, concur in the same appointment of a person as chief planner for both or all of these authorities.
- (3) A local planning authority may not appoint a person as chief planner unless satisfied that the person has appropriate qualifications and experience for the role.”

Member's explanatory statement

This amendment would provide for local planning authorities to appoint a Chief Planner, who could be appointed jointly by one or more authorities, to secure that decisions, including those delegated to officers, are made with professional leadership.

LORD FOSTER OF BATH

After Clause 52, insert the following new Clause –

“Permission for gambling premises: cumulative impact assessments

- (1) The Gambling Act 2005 is amended as follows.
- (2) In section 153(1)(d), after “statement” insert “, including any cumulative impact assessment,”.
- (3) After section 349(1), insert –
 - “(1A) A licensing authority may include in their statement an assessment (“a cumulative impact assessment”) stating that they consider that the number of premises licences granted under section 163 in one or more parts of their area described in the assessment is such that it is likely that it would be –
 - (a) inconsistent with the licensing objectives in section 1, or
 - (b) harmful to the wellbeing of the community,
 for the authority to grant any further premises licences which would result in an increase in the number of such premises in that part or those parts.”

LORD ADDINGTON

After Clause 52, insert the following new Clause –

“Preservation of playing fields and pitches

- (1) A local planning authority must, when exercising any of its functions, ensure the preservation of playing fields and playing pitches.
- (2) The duty in subsection (1) may, when granting permission for development, be met through the imposition of conditions or requirements relating to –
 - (a) the protection of playing fields or playing pitches affected by the development, or
 - (b) the provision of alternative, additional or expanded playing fields or playing pitches.
- (3) For the purposes of this section, “playing field” and “playing pitch” have the same definitions as in Schedule 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (S.I. 2010/2184).”

LORD LANSLEY

After Clause 52, insert the following new Clause –

“Definition of “relevant plan” in the Levelling-up and Regeneration Act 2023

In section 100 of the Levelling-up and Regeneration Act 2023, after subsection (5)(d), insert –

- “(e) spatial development strategies under the Planning and Infrastructure Act 2025, and
- (f) neighbourhood development plans strategies under the Planning and Infrastructure Act 2025.”.

Member's explanatory statement

This amendment would add spatial development strategies (as in clause 52) and Neighbourhood Plans to be added to the list of relevant plans in section 100 of LURA, which gives a power to require assistance with plan-making from other public bodies; in conjunction with another amendment in Lord Lansley's name to commence section 100.

LORD LANSLEY

After Clause 52, insert the following new Clause –

“Commencement of sections 98 and 100 of the Levelling-up and Regeneration Act 2023

The Secretary of State must, by regulations under section 255(3)(b) of the Levelling-up and Regeneration Act 2023, bring sections 98 and 100 of the Levelling-up and Regeneration Act 2023 into force on the day on which this Act is passed.”

Member's explanatory statement

This amendment would require the Secretary of State to bring into force the provisions in the Levelling-up and Regeneration Act 2023 on the contents of a neighbourhood development plan (section 98) and the power to require assistance with plan-making (section 100).

LORD PARKINSON OF WHITLEY BAY

After Clause 52, insert the following new Clause —

“Commencement of provisions in Levelling-up and Regeneration Act 2023 relating to the duty of regard to certain heritage assets in the exercise of planning functions

The Secretary of State must, by regulations under section 255(3)(b) of the Levelling-up and Regeneration Act 2023, bring section 102 of the Levelling-up and Regeneration Act 2023 into force two months after the day on which this Act is passed.”

LORD PARKINSON OF WHITLEY BAY

After Clause 52, insert the following new Clause —

“Historic environment records

- (1) In making any planning decision, the authority making the decision must take into account the contents of the historic environment record for the relevant area, from the day one year after the day on which section 230 of the Levelling-up and Regeneration Act 2023 (historic environment records) comes into force.
- (2) The Secretary of State must, by regulations under section 255(9)(a) of the Levelling-up and Regeneration Act 2023, bring section 230 of the Levelling-up and Regeneration Act 2023 into force two months after the day on which this Act is passed.”

LORD PARKINSON OF WHITLEY BAY

After Clause 52, insert the following new Clause —

“Parliamentary procedure for listed building consent orders

- (1) In section 93 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (regulations and orders), in subsection (5), after “section” insert “26C,”.
- (2) In Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (heritage planning regulation), in paragraph 18, omit sub-paragraph (3).”

Member's explanatory statement

This amendment provides for national Listed Building Consent Orders made under Section 26C of the Planning (Listed Buildings and Conservation Areas) Act 1990 to be subject to the negative resolution procedure.

BARONESS THORNHILL

After Clause 52, insert the following new Clause –

“Flexibility in space standards for stepping stone accommodation

- (1) A local planning authority in England may, when determining applications for planning permission disapply any minimum space standards required under the development plan (including the Nationally Described Space Standard), in respect of stepping stone accommodation that satisfies the conditions in subsection (2).
- (2) Accommodation satisfies the conditions in this subsection if it –
 - (a) consists of self-contained units (no smaller than 24 sqm for new build homes) intended for single occupancy,
 - (b) is designed for persons of a particular age or within a particular range of ages who are leaving supported accommodation or at risk of homelessness,
 - (c) is offered for a time-limited tenancy not exceeding five years per occupant,
 - (d) is provided as part of an accredited independent living or transitional housing scheme, and
 - (e) is subject to an affordability condition that limits rent to not more than one third of income.
- (3) For the purposes of subsection (2)(d), an “accredited independent living or transitional housing scheme” means a scheme –
 - (a) operated or commissioned by a local authority,
 - (b) delivered by a registered provider of social housing, or
 - (c) provided by a registered charity with the principal objective of addressing youth homelessness.
- (4) For the purposes of subsection (2)(e), “one third of income” means –
 - (a) one third of the resident’s income,
 - (b) one third of the bottom 30th percentile of income in a local area, or
 - (c) one third of the national living wage for people aged over 21, whichever is lowest.
- (5) In considering an application under this section, the local planning authority may have regard to –
 - (a) the design quality and safety of the proposed accommodation,
 - (b) the provision of amenity space, including communal or external areas,
 - (c) the temporary nature and specific intended use of the dwellings,
 - (d) the housing need for stepping stone accommodation in the authority’s area, and
 - (e) the inclusion of structured support services or mentoring provision.
- (6) Where planning permission is granted under this section, the local planning authority must impose a planning condition to ensure –
 - (a) the accommodation is used exclusively for the purposes set out in subsection (2), and

- (b) the accommodation shall not be converted to general purpose residential use without further express planning permission.
- (7) In this section –
 - “Nationally Described Space Standard” means the technical housing standards issued by the Department for Communities and Local Government in March 2015 or any document replacing it;
 - “self-contained unit” means a unit of accommodation with exclusive access to its own bathroom, kitchen, and living area.”

Member's explanatory statement

This amendment would allow planning authorities to approve high-quality “stepping stone” accommodation for young people leaving supported housing or at risk of homelessness – by disapplying space standards in limited, controlled circumstances – while aligning planning decisions, housing policy, and funding practice with recent reforms and enabling updates to the Nationally Described Space Standard to reflect support for flexible, transitional housing models.

LORD BANNER
LORD LANSLEY

★ After Clause 52, insert the following new Clause –

“Relationship between overlapping permissions (No. 2)

Regulations made by the affirmative procedure may make provision in relation to the effect of implementing a planning permission on the lawfulness of development carried out pursuant to another planning permission which relates to some or all of the same land.”

Member's explanatory statement

This amendment provides the Secretary of State with the power to make regulations which would leave the detailed drafting of a planning solution to secondary legislation.

LORD RAVENSDALE
BARONESS PARMINTER
LORD KREBS

★ After Clause 52, insert the following new Clause –

“Duties in relation to mitigation of, and adaptation to, climate change in relation to planning

- (1) The Secretary of State must have special regard to the mitigation of, and adaptation to, climate change in preparing –
 - (a) national policy, planning policy or advice relating to the development or use of land,
 - (b) a national development management policy pursuant to section 38ZA of the Planning and Compulsory Purchase Act 2004.

- (2) A planning authority when exercising a relevant function under the planning Acts shall have special regard to the need to mitigate and adapt to climate change.
- (3) When making a planning decision relating to development arising from an application for planning permission, the making of a development order granting planning permission or an approval pursuant to a development order granting planning permission, a relevant planning authority (as defined in section 91 of the Levelling Up and Regeneration Act 2023) must have special regard to the mitigation of, and adaptation to, climate change.
- (4) For the purposes of interpretation of this section “the mitigation of climate change” includes the achievement of –
 - (a) the target for 2050 set out in section 1 of the Climate Change Act 2008,
 - (b) applicable carbon budgets made pursuant to section 4 of the Climate Change Act 2008, and
 - (c) sections 1 to 3 of the Environment Act 2021 (environmental targets)
- (5) “adaptation to climate change” includes –
 - (a) the mitigation of the risks identified in the latest climate change risk assessment conducted under section 56 of the Climate Change Act 2008, and
 - (b) the achievement of the objectives of the latest flood and coastal erosion risk management strategy made pursuant to section 7 of the Flood and Coastal Water Management Act 2010.”

Member's explanatory statement

This new Clause places a duty on the Secretary of State and relevant planning authorities respectively to have special regard to the mitigation of, and adaptation to, climate change with respect to national policy, local plan-making and planning decisions.

Clause 53

LORD ROBOROUGH

★ Leave out Clause 53

Clause 54

LORD ROBOROUGH

★ Leave out Clause 54

After Clause 54

BARONESS PINNOCK

After Clause 54, insert the following new Clause —

“Neighbourhood plans

The Secretary of State may only —

- (a) grant a development consent order where the Secretary of State believes that the application for consent gives due consideration to any relevant neighbourhood plan;
- (b) permit a variation to a neighbourhood plan which, in the opinion of the Secretary of State —
 - (i) is clearly justifiable,
 - (ii) is unlikely to compromise the overall intention of the neighbourhood plan, and
 - (iii) has been proposed in a clear and timely manner.”

Member's explanatory statement

This amendment requires the Secretary of State to have regard for a relevant neighbourhood plan when granting a development consent order.

Clause 55

LORD LANSLEY

Clause 55, page 91, line 30, leave out “one or more” and insert “the”

Member's explanatory statement

Line 33 would secure that each of the environmental features which are likely to be negatively affected by a development are identified in the EDP and the ways in which that effect is caused is also identified.

LORD LANSLEY

Clause 55, page 91, line 35, at end insert “unless they are environmental impacts expected to result directly from the development to which the EDP relates.”

Member's explanatory statement

This amendment would require that an EDP must identify the environmental impacts on an environmental feature if they result directly from the development to which the EDP relates.

BARONESS TAYLOR OF STEVENAGE

★

Clause 55, page 92, line 9, after “site” insert “that is wholly in England”

Member's explanatory statement

This amendment would prevent Natural England from including in an EDP network conservation measures where the affected site was not in England (or in English territorial waters or the English offshore region: see my amendment at page 92, line 31); in such a case, any conservation measures would have to benefit the affected site itself (but the conservation measures would have to be taken in England).

BARONESS TAYLOR OF STEVENAGE

★

Clause 55, page 92, line 31, after “section” insert “—

“England” includes—

- (a) the waters adjacent to England up to the seaward limits of the territorial sea, and
- (b) the English offshore region;

“English offshore region” has the same meaning as in the Marine and Coastal Access Act 2009 (see section 322(1) of that Act);”

Member's explanatory statement

See the explanatory statement for my amendment at page 92, line 9.

LORD ROBOROUGH

★

Leave out Clause 55

After Clause 55

BARONESS GRENDER

After Clause 55, insert the following new Clause—

“Environmental infrastructure in new developments

- (1) Within six months of the passing of this Act, the Secretary of State must make regulations under section 1 of the Building Act 1984 (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.

Clause 56

LORD ROBOROUGH

- ★ Leave out Clause 56

Clause 57

LORD ROBOROUGH

- ★ Leave out Clause 57

Clause 58

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 58, page 94, line 25, at end insert —
- “(ja) if an environmental feature identified in the draft EDP is a protected feature of a protected site that is wholly or partly in Wales, the Natural Resources Body for Wales and the Welsh Ministers,
 - (jb) if an environmental feature identified in the draft EDP is a protected feature of a protected site that is wholly or partly in Scotland, Scottish Natural Heritage and the Scottish Ministers,”

Member's explanatory statement

This amendment would require Natural England to consult its counterpart in Wales or Scotland and either the Welsh or Scottish Ministers where a draft EDP covers development (in England) which is likely to have an impact on a protected site in Wales or Scotland or in the waters adjacent to those countries (see also my amendment at page 95, line 11).

BARONESS PARMINTER

LORD GASCOIGNE

BARONESS YOUNG OF OLD SCONE

BARONESS WILLIS OF SUMMERTOWN

Clause 58, page 94, line 37, at end insert —

- “(5A) Within six months of the day on which this Act is passed, the Secretary of State must publish draft regulations to make provision for —
- (a) how the mitigation hierarchy will be applied in preparing and applying an EDP,

- (b) a procedure by which the scientific evidence for including an environmental feature in an EDP will be assessed, taking account of the precautionary principle,
- (c) an assessment of the baseline condition of any environmental features that are habitats or species for each development application under an environmental delivery plan,
- (d) a list of irreplaceable habitats which cannot be an environmental feature in an EDP, and
- (e) the circumstances in which conservation actions must be taken before development takes place under an EDP.”

BARONESS TAYLOR OF STEVENAGE

★ Clause 58, page 95, line 11, at end insert—

“(8) In this section, the references to Wales and Scotland include the waters adjacent to them up to the seaward limits of the territorial sea.”

Member's explanatory statement

See the explanatory statement for my amendment at page 94, line 25.

LORD ROBOROUGH

★ Leave out Clause 58

Clause 59

LORD ROBOROUGH

★ Leave out Clause 59

Clause 60

LORD ROBOROUGH

★ Leave out Clause 60

Clause 61

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Clause 66

LORD ROBOROUGH

- ★ Leave out Clause 66

Clause 67

LORD LANSLEY

Clause 67, page 103, line 8, 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

★ Leave out Clause 67

Clause 68

LORD ROBOROUGH

★ Leave out Clause 68

Clause 69

LORD ROBOROUGH

★ Leave out Clause 69

Clause 70

LORD ROBOROUGH

★ Leave out Clause 70

Clause 71

LORD ROBOROUGH

★ Leave out Clause 71

Clause 72

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- ★ Leave out Clause 84

Clause 85

LORD ROBOROUGH

- ★ Leave out Clause 85

Clause 86

BARONESS MCINTOSH OF PICKERING
BARONESS YOUNG OF OLD SCONE

Clause 86, page 117, 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 ROBOROUGH

- ★ Leave out Clause 86

Clause 87

LORD ROBOROUGH

- ★ Leave out Clause 87

After Clause 87**LORD ROBOROUGH**

★

After Clause 87, insert the following new Clause –

“Regulations: nutrients in water in England

- (1) The Secretary of State may by regulations make provision about the operation of any relevant enactment in connection with the effect of nutrients in water that could affect a habitats site connected to a nutrient affected catchment area.
- (2) The regulations may make any provision which the Secretary of State considers appropriate, including provision that –
 - (a) disappplies or modifies, in relation to a relevant enactment, any effect of nutrients in water;
 - (b) confers, removes or otherwise modifies a function (including a function involving the exercise of a discretion) under or by virtue of a relevant enactment;
 - (c) affects how such a function is exercised, including the extent to which (if any) the effect of nutrients in water is taken, or to be taken, into account;
 - (d) provides for an obligation under or by virtue of a relevant enactment to be treated as discharged (in circumstances where, but for the provision, the obligation may not have been discharged);
 - (e) amends, repeals, revokes or otherwise modifies any provision of a relevant enactment.
- (3) A “relevant enactment” means –
 - (a) an enactment comprised in or made under an Act of Parliament, or
 - (b) retained direct EU legislation, so far as it relates to the environment, 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” and “nutrient affected catchment area” have the meaning given in section 96J(2) of the Water Industry Act 1991; 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 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.

BARONESS MCINTOSH OF PICKERING
BARONESS WILLIS OF SUMMERTOWN
BARONESS YOUNG OF OLD SCONE

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
BARONESS WILLIS OF SUMMERTOWN

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.

BARONESS GRENDER
BARONESS YOUNG OF OLD SCONE

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.

LORD LANSLEY

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.

Clause 88

LORD ROBOROUGH

- ★ Leave out Clause 88

Clause 89

LORD ROBOROUGH

- ★ Leave out Clause 89

Clause 90

LORD ROBOROUGH

- ★ Leave out Clause 90

Clause 91

LORD ROBOROUGH

- ★ Leave out Clause 91

Clause 92

LORD ROBOROUGH

- ★ Leave out Clause 92

Clause 94

LORD LANSLEY

Clause 94, page 124, line 33, leave out “and” and insert “to”

Member's explanatory statement

This amendment is connected to another amendment in Lord Lansley's name to clause 94.

LORD LANSLEY

Clause 94, page 125, line 6, at end insert —

“(2A) After section 1 (designation of areas), insert the following new Clause —

“1A Procedure for orders under section 1

- (1) If, as a result of any consultation with respect to a proposed order under section 1(1), it appears to the Secretary of State that it is appropriate to change the whole or any part of the Secretary of State's proposals, the Secretary of State must undertake such further consultation with respect to the changes as the Secretary of State considers appropriate.
- (2) If, after the conclusion of the consultation required by section 1 and subsection (1), the Secretary of State considers it appropriate to proceed with the making of an order under section 1(1), the Secretary of State must lay before Parliament —
 - (a) a draft of the order, and
 - (b) an explanatory document explaining the proposals and giving details of —
 - (i) any consultation undertaken under section 1(1) and subsection (1),
 - (ii) any representations received as a result of the consultation, and
 - (iii) the changes (if any) made as a result of those representations.
- (3) Section 18 of the Legislative and Regulatory Reform Act 2006 (super-affirmative parliamentary procedure) applies in relation to an explanatory document and draft order laid under subsection (2) but as if references to the Minister were references to the Secretary of State.”.

Member's explanatory statement

This amendment would require the super-affirmative procedure for any orders made under section 1 of the New Towns Act 1981.

After Clause 95

BARONESS WILLIS OF SUMMERTOWN
LORD GASCOIGNE
BARONESS YOUNG OF OLD SCONE
BARONESS MILLER OF CHILTHORNE DOMER

After Clause 95, insert the following new Clause —

“Provision of green and blue spaces

In section 4(1) of the New Towns Act 1981 (objects and general power of development corporations), at end insert “and to provide green and blue spaces which are publicly accessible to local communities”.

Member's explanatory statement

This would require development corporations to provide green and blue spaces when securing the layout and development of new towns.

After Clause 106

BARONESS SCOTT OF BYBROOK
LORD JAMIESON
BARONESS HODGSON OF ABINGER

After Clause 106, insert the following new Clause —

“Protection of villages

- (1) The Secretary of State must, within six months of the day on which this Act is passed, issue guidance for local planning authorities, or update any relevant existing guidance, relating to the protection of villages from over-development and change of character.
- (2) Any guidance issued under this section must provide villages with equivalent protection, so far as is appropriate, as is provided for towns in relation to —
 - (a) preventing villages from merging into one another, and
 - (b) preserving the setting and special character of historic villages, under the National Planning Policy Framework.”

Member's explanatory statement

This amendment seeks to provide existing villages with protection equivalent to that currently provided to towns under the National Planning Policy Framework.

BARONESS HODGSON OF ABINGER

After Clause 106, insert the following new Clause –

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

- (1) Any developer or company approaching a landowner to buy or lease land for the purpose of development must declare whether they are also approaching other owners of land in the vicinity to buy or lease land for the purpose of development.
- (2) The declaration required under subsection (1) must include whether the combined amount of land intended to be purchased or leased will be submitted for application as a nationally significant infrastructure project as set out in Part 3 of the Planning Act 2008.
- (3) In subsection (1), “in the vicinity” means any land immediately adjoining or within ten miles of the land intended to be leased or purchased.”

Member's explanatory statement

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

BARONESS HODGSON OF ABINGER

After Clause 106, insert the following new Clause –

“Land banking: prevention

- (1) Any developer or company seeking to buy or lease land from a landowner for the purpose of development must declare to the landowner whether they already hold planning permission for similar developments within ten miles of the land being purchased or leased.
- (2) If any such land declared under subsection (1) has been held for over one year without development commencing, any planning permission for the land to be purchased or leased under subsection (1) may not be approved.”

Member's explanatory statement

This amendment seeks to prevent “land banking” – the practice of purchasing undeveloped land and holding it for future development or resale, rather than immediately building on it.

After Clause 108

LORD GOLDSMITH OF RICHMOND PARK
LORD LAMONT OF LERWICK
LORD GOVE
BARONESS COFFEY

After Clause 108, insert the following new Clause —

“Building regulations: swift bricks

- (1) The Secretary of State must, within six months of the day on which this Act is passed, introduce regulations under section 1 of the Building Act 1984 (power to make building regulations) to make provision for the installation of an average of one swift brick per dwelling or unit greater than 5 metres in height.
- (2) Regulations must require the installation of swift bricks in line with best practice guidance, except where such installation is not practicable or appropriate.
- (3) For the purposes of this section —
 - “swift brick” means an integral nest box integrated into the wall of a building suitable for the nesting of the common swift and other cavity nesting species;
 - “best practice guidance” means the British Standard BS 42021:2022.”

Member's explanatory statement

This new Clause would require the Secretary of State to introduce regulations to require the installation of integral bird nest boxes and swift boxes in developments greater than 5 metres in height. Swift bricks provide nesting habitats for all bird species reliant on cavity nesting habitats in buildings to breed.

BARONESS FREEMAN OF STEVENTON

After Clause 108, insert the following new Clause —

“Building regulations: bird safety of buildings

- (1) The Secretary of State must, within six months of the day on which this Act is passed —
 - (a) introduce regulations under section 1 of the Building Act 1984 (power to make building regulations) to ensure that buildings incorporate, to the extent practicable, features, practices and strategies to reduce bird fatalities resulting from collisions with buildings, and
 - (b) issue guidance on such features, practices and strategies to reduce bird fatalities resulting from collisions with buildings.
- (2) The regulations under subsection (1)(a) must apply to any building that is constructed, or of which more than 50 per cent of the façade is substantially altered, after the date of the regulations coming into force.

- (3) The Secretary of State may issue exemptions to the regulations under subsection (1)(a) for listed buildings.
- (4) The guidance under subsection (1)(b) must include —
 - (a) features for reducing bird fatality resulting from collisions with buildings throughout all stages of construction, taking into account the risks and available information on bird fatalities that occur at different types of buildings, and
 - (b) methods and strategies for reducing bird fatality resulting from collisions with buildings during the operation and maintenance of such buildings, including using certified bird-safe glass.
- (5) The Secretary of State must review the guidance under subsection (1)(b) on a regular basis to ensure that it reflects current knowledge on effective methods to reduce bird fatalities.”

Member's explanatory statement

This amendment seeks to introduce bird safety (in design and in the use of bird-safe glass) into building regulations for new builds and non-heritage buildings being extensively modified.

LORD CRISP
LORD YOUNG OF COOKHAM

★ After Clause 108, insert the following new Clause —

“Secretary of State’s duty to promote health improvement and reduce health inequalities

When considering whether or how to exercise any of their functions under the planning Acts the Secretary of State must have regard to the need to —

- (a) improve the health of persons living in England, and
- (b) reduce health inequalities between persons living in England.”

Member's explanatory statement

This amendment, connected with another in the name of Lord Crisp, would place a duty upon the Secretary of State to consider health promotion when they discharge their planning functions. The amendments use the same wording for the duty and definitions as are used in the English Devolution and Community Empowerment Bill (Clause 43, Health improvement and health inequalities duty).

LORD CRISP
LORD YOUNG OF COOKHAM

★ After Clause 108, insert the following new Clause —

“Definitions: duty to promote health improvement and reduce health inequalities

- (1) Health inequalities “between persons” living in an area means health inequalities between persons, or persons of different descriptions, living in, or in different parts of, England.

- (2) “Health inequalities” means inequalities in respect of life expectancy or general state of health which are wholly or partly a result of differences in respect of general health determinants.
- (3) “General health determinants” are –
 - (a) standards of housing, transport services or public safety,
 - (b) employment prospects, earning capacity and any other matters that affect levels of prosperity,
 - (c) the degree of ease or difficulty with which persons have access to public services,
 - (d) the use, or level of use, of tobacco, alcohol or other substances, and any other matters of personal behaviour or lifestyle, that are or may be harmful to health, and any other matters that are determinants of life expectancy or the state of health of persons generally, other than genetic or biological factors.
- (4) In section (*Secretary of State’s duty to promote health improvement and reduce health inequalities*)(a), the reference to improving the health of persons includes a reference to mitigating any detriment to health which would otherwise be occasioned by the exercise of the Secretary of State’s function.
- (5) In section (*Secretary of State’s duty to promote health improvement and reduce health inequalities*)(b), the reference to reducing health inequalities includes a reference to mitigating any increase in health inequalities which would otherwise be occasioned by the exercise of the Secretary of State’s function.”

Member’s explanatory statement

This amendment, connected with another in the name of Lord Crisp, would place a duty upon the Secretary of State to consider health promotion when they discharge their planning functions. The amendments use the same wording for the duty and definitions as are used in the English Devolution and Community Empowerment Bill (Clause 43, Health improvement and health inequalities duty).

LORD CAMERON OF DILLINGTON

★ After Clause 108, insert the following new Clause –

“Compulsory purchase for planning and development: code of practice

- (1) Within six months of the day on which this Act is passed, the Secretary of State must publish a code of practice to be followed by all bodies or individuals exercising powers of compulsory purchase for the purposes of planning and development.
- (2) On publication of the code of practice, the Secretary of State must by regulations establish –
 - (a) an enforcement mechanism for the code of practice, including nominating a responsible body or individual for monitoring compliance,
 - (b) penalties for non-compliance with the code of practice, and

- (c) a system for appealing against findings of non-compliance with the code of practice.
- (3) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

Member's explanatory statement

This is to ensure that all acquiring authorities, and their agents, are bound by the normal code of conveyancing practice exercised by a willing seller to a willing buyer.

Clause 111

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 111, page 157, line 13, at end insert—

“(ca) section (*Wind generating stations that may affect seismic array systems*);”

Member's explanatory statement

This amendment would provide for my new clause entitled “Wind generating stations that may affect seismic array systems” to extend to England and Wales and Scotland. However, it would have no application in Wales as there are no relevant seismic array systems situated there.

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 111, page 157, line 15, leave out paragraph (e)

Member's explanatory statement

This amendment would remove a stray reference to provisions that were left out in Committee.

Clause 112

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 112, page 157, line 23, leave out paragraph (a) and insert—

- “(a) sections 1 and 2 come into force on such day as the Secretary of State may by regulations appoint;
- (aa) section (*Projects relating to water*) comes into force on the day on which this Act is passed;
- (ab) sections 3 to 8 come into force on such day as the Secretary of State may by regulations appoint;”

Member's explanatory statement

This amendment would provide that my new clause entitled “Projects relating to water” would come into force on the day the Bill receives Royal Assent.

BARONESS TAYLOR OF STEVENAGE

★ Clause 112, page 158, line 20, at end insert –

“(na) section (*Wind generating stations that may affect seismic array systems*) 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

This amendment would provide for my new clause entitled “Wind generating stations that may affect seismic array systems” to come into force two months after Royal Assent.

BARONESS TAYLOR OF STEVENAGE

★ Clause 112, page 158, line 37, leave out paragraph (u) and insert –

- “(u) sections 39 and 40 come into force at the end of the period of two months beginning with the day on which this Act is passed;
- (ua) section 41 comes into force on such day as the Secretary of State may by regulations appoint;
- (ub) sections 42 and 43 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 would provide for my proposed replacement for Clause 41 to come into force by regulations.

BARONESS TAYLOR OF STEVENAGE

★ Clause 112, page 159, line 25, at end insert –

“(ca) section (*Directions restricting refusal of planning permission in England*) comes into force on the day on which this Act is passed;”

Member's explanatory statement

This amendment would provide that my new clause entitled “Directions restricting refusal of planning permission in England” would come into force on the day the Bill receives Royal Assent.

BARONESS TAYLOR OF STEVENAGE

★ Clause 112, page 159, line 25, at end insert –

- “(ca) in section (*Directions giving deemed planning permission: special regard to heritage assets*) –
 - (i) subsection (1) comes into force at the end of the period of two months beginning with the day on which this Act is passed;
 - (ii) subsection (2) comes into force at the same time as section 102(1) of the Levelling-up and Regeneration Act 2023;”

Member's explanatory statement

This amendment would provide for my new clause entitled “Directions giving deemed planning permission: special regard to heritage assets” to come into force two months after Royal Assent.

BARONESS TAYLOR OF STEVENAGE

★ Clause 112, page 159, line 25, at end insert—

“(ca) section (*Planning permission etc: extension of time in event of legal challenge*) 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

This amendment would provide that my new clause entitled “Planning permission etc: extension of time in event of legal challenge” would come into force two months after Royal Assent.

BARONESS TAYLOR OF STEVENAGE

★ Clause 112, page 159, line 25, at end insert—

“(ca) section (*Provision of advice by Natural England to public authorities*) comes into force on such day as the Secretary of State may by regulations appoint;”

Member's explanatory statement

This amendment would provide that my new clause entitled “Provision of advice by Natural England to public authorities” would come into force on such day as the Secretary of State may by regulations appoint.

BARONESS SCOTT OF BYBROOK
LORD JAMIESON

Clause 112, page 159, line 25, 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
LORD JAMIESON

Clause 112, page 159, line 25, 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.

BARONESS TAYLOR OF STEVENAGE

- ★ Clause 112, page 159, line 33, at end insert “, except that paragraph 14(2) of Schedule 6 comes into force at the same time as section 106 of the Levelling-up and Regeneration Act 2023.”

Member's explanatory statement

This amendment is a technical amendment linked to my amendments to Part 1 of Schedule 6. It means that a reference to street vote development orders is only inserted into the Habitats Regulations when the provisions in the Levelling-up and Regeneration Act introducing SVDOs themselves come into force.

Schedule 2

BARONESS TAYLOR OF STEVENAGE

- ★ Leave out Schedule 2

Member's explanatory statement

This amendment is consequential on my amendment replacing Clause 41.

Schedule 4

BARONESS TAYLOR OF STEVENAGE

- ★ Schedule 4, page 171, line 28, leave out “section 126 of the Marine and Coastal Access Act 2009” and insert “–

- “(a) section 125 of the Marine and Coastal Access Act 2009 (general duties of public authorities in relation to MCZs) insofar as it applies to any function of a public authority of determining an application (whenever made) relating to the development, and
(b) section 126 of that Act”

Member's explanatory statement

This amendment disapplies the general duties on public authorities in s.125 of the MCAA 2009 when exercising decision-making functions that may affect marine conservation zones. Those duties require authorities to further the conservation objectives of each MCZ, so an EDP containing network conservation measures may cause a public authority to breach the duties.

Schedule 6

BARONESS TAYLOR OF STEVENAGE

- ★ Schedule 6, page 180, line 26, leave out paragraph (a) and insert –

“(a) after paragraph (2) insert –

“(2A) Where it appears to Natural England that a notice of a proposal under section 28E(1)(a) of the WCA 1981 relates to an operation which is or forms part of a plan or project situated wholly in England which –

- (a) is likely to have a significant effect on a Ramsar site (either alone or in combination with other plans or projects), and
- (b) is not directly connected with or necessary to the management of that site,

it must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.

(2B) In the light of the conclusions of the assessment, Natural England may give consent for the operation only after having ascertained that the plan or project will not adversely affect the integrity of the site.”;

Member's explanatory statement

This is the first of a number of amendments to Schedule 6, the effect of which would be that the Habitats Regulations would give protection to Ramsar sites (wherever situated) where they are affected by any plans or projects in England (rather than protecting only Ramsar sites in England).

BARONESS TAYLOR OF STEVENAGE

- ★ Schedule 6, page 180, line 28, leave out “Ramsar sites in England” and insert “certain Ramsar sites”.

Member's explanatory statement

See the explanatory statement to my amendment to page 180 line 26.

BARONESS TAYLOR OF STEVENAGE

- ★ Schedule 6, page 180, line 31, leave out paragraphs (a) and (b) and insert –
- (a) in paragraph (1) –

- (i) after “where” insert “—
(a)”;
- (ii) at the end insert “, or
(b) a consent for an operation situated wholly in England has been given under section 28E(3)(a) of the WCA 1981 (or has effect as if given under that section) in relation to land included in a site of special scientific interest which, after the date of that consent, becomes land within a Ramsar site.”;
- (b) in paragraph (3)—
 - (i) in sub-paragraph (a), after “24(1)” insert “or (2A)”;
 - (ii) in sub-paragraph (b), after “24(2)” insert “or (2B)”;
- (c) in the heading, after “European sites” insert “or Ramsar sites”.

Member's explanatory statement

See the explanatory statement to my amendment to page 180 line 26.

BARONESS TAYLOR OF STEVENAGE

- ★ Schedule 6, page 180, line 35, leave out from “63,” to end of line 36 and insert “for “and European offshore marine sites” substitute “, European offshore marine sites and certain Ramsar sites”.

Member's explanatory statement

See the explanatory statement to my amendment to page 180 line 26.

BARONESS TAYLOR OF STEVENAGE

- ★ Schedule 6, page 180, line 39, leave out paragraph (a) and insert—
 “(a) after paragraph (1) insert—
 “(1A) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project situated wholly in England which—
 (a) is likely to have a significant effect on a Ramsar site (either alone or in combination with other plans or projects), and
 (b) is not directly connected with or necessary to the management of that site,
 must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.”;”

Member's explanatory statement

See the explanatory statement to my amendment to page 180 line 26.

BARONESS TAYLOR OF STEVENAGE

- ★ Schedule 6, page 180, line 41, at end insert –
“(ba) in paragraph (9), for “paragraph (1)” substitute “paragraphs (1) and (1A)”;

Member's explanatory statement

See the explanatory statement to my amendment to page 180 line 26.

BARONESS TAYLOR OF STEVENAGE

- ★ Schedule 6, page 180, line 42, leave out from “heading,” to end of line 43 and insert “for “and European offshore marine sites” substitute “, European offshore marine sites and certain Ramsar sites”.”

Member's explanatory statement

See the explanatory statement to my amendment to page 180 line 26.

BARONESS TAYLOR OF STEVENAGE

- ★ Schedule 6, page 181, line 4, at end insert –
“(b) after “63(1)” insert “or (1A)”.”

Member's explanatory statement

See the explanatory statement to my amendment to page 180 line 26.

BARONESS TAYLOR OF STEVENAGE

- ★ Schedule 6, page 181, line 6, at end insert –
“(za) in paragraph (2), after “(1)” insert “or (1A)”;

Member's explanatory statement

See the explanatory statement to my amendment to page 180 line 26.

BARONESS TAYLOR OF STEVENAGE

- ★ Schedule 6, page 181, line 13, after “project” insert “in England”

Member's explanatory statement

See the explanatory statement to my amendment to page 180 line 26.

BARONESS TAYLOR OF STEVENAGE

- ★ Schedule 6, page 181, line 14, leave out “in England”

Member's explanatory statement*See the explanatory statement to my amendment to page 180 line 26.*

BARONESS TAYLOR OF STEVENAGE

★

Schedule 6, page 181, line 28, leave out paragraph 14 and insert –

“14 (1) In regulation 75 (general development orders) –

- (a) the existing text becomes paragraph (1);
- (b) at the end insert –

“(2) It is a condition of any planning permission granted by a general development order made by the Secretary of State on or after the day on which this paragraph comes into force that development which –

- (a) is likely to have a significant effect on a Ramsar site (either alone or in combination with other plans or projects), and
- (b) is not directly connected with or necessary to the management of the site,

must not be begun until the developer has received written notification of the approval of the local planning authority under regulation 77 (approval of local planning authority).”

- (2) In regulation 75(2) (as inserted by sub-paragraph (1)), after “force” insert “or a street vote development order”.

14A In regulation 76 (general development orders: opinion of appropriate nature conservation body), in paragraph (7), for “75(a)” substitute “75(1)(a) or (2)(a).”

Member's explanatory statement*See the explanatory statement to my amendment to page 180 line 26.*

BARONESS TAYLOR OF STEVENAGE

★

Schedule 6, page 181, line 39, leave out paragraph (a) and insert –

“(a) after paragraph (2) insert –

“(2A) Where a simplified planning zone scheme for an area in England is adopted or approved, that scheme is not to be taken to grant planning permission for development which –

- (a) is likely to have a significant effect on a Ramsar site (either alone or in combination with other plans or projects), and
- (b) is not directly connected with or necessary to the management of the site,

unless adopted or approved in accordance with the assessment provisions.”;

Member's explanatory statement*See the explanatory statement to my amendment to page 180 line 26.*

BARONESS TAYLOR OF STEVENAGE

- ★ Schedule 6, page 182, line 3, leave out paragraph (a) and insert—

“(a) after paragraph (2) insert—

“(2A) Where an order designating an enterprise zone is made for an area wholly in England, or where a modified enterprise zone scheme is approved for such an area, that order or scheme is not to be taken to grant planning permission for development which—

- (a) is likely to have a significant effect on a Ramsar site (either alone or in combination with other plans or projects), and
- (b) is not directly connected with or necessary to the management of the site,

unless made or approved in accordance with the assessment provisions.”;

(aa) after paragraph (4) insert—

“(4A) Paragraph (2A) does not apply to an order made or a scheme approved before the day on which this paragraph comes into force.””

Member's explanatory statement*See the explanatory statement to my amendment to page 180 line 26.*

BARONESS TAYLOR OF STEVENAGE

- ★ Schedule 6, page 182, line 9, at end insert—

“22A In regulation 85A (assumptions to be made about nutrient pollution standards: general), in paragraph (6)(a), after “63(1)” insert “or (1A)”.”

Member's explanatory statement*See the explanatory statement to my amendment to page 180 line 26.*

BARONESS TAYLOR OF STEVENAGE

- ★ Schedule 6, page 182, line 12, leave out from “works),” to end of line 13 and insert “at end insert—

“(4) Section 3(10) of that Act is not to be taken to deem planning permission to be granted for development wholly in England which—

- (a) is likely to have a significant effect on a Ramsar site (either alone or in combination with other plans or projects), and
- (b) is not directly connected with or necessary to the management of the site,

whether or not the development authorised by the permission has been begun, unless the competent authority has agreed to the plan or project in accordance with the assessment provisions.””

Member's explanatory statement

See the explanatory statement to my amendment to page 180 line 26.

BARONESS TAYLOR OF STEVENAGE

- ★ Schedule 6, page 183, line 3, leave out paragraph (a) and insert—

“(a) after paragraph (1) insert—

“(1A) Where a land use plan relating to an area wholly in England—

- (a) is likely to have a significant effect on a Ramsar site (either alone or in combination with other plans or projects), and
- (b) is not directly connected with or necessary to the management of the site,

the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site’s conservation objectives.”;”

Member's explanatory statement

See the explanatory statement to my amendment to page 180 line 26.

BARONESS TAYLOR OF STEVENAGE

- ★ Schedule 6, page 183, line 6, leave out “after “European sites” insert “, Ramsar sites”” and insert “for “and European offshore marine sites” substitute “, European offshore marine sites and certain Ramsar sites””

Member's explanatory statement

See the explanatory statement to my amendment to page 180 line 26.

BARONESS TAYLOR OF STEVENAGE

- ★ Schedule 6, page 183, line 14, at end insert—

“(za) in paragraph (2), after “(1)” insert “or (1A)”;

(zb) in paragraph (3), after “105(1)” insert “or (1A)”;

Member's explanatory statement

See the explanatory statement to my amendment to page 180 line 26.

BARONESS TAYLOR OF STEVENAGE

★ Schedule 6, page 183, line 24, at end insert –

- “37 In regulation 110A (assessments under this Chapter: required assumptions) –
- (a) in paragraph (5)(a), after “105(1)” insert “or (1A)”;
 - (b) in paragraph (5)(b), after “105(1)” insert “or (1A)”.”

Member's explanatory statement

See the explanatory statement to my amendment to page 180 line 26.

BARONESS TAYLOR OF STEVENAGE

★ Schedule 6, page 185, line 39, at end insert –

“Marine and Coastal Access Act 2009

41A(1) The Marine and Coastal Access Act 2009 is amended as follows.

- (2) In section 125 (general duties of public authorities in relation to MCZs), after subsection (12) insert –

“(12A) This section does not apply to the exercise by a public authority of functions under or by virtue of Part 3 of the Planning and Infrastructure Act 2025 (development and nature recovery).”

- (3) In section 141 (exceptions to offences under section 139 or 140), in subsection (1), after paragraph (a) insert –

“(aa) was done by a public authority exercising functions under or by virtue of Part 3 of the Planning and Infrastructure Act 2025 (development and nature recovery);”.

Member's explanatory statement

This amendment disapplies the duties in s.125 of the MCAA 2009 where a public authority exercises functions under Part 3, such as drafting or approving an EDP. This is necessary to enable an EDP to include network conservation measures (see further the explanatory statement to my amendment to Schedule 4 (at page 171, line 28)). It also makes a consequential amendment to s.141.

After Schedule 6

LORD LANSLEY

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.”.

Planning and Infrastructure Bill

RUNNING LIST OF ALL AMENDMENTS ON REPORT

*Tabled up to and including
13 October 2025*

13 October 2025

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