

Planning and Infrastructure Bill

SECOND MARSHALLED LIST OF AMENDMENTS TO BE MOVED ON REPORT

The amendments have been marshalled in accordance with the Instruction of 14th October 2025, as follows –

Clauses 1 to 23	Schedule 4
Schedule 1	Clauses 67 to 83
Clauses 24 to 41	Schedule 5
Schedule 2	Clauses 84 to 90
Clauses 42 to 52	Schedule 6
Schedule 3	Clauses 91 to 113
Clauses 53 to 66	Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 33

LORD MOYLAN

47 Clause 33, page 48, line 39, leave out “possession or”

Member's explanatory statement

This amendment is intended to remove the Secretary of State's right to compulsorily acquire possession of highway land.

Clause 41

BARONESS PINNOCK
BARONESS BENNETT OF MANOR CASTLE

48 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

49

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

50 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.

Schedule 2

BARONESS TAYLOR OF STEVENAGE

51 Leave out Schedule 2

Member's explanatory statement

This amendment is consequential on my amendment replacing Clause 41.

Clause 47

BARONESS PIDGEON

52 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.””

LORD MOYLAN

53 Clause 47, page 59, line 25, at end insert –

“(6A) After section 94 of that Act (Power of street authority or district council to undertake street works) insert –

“94A Public charging points: impact assessment

Before granting a street works permit for works as described in section 48(3ZA) (street works for charging points), the relevant authority must –

- (a) assess the likely impact of the proposed works on the availability of parking for vehicles not using electric propulsion,
- (b) consider mitigation measures to ensure reasonable access remains for the general motoring public, and
- (c) publish the assessment for public consultation if the works will result in the loss of more than two general-use parking spaces.””

Member's explanatory statement

This amendment would require local authorities to conduct and publish a parking impact assessment before permitting EV charge point works that may displace general-use parking. It ensures the wider motoring public is not disproportionately affected by the transition to electric infrastructure.

LORD MOYLAN

54 Clause 47, page 59, line 25, at end insert –

“(6A) After section 94 of that Act (Power of street authority or district council to undertake street works) insert –

“94A Public charging points: review

- (1) Where works defined as street works under section 48(3ZA) (street works for charging points) materially reduces the availability of parking spaces for non-electric vehicles on a street, affected residents or businesses may request a formal review of the impact by the highway authority responsible for that street.
- (2) The highway authority must complete such a review and notify the requestor of its conclusions within 30 days of receiving the request.””

Member's explanatory statement

This amendment seeks to ensure that residents and businesses can request a review where EV installations reduce access to conventional parking. It seeks to provide a safeguard to ensure community needs are not overlooked in street works decisions and implementation.

LORD BORWICK

55 Clause 47, page 60, line 20, at end insert –

- “(10) The Automated and Electric Vehicles Act 2018 is amended as set out in subsections (11) and (12).
- (11) In section 10 (public charging or refuelling points: access, standards and connection) –
- (a) in subsection (1), after paragraph (b) insert –
- “(ba) the accessibility of public charging or refuelling points;”;
- (b) after subsection (3) insert –
- “(3A) Regulations under subsection (1)(ba) may, for example, require the operator of a public charging or refuelling point to ensure that the point complies with minimum specifications for placement of a charge point display, bay size, and the height and weight of the charging cable for the purpose of ensuring accessibility for disabled people.”.
- (12) In section 14 (transmission of data relating to charge points), in subsection (2) after “energy consumption” insert “, accessibility”.”

Member's explanatory statement

This amendment seeks to provide extra powers to the Department to enable them to bring forth regulations to enable disabled people to more easily use public charging points. Such regulations may encourage public charging points to be designed with disabled drivers in mind who may be more willing purchase an electric vehicle if they are able to access and use the charging points.

After Clause 47

BARONESS MCINTOSH OF PICKERING

56 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

57

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.””

LORD JAMIESON

58 After Clause 47, insert the following new Clause —

National Lane Rental Scheme: establishment

- (1) Within six months of the day on which this Act is passed, the Secretary of State must establish a National Lane Rental Scheme (“the Scheme”).
- (2) The Scheme must ensure that —
 - (a) local authorities are able to grant lane rental permission to utility companies as standard,
 - (b) the Secretary of State is only involved in the granting of lane rental when utility companies appeal to the Secretary of State about the local authority’s actions under paragraph (a), and
 - (c) any public highway may be subject to lane rental provisions, irrespective of size or level of sensitivity.
- (3) The Secretary of State must —
 - (a) consolidate existing regulations which provide for local authorities to grant permission for lane rental to utility companies for works, and
 - (b) ensure that any orders made under section 74A of the New Roads and Street Works Act 1991 which may contradict the provisions of the Scheme are repealed.
- (4) The Secretary of State may by regulations made by statutory instrument vary provisions in the Scheme.
- (5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Any revenues raised through the National Lane Rental Scheme must be ring-fenced by local authorities and used exclusively for —
 - (a) repair and maintenance of highways, including the remediation of potholes, and
 - (b) measures to minimise future disruption from utility works.”

Member's explanatory statement

This amendment would require the Secretary of State to bring forward a national scheme for Lane Rental during road works with the intention of developing a simpler, less bureaucratic, and more consistent system.

BARONESS COFFEY

58A★ After Clause 47, insert the following new Clause —

“Water infrastructure project licences

Omit sub-paragraph (a) of regulation 4(3) of the Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013 (S.I. 2013/1582).”

Member's explanatory statement

This new clause would amend the Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013 to remove the “size and complexity” test for the awarding of a licence for a water infrastructure project, meaning that projects would be considered on value for money alone.

Clause 48

BARONESS THORNHILL
BARONESS NEVILLE-ROLFE

59 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

60 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 49

LORD LANSLEY

61 Clause 49, page 64, leave out lines 5 to 8

Clause 50

BARONESS BOYCOTT
BARONESS BENNETT OF MANOR CASTLE

62 Clause 50, page 64, line 32, at end insert –

- “(3A) Regulations under subsection (1) must require that prescribed training promotes a science-based approach with regard to –
- (a) climate change and biodiversity; and,
 - (b) ecological surveying including botanical and mycological surveying.”

Member's explanatory statement

This amendment would mean that the mandatory training for members of planning committees and planning officers must include climate and biodiversity and enhanced ecological literacy training, in line with the latest scientific guidance.

Clause 51

BARONESS COFFEY

62A★ Clause 51, page 67, line 29, at end insert –

- “(2A) The regulations must not allow an officer of the authority to approve any planning application which –
- (a) allows building or development outside the boundaries set out in the local plan, or
 - (b) has a housing density for the area that is below the level prescribed in the local plan.”

Member's explanatory statement

This amendment seeks to prevent officers to whom decisions have been delegated from approving planning applications which would (1) require land outside of the boundary of a local plan, or (2) build at a lower density of housing than prescribed within a local plan.

LORD LANSLEY

63 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

64 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.

LORD LANSLEY

As an amendment to Amendment 64

65 At end insert —

“(2) After section 74(1)(a) of that Act insert —

“(aa) for authorising the local planning authority, in relation to a direction restricting the grant or refusal of planning permission or permission in principle under paragraph (a), to grant planning permission or permission in principle insofar as the planning application is in accordance with the provisions of the development plan if the latter is up-to-date;”.

Member's explanatory statement

This addition to the amendment tabled would provide an incentive to a local planning authority to adopt an up-to-date Local Plan and, in consequence, to regain control over the grant of planning permission in accordance with the Plan.

BARONESS TAYLOR OF STEVENAGE

66 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

67 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

68

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
EARL RUSSELL

69 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
BARONESS BENNETT OF MANOR CASTLE

70

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

71

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
BARONESS BENNETT OF MANOR CASTLE

72 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

73 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

74 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

75 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

76 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

77 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

78 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

79 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

80 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
BARONESS BENNETT OF MANOR CASTLE

81 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

82 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.”

VISCOUNT HANWORTH
BARONESS MILLER OF CHILTHORNE DOMER
LORD LUCAS

83 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), in regard to a project that is concerned neither with the limited extension of an existing building nor with the restoration of an existing building, 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.

LORD INGLEWOOD
LORD PARKINSON OF WHITLEY BAY
BARONESS FREEMAN OF STEVENTON

84 After Clause 51, insert the following new Clause —

“Gardens Trust to be statutory consultee for planning proposals

- (1) The Gardens Trust must be considered for planning proposals as a statutory amenity society.
- (2) All procedures which apply to statutory amenity societies as planning proposal consultees shall apply to the Gardens Trust.

- (3) Powers conferred to the Secretary of State by the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 may not be exercised to remove the Gardens Trust as a statutory consultee in regard to any planning application.”

BARONESS PINNOCK

85 After Clause 51, insert the following new Clause –

“Planning considerations: children and families who are homeless or in temporary accommodation

- (1) The Town and Country Planning Act 1990 is amended as follows.
- (2) After section 70(2) (determination of applications: general considerations), insert –
- “(2ZZZA) In dealing with an application for planning permission, the local planning authority must have special regard to –
- (a) the need to increase the availability of secure, suitable, and long-term accommodation for children and families who are homeless or living in temporary accommodation, including both –
 - (i) the provision of high-quality and purpose-built temporary accommodation, and
 - (ii) the development of new social housing that offers stable, long-term homes, and
 - (b) the importance of promoting the welfare, stability, and development of children affected by homelessness or temporary accommodation.””

BARONESS JONES OF MOULSECOOMB

86 After Clause 51, insert the following new Clause –

“Promotion of distributed water supply

- (1) When exercising functions under this Act in relation to planning applications, local planning authorities must have regard to how a proposed development could implement distributed water infrastructures and technologies for development-scale water reuse.
- (2) When discharging the duty in subsection (1), planning authorities must seek to secure, where viable and appropriate, the incorporation of –
- (a) distributed water storage solutions for individual buildings, and
 - (b) shared water storage infrastructure at community and development scale, into developments seeking planning permission.
- (3) The water storage technology in section (2) includes but is not limited to –
- (a) distributed schemes for local storage and supply of rainwater and surface water,

- (b) rainwater harvesting of the largest sizes possible relative to building size, occupancy, and current and projected future water consumption,
- (c) greywater and blackwater recycling, and
- (d) water storage systems operated, co-managed or co-owned by local communities.”

Member's explanatory statement

This amendment, requires planning authorities to support the inclusion of distributed and alternative water storage infrastructure projects in developments. This is to ensure the sustainable harvesting, use, or distribution of fit-for-purpose water by residents, communities, government services, and private businesses to reduce additional demand on catchment water resources and mitigate flood risk and water pollution.

BARONESS COFFEY

87 After Clause 51, insert the following new Clause –

“Planning decisions: consideration of an EDP

In section 70 of the Town and Country Planning Act 1990 (determination of applications: general considerations), after paragraph (2)(aa) insert –

- “(ab) any Environmental Delivery Plan made under the Planning and Infrastructure Act 2025, so far as material to the application.”

Member's explanatory statement

This amendment seeks to ensure that when making a planning decision, the local planning authority must take into account any EDP applying to the land in question.

BARONESS COFFEY

87A★ After Clause 51, insert the following new Clause –

“Directions restricting refusal of planning permission in England

In paragraph (1) of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I. 2015/595) (directions by the Secretary of State), after “grant” insert “or, in the case of an authority in England, the refusal”.

Member's explanatory statement

This amendment would enable the Secretary of State to restrict the refusal of planning permission while it considers whether to call-in a planning application.

LORD LUCAS

87B★ After Clause 51, insert the following new Clause —

“Planning permission: biodiversity information

- (1) The Secretary of State must, by regulations made by statutory instrument, require all biodiversity information generated in the course of a planning application to be submitted, free of charges and restrictions on use, to the local environmental record centre for the area in which planning permission is requested, in the format required by that organisation.
- (2) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

Member's explanatory statement

This amendment is to ensure that biodiversity information generated in the course of planning activities is contributed to the national store of such knowledge.

BARONESS COFFEY

87C★ After Clause 51, insert the following new Clause —

“Planning decisions: consideration of an EDP

After section 70(2)(aza) of the Town and Country Planning Act 1990 (determination of applications: general considerations) insert —

“(azb) any Environmental Delivery Plan made under the Planning and Infrastructure Act 2025, so far as material to the application,”.”

Member's explanatory statement

This amendment seeks to ensure that when making a planning decision, the local planning authority must take into account any EDP applying to the land in question.

BARONESS COFFEY

87D★ After Clause 51, insert the following new Clause —

“Permitted development and demolition: assets of community value

- (1) The Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596) is amended as follows.
- (2) In paragraph B.1 of Part 11 of Schedule 2 (permitted development rights: heritage and demolition), after sub-paragraph (e) insert —
 - “(f) the building is designated as an asset of community value under the Localism Act 2011.”.”

Member's explanatory statement

This amendment seeks to ensure that buildings which have been designated as assets of community value cannot be demolished through permitted development rights.

BARONESS PINNOCK

87E★ After Clause 51, insert the following new Clause –

“Temporary asylum processing units: planning decisions

- (1) The Secretary of State may, by regulations made by statutory instrument, make provision relating to the planning process for any development of temporary structures for the expedited assessment of asylum applications.
- (2) Regulations under this section may –
 - (a) determine whether planning permission is required for such developments,
 - (b) set procedures and time limits for determining any resultant planning applications,
 - (c) confer powers on local planning authorities or the Secretary of State to grant temporary planning permission for such developments, and
 - (d) specify conditions for cessation and restoration of land or buildings once use for such developments ends.
- (3) Before making regulations under this section the Secretary of State must consult any local planning authorities likely to be affected and such other persons as the Secretary of State considers appropriate.
- (4) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Member's explanatory statement

This amendment seeks to streamline the planning process for the development of “Nightingale” processing units for asylum claims.

BARONESS COFFEY

87F★ After Clause 51, insert the following new Clause –

“Planning consents: reporting

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

- (a) building has not started;
- (b) building has not been completed.”

Clause 52

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

- 88 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
BARONESS BENNETT OF MANOR CASTLE

- 89 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

- 90 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

91 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 THORNHILL

92 Clause 52, page 73, line 19, at end insert —

- “(5A) A spatial development strategy must contain a design vision for the strategy area, developed with the local community and stakeholders, including provision to ensure design quality —
- (a) which means development that is proactively planned to meet the needs of residents and communities in practice, and
 - (b) which adheres to principles of safety, sustainability and accessibility.”

Member's explanatory statement

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

BARONESS GRENDER
BARONESS JONES OF MOULSECOOMB

93 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
BARONESS WILLIS OF SUMMERTOWN

94 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.

LORD ROBOROUGH

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

- “(6A) A spatial development strategy must not propose the development or use of agricultural land of the grade 1, 2 or 3a.”

Member's explanatory statement

This amendment seeks to protect the best and most versatile land from development and use.

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

96 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
BARONESS BENNETT OF MANOR CASTLE

97 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 ROBOROUGH

98 Clause 52, page 86, line 7, at end insert —

“12SA Reporting on the change of use of land

- (1) The Secretary of State must report annually on the amount of land proposed for change of use under a special development strategy.
- (2) The report under subsection (1) must be laid before Parliament.”

Member's explanatory statement

This would require annual reporting on land proposed for a change of use.

LORD LANSLEY

99 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

100

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

101 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
BARONESS BENNETT OF MANOR CASTLE
LORD FREYBERG

102 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

103

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
BARONESS SCOTT OF BYBROOK
LORD JAMIESON

104

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

105 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

106 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 ADDINGTON

107 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

108 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

109 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

110 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

111 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

112 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
LORD JAMIESON
BARONESS SCOTT OF BYBROOK

113 After Clause 52, insert the following new Clause –

“Relationship between overlapping permissions (No. 2)

- (1) The Secretary of State may by regulations 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.
- (2) Regulations under this section are to be made by statutory instrument.

- (3) A statutory instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Regulations under this section may make –
 - (a) amendments to, repeal or revoke any enactment;
 - (b) different provision for different purposes, planning permissions or areas;
 - (c) transitional, transitory, incidental, consequential or supplementary provision.
- (5) In this section, “planning permission” means any permission, order or direction granted, made or given under Part 3 of the Town and Country Planning Act 1990.”

Member’s explanatory statement

This amendment provides the Secretary of State with the power to make regulations which would address the potentially deleterious implications of the Supreme Court’s judgment in the Hillside Parks case, leaving the detailed drafting of the solution to secondary legislation. The affirmative procedure would ensure active parliamentary scrutiny of the content of that solution, including any amendments to legislation made by the regulations.

LORD RAVENSDALE
BARONESS PARMINTER
LORD KREBS
BARONESS YOUNG OF OLD SCONE

114 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.

BARONESS WILLIS OF SUMMERTOWN
BARONESS YOUNG OF OLD SCONE
BARONESS GRENDER
BARONESS BENNETT OF MANOR CASTLE

115 After Clause 52, insert the following new Clause –

“Local plan compliance with Habitats Regulations assessments

When developing a local plan, a local planning authority must –

- (a) consider whether the plan complies with the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012); and
- (b) conduct strategic environmental impact assessments for all sites being proposed as suitable for development.”

Member's explanatory statement

This amendment seeks to enable local plans to guide developers towards sites most appropriate for development and speed up and simplify the subsequent planning application process by conducting Habitats Regulations strategic environmental assessments at local plan stage

BARONESS WILLIS OF SUMMERTOWN
BARONESS YOUNG OF OLD SCONE
BARONESS GRENDER

116 After Clause 52, insert the following new Clause –

“Spatial development strategies compliance with Habitats Regulations assessments and provisions of land use framework

When developing a spatial development strategy, a strategic planning authority and strategic planning board must consider whether the strategy complies with –

- (a) the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012)

- (b) the provisions of the land use framework.”

Member's explanatory statement

This amendment seeks to enable spatial development strategies to guide developers towards sites most appropriate for development and speed up and simplify the subsequent planning application process by conducting Habitats Regulations strategic environmental assessments at spatial development strategy stage.

LORD FOSTER OF BATH
BARONESS BENNETT OF MANOR CASTLE

117

After Clause 52, insert the following new Clause –

“Permission for gambling premises: cumulative impact assessments

- (1) A planning authority shall, when considering any application for planning permission or change of use for premises which are to be used for gambling, take into consideration any relevant cumulative impact assessment published in accordance with subsection (2), and where such an assessment has been published they shall in the absence of very special circumstances refuse the application.
- (2) A licensing authority may publish a document (“a cumulative impact assessment”) to inform the planning authority’s decision under subsection (1), stating that they consider that the number of premises licences granted under section 163 of the Gambling Act 2005 (determination of application) 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 of that Act, or
 - (b) harmful to the wellbeing of the community,
 for there to be any increase in the number of such premises in that part or those parts, and where it does so it shall include a summary of the evidence on which it based its assessment.
- (3) Before taking a cumulative impact assessment into consideration in accordance with subsection (1), the planning authority must satisfy itself that the licensing authority, before it published the assessment or a renewed or revised version of the assessment, consulted any persons who in the licensing authority’s opinion have business interests which might be affected by the assessment, and provided them with the following information –
 - (a) the reasons why they were considering publishing a cumulative impact assessment;
 - (b) a general indication of the part or parts of their area which they were considering describing in the assessment.
- (4) The planning authority may only take a cumulative impact assessment into consideration in accordance with subsection (1) if the assessment is less than three years old.

- (5) In section 153 of the Gambling Act 2005 (principles to be applied), at the end of subsection (1) insert—

“but this subsection does not prevent a licensing authority from publishing a cumulative impact assessment as described in section (*Permission for gambling premises: cumulative impact assessments*) of the Planning and Infrastructure Act 2025”.

BARONESS JONES OF MOULSECOOMB

- 118 After Clause 52, insert the following new Clause—

“Local plans and planning applications: development hierarchy

Local plans prepared by local authorities must apply a sequential approach to the location of development, such that brownfield sites with low biodiversity, re-use of empty homes, conversion of public and commercial buildings into domestic dwellings and the full build-out of planning permissions are allocated before greenfield land.”

BARONESS NEVILLE-ROLFE

- 119 After Clause 52, insert the following new Clause—

“Planning process: duty to consider small and medium-sized enterprises

- (1) When discharging any duty under this Act relating to planning and development, the people and bodies in subsection (2) must—
- (a) have regard to the fact that small and medium-sized enterprises may in practice face more difficulties when engaging in the planning process, and
 - (b) consider whether such barriers can be removed or reduced.
- (2) The people and bodies are—
- (a) the Secretary of State,
 - (b) mayors,
 - (c) local authorities,
 - (d) Natural England, and
 - (e) all other people and bodies with duties under this Act.
- (3) In this section, “small and medium-sized enterprises” are companies with fewer than 250 employees involved in the design, application for planning consent or construction of between one and nine residential dwellings.”

Member's explanatory statement

This amendment seeks to ensure that public bodies discharging duties under this Act pay consideration to the difficulties often faced by small and medium sized developers when engaging with the planning system.

BARONESS JONES OF MOULSECOOMB

120 After Clause 52, insert the following new Clause —

“Water efficiency and demand guidance

- (1) The Secretary of State must, within 18 months of the day on which this Act is passed, publish guidance for local planning authorities on building design and construction techniques which —
 - (a) improve the efficiency of the water supply, and
 - (b) reduce demand for water,to enable them to better scrutinise planning applications for proposed developments.
- (2) When considering planning applications for new developments, local planning authorities must consider the water efficiency of the development and the extent it contributes to water demand.
- (3) To inform the consideration of water efficiency and demand under subsection (2), local planning authorities must —
 - (a) publish environmental principles policy statements which analyse long-term water demand and scarcity,
 - (b) consult water literacy frameworks to predict local water demand,
 - (c) monitor water efficiency and water demand of approved developments relative to building standards,
 - (d) publish data on target water consumption versus actual consumption for approved developments,
 - (e) evaluate and monitor the extent to which approved infrastructure and developments affect —
 - (i) demand on water and sewerage supplies,
 - (ii) flooding,
 - (iii) water run-off,
 - (iv) pollution,
 - (v) public health,
 - (vi) emissions, and
 - (vii) any other relevant environmental indicators.”

Member's explanatory statement

This amendment seeks to make water efficiency and water demand by all infrastructural developments a statutory planning consideration supported by a national guidance.

BARONESS MACLEAN OF REDDITCH

121 After Clause 52, insert the following new Clause –

“Framework for designation and monitoring of grey belt land

- (1) The Secretary of State must, within six months of the day on which this Act is passed, publish a framework for the designation of grey belt land for the purposes of planning and development.
- (2) The framework in subsection (1) must include the following –
 - (a) a review of the definition published in the National Planning Policy Framework of land that is designated as grey-belt land,
 - (b) the criteria for when land may be designated as grey-belt land or green belt and how these are monitored to ensure these are applied consistently, and
 - (c) how any land designated as grey or green belt land for development is monitored, and how land may be re-designated, including during an ongoing plan making process.
- (3) The framework in subsection (1) must be laid before both Houses of Parliament.”

BARONESS JONES OF MOULSECOOMB

121A After Clause 52, insert the following new Clause –

“Water efficiency and demand guidance (No. 2)

- (1) The Secretary of State must, within 18 months of the day on which this Act is passed, issue guidance on measures to facilitate improving the efficiency of water supply and integrate action on reducing overall water demand.
- (2) Such measures must include, but are not limited to –
 - (a) environmental principles policy statements to be undertaken by planning authorities, ensuring long-term water demand and scarcity are being fully considered and comprehensively actioned in developments;
 - (b) the use of water literacy frameworks and toolkits for planning authorities;
 - (c) transparent monitoring of water efficiency and water demand relative to building standards;
 - (d) transparent evaluation and monitoring of how infrastructure and developments place additional demand on water and sewerage supplies (immediate and future), impact on flooding, water run-off, pollution; and related impacts such as public health and emissions.”

Member's explanatory statement

This amendment seeks to make water efficiency and water demand by all infrastructural developments a statutory planning consideration supported by a national policy and guidance.

BARONESS JONES OF MOULSECOOMB

121B After Clause 52, insert the following new Clause—

“Promotion of distributed water supply

- (1) A planning authority, in exercising functions under this Act in relation to planning applications, must, where applicable, have regard to how a proposed development could implement distributed water infrastructures and technologies for development-scale water reuse.
- (2) In doing so, planning authorities must seek to secure, where viable and appropriate, the incorporation of distributed water storage solutions on residential homes and individual buildings (government services, retail and business), as well as shared water storage infrastructures at community and development scale, including but not limited to—
 - (a) distributed schemes for local storage and supply of rainwater, and where appropriate and fit-for-use surface water or runoff;
 - (b) rainwater tanks or other rainwater harvesting of the largest sizes possible relative to building size, occupancy, and current and projected future water consumption;
 - (c) greywater and blackwater recycling, relative to fit-for-purpose use;
 - (d) water storage systems operated, co-managed or co-owned by local communities.
- (3) Planning authorities must, as part of the planning process, consider and, where appropriate, promote the integration of distributed, alternative technologies for water provision.
- (4) Planning authorities must, as part of the planning process, consider and, where appropriate, work directly with relevant water and natural environment authorities, water companies/utilities, and other water related stakeholders.”

Member's explanatory statement

This amendment, requires planning authorities to consider and, where appropriate, support the inclusion of distributed and alternative water storage infrastructure projects in developments, including local harvesting of rainwater, distributed storage at building and development scale, and encourage alternative management and ownership models of such water.

Clause 53

LORD ROBOROUGH

122 Clause 53, page 90, line 26, at end insert—

- “(4) The Secretary of State may issue guidance to Natural England, and/or a person designated under section 86 of this Act, about the making of an EDP.
- (5) Natural England, or a designated person, must comply with any such guidance.
- (6) Guidance issued under subsection (4) may include—

- (a) where and how draft EDPs should be published for public consultation,
- (b) guidance on minimum development thresholds for an EDP,
- (c) the types of measures that may be included as conservation measures, and
- (d) the use of its compulsory purchase powers, with a particular view to ensuring that—
 - (i) the powers are not used in a manner which would threaten the viability of an existing agricultural business,
 - (ii) the use of the powers takes account of the need to protect domestic food security, and
 - (iii) the impacts of the use of such powers on important social and cultural traditions, such as those that exist around common land, are protected.”

Member's explanatory statement

This amendment confirms that the Secretary of State has a power to issue guidance to Natural England, and/or a designated person about the preparation of an EDP.

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

123 Leave out Clause 53

Clause 54

LORD ROBOROUGH

124 Clause 54, page 91, line 26, leave out “before” and insert “after”

Member's explanatory statement

This amendment seeks to ensure that an EDP is longer than ten years.

LORD ROBOROUGH

125 Clause 54, page 91, line 26, leave out “ten” and insert “30”

Member's explanatory statement

This amendment, together with another amendment in the name of Lord Roborough, seeks to ensure that an EDP is in place for 30 years

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

126 Leave out Clause 54

After Clause 54

BARONESS PINNOCK

127 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

128 Clause 55, page 91, line 32, leave out “one or more” and insert “the”

Member's explanatory statement

This amendment seeks to 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

129 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 WILLIS OF SUMMERTOWN
LORD ROBOROUGH
BARONESS YOUNG OF OLD SCONE
BARONESS GRENDER

130 Clause 55, page 91, line 38, at end insert —

“(2A) An environmental impact identified in an EDP may only affect nutrient neutrality, water quality, water resource or air quality.”

Member's explanatory statement

This amendment seeks to limit the application of an EDP to issues where approaches at a strategic landscape scale will be effective.

LORD ROBOROUGH
LORD BLENCATHRA

131 Clause 55, page 92, line 4, at end insert “as assessed by the use of the best available evidence”

Member's explanatory statement

This amendment, and others in the name of Lord Roborough and Lord Blencathra would require Natural England and the Secretary of State to base their judgements in respect of an Environmental Delivery Plan on the best available scientific evidence.

LORD MARKHAM

132 Clause 55, page 92, line 4, at end insert —

“(3A) Where an EDP contains conservation measures concerning animal or plant life, those measures must be proportionate to the value reasonably attributable to the benefits of preserving that life.

(3B) For the purposes of subsection (3A), the value of preserving a single animal or plant must not exceed the monetary value placed on preserving a human life as defined by National Institute for Health and Care Excellence guidance on cost-effectiveness thresholds.”

Member's explanatory statement

This probing amendment seeks to encourage debate on the proportionality of conservation measures included in an EDP. The amendment proposes an upper limit on the value of a conservation measure which is tied to NICE's “cost-effectiveness threshold” of £20,000-£30,000 per quality-adjusted life year. This figure is used by the NHS to assess the proportionality of a medical intervention and constitutes a monetary value for the preservation of a human life.

BARONESS TAYLOR OF STEVENAGE

133 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).

LORD FULLER

134 Clause 55, page 92, line 22, at end insert —

“(8A) Any conservation measures provided by a landholding within the scope of an EDP must be legally secured by an agreement under section 106 of the Town and Country Planning Act 1990.”

Member's explanatory statement

These changes are proposed as a means to ensure the deliverability of conservation measures provided by an EDP and to provide a stronger enforceability route than alternatives like a HM Land Registry Charge, which does not have the same level of legal enforceability.

LORD ROBOROUGH

135 Clause 55, page 92, line 30 after “imposed” insert “in relation to development which falls within the scope of the EDP”

Member's explanatory statement

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

BARONESS TAYLOR OF STEVENAGE

136 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
THE EARL OF CAITHNESS

- 137 Clause 55, page 92, line 34, at end insert “as assessed by the use of the best available evidence”

Member's explanatory statement

This amendment, and others in the name of Lord Roborough and Lord Blencathra would require Natural England and the Secretary of State to base their judgements in respect of an Environmental Delivery Plan on the best available scientific evidence.

LORD ROBOROUGH

- 138 Clause 55, page 92, line 34, at end insert —

“(12) Where an environmental delivery plan identifies environmental features that are likely to be negatively affected by any invasive non-native species that is present at the site of the development, Natural England, or a body acting on behalf of Natural England, must take all reasonable steps to eradicate the invasive non-native species that has been identified at the site.”

Member's explanatory statement

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

LORD ROBOROUGH
LORD BLENATHRA
BARONESS JONES OF MOULSECOOMB

- 139 Leave out Clause 55

After Clause 55

BARONESS GRENDER
BARONESS JONES OF MOULSECOOMB

- 140 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

141 Clause 56, page 93, line 2, at end insert —

“(4) When considering the rates or other criteria to be set out in a charging schedule in the course of preparing an EDP, Natural England must not include any potential capital costs for the purposes of acquiring land.”

Member's explanatory statement

This amendment prevents Natural England from including Compulsory Purchase Order costs within their budgeting for an EDP.

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

142 Leave out Clause 56

Clause 57

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

143 Leave out Clause 57

Clause 58

LORD ROBOROUGH

144 Clause 58, page 94, line 25, at end insert —

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

Member's explanatory statement

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

BARONESS TAYLOR OF STEVENAGE

145 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).

LORD ROBOROUGH

146 Clause 58, page 94, line 29, at end insert —

- “(m) any impacted landowner,
- (n) sea fishing businesses, where the EDP covers an area which is adjacent to their fishing grounds, and
- (o) the owners of fishing rights, where the EDP includes or otherwise affects rivers or lakes used for fishing.”

Member's explanatory statement

This amendment adds three additional parties as statutory consultees on any new Environmental Delivery Plan created by Natural England.

LORD ROBOROUGH

147 Clause 58, page 94, line 29, at end insert —

- “(m) any person who owns land which is wholly or partly within the development area.”

Member's explanatory statement

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

BARONESS PARMINTER
LORD GASCOIGNE
BARONESS YOUNG OF OLD SCONE
BARONESS WILLIS OF SUMMERTOWN

148 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

149 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
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

150 Leave out Clause 58

Clause 59

LORD ROBOROUGH

151 Clause 59, page 95, line 19, at end insert –

- “(c) a statement confirming that, in the view of Natural England, as assessed by the use of the best available scientific evidence, the draft EDP will pass the overall improvement test.”

Member's explanatory statement

This amendment, and others in the name of Lord Roborough and Lord Blencathra would require Natural England and the Secretary of State to base their judgements in respect of an Environmental Delivery Plan on the best available scientific evidence.

LORD ROBOROUGH
LORD BLENCATHRA
THE EARL OF CAITHNESS

- 152** Clause 59, page 95, line 33, at and insert “as assessed by the use of the best available evidence”

Member's explanatory statement

This amendment, and others in the name of Lord Roborough and Lord Blencathra would require Natural England and the Secretary of State to base their judgements in respect of an Environmental Delivery Plan on the best available scientific evidence.

LORD ROBOROUGH
THE EARL OF CAITHNESS

- 153** Clause 59, page 95, line 33, at end insert —

“(8) If the Secretary of State decides not to make an EDP, the Secretary of State must seek to return any land obtained under a Compulsory Purchase Order for the purposes of the EDP to the original owner.”

Member's explanatory statement

This amendment requires the Secretary of State to seek to return any land obtained under a Compulsory Purchase Order where the Secretary of State has decided not to make the connected Environmental Delivery Plan.

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

- 154** Leave out Clause 59

Clause 60

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

- 155** Leave out Clause 60

Clause 61

LORD ROBOROUGH

156 Clause 61, page 96, line 8, at end insert —

“(c) annually, a report on an EDP covering the previous year.”

Member's explanatory statement

This amendment requires Natural England to report annually on EDPs.

LORD ROBOROUGH

157 Clause 61, page 96, line 37, at end insert —

“(h) what impact the EDP has had on the local economy and community of the relevant area.”

Member's explanatory statement

This amendment requires EDP reports to include impact assessments on the local community and economy rather than purely environmental consequences.

LORD ROBOROUGH

LORD BLENCATHRA

BARONESS JONES OF MOULSECOOMB

158 Leave out Clause 61

Clause 62

LORD ROBOROUGH

LORD BLENCATHRA

BARONESS JONES OF MOULSECOOMB

159 Leave out Clause 62

Clause 63

LORD ROBOROUGH

160 Clause 63, page 99, line 17, at end insert —

“(6) Where the Secretary of State revokes an EDP, the Secretary of State must seek to return any land obtained under a Compulsory Purchase Order for the purposes of the EDP to the original owner.”

Member's explanatory statement

This amendment requires the Secretary of State to seek to return any land obtained under a Compulsory Purchase Order where the Secretary of State revokes a connected Environmental Delivery Plan.

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

161 Leave out Clause 63

Clause 64

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB
THE EARL OF CAITHNESS

162 Leave out Clause 64

Clause 65

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

163 Leave out Clause 65

Clause 66

LORD ROBOROUGH

164 Clause 66, page 102, line 13, leave out subsections (4) and (5)

Member's explanatory statement

This amendment seeks to remove provisions that permit an EDP to require mandatory payments to the Nature Restoration Fund.

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

165 Leave out Clause 66

Schedule 4

LORD ROBOROUGH

- 166 Schedule 4, page 170, line 31, after “feature” insert “, as identified in the EDP,”

Member's explanatory statement

This amendment is to confirm that only impacts addressed by an EDP are to be disregarded for the purposes of the Habitats Regulations.

LORD ROBOROUGH

- 167 Schedule 4, page 171, line 5, after “feature” insert “, as identified in the EDP,”

Member's explanatory statement

This amendment is to confirm that only impacts addressed by an EDP are to be disregarded for the purposes of the Habitats Regulations.

BARONESS TAYLOR OF STEVENAGE

- 168 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.

Clause 67

LORD LANSLEY

- 169 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
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

170 Leave out Clause 67

Clause 68

LORD ROBOROUGH

170A★ Clause 68, page 103, line 32, at end insert—

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

Member's explanatory statement

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

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

171 Leave out Clause 68

Clause 69

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

172 Leave out Clause 69

Clause 70

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

173 Leave out Clause 70

Clause 71

BARONESS COFFEY

173A Clause 71, page 105, line 20, after “Natural England” insert “, or another public authority handling funds pursuant to subsection (5)(d) and section 72(7),”

Member's explanatory statement

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

LORD ROBOROUGH

174 Clause 71, page 105, line 24, leave out “may” and insert “must”

Member's explanatory statement

This is a probing amendment which seeks to ensure that Natural England are required to publish all conservation measures that are funded by the nature restoration levy.

LORD ROBOROUGH
THE EARL OF CAITHNESS

175 Clause 71, page 105, line 39, at end insert –

“(3A) The regulations may not permit Natural England to spend money received by virtue of the nature restoration levy for the purposes of acquiring land through a Compulsory Purchase Order.”

Member's explanatory statement

This amendment prevents any future expenditure raised by virtue of the nature restoration levy from being funded by the proceeds of the nature restoration levy.

LORD ROBOROUGH
THE EARL OF CAITHNESS

176 Clause 71, page 106, line 3, leave out paragraph (b)

Member's explanatory statement

This amendment prevents funds raised by virtue of the nature restoration levy from being reserved in a slush fund for future expenditure.

LORD ROBOROUGH
THE EARL OF CAITHNESS

- 177 Clause 71, page 106, line 10, leave out “use” and insert “return”

Member's explanatory statement

This amendment grants the Secretary of State the regulation making power to make provisions for the return of excess funds raised through the nature restoration levy to the contributor.

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

- 178 Leave out Clause 71

After Clause 71

LORD ROBOROUGH

- 178A After Clause 71, insert the following new Clause –

“Farmer eligibility to participate in the nature restoration levy

- (1) When making regulations under section 71, the Secretary of State must permit farmers to apply to participate in the delivery of conservation measures which are funded by the nature restoration levy and specified in environmental delivery plans, both as –
 - (a) individual farmers managing a single agricultural holding, and
 - (b) farmer cluster groups, comprising two or more farmers operating collaboratively over multiple holdings.
- (2) Regulations must include –
 - (a) clear criteria for farmer participation including –
 - (i) minimum standards for nature restoration activities, and
 - (ii) evidence of capacity and commitment to deliver agreed conservation outcomes, and
 - (b) procedures enabling farmers to participate in and receive levy funds relating to an environmental delivery plan.
- (3) Within three months of the day on which this Act is passed, the Secretary of State must publish a guidance document setting out how individual farmers and farmer cluster groups may apply for levy funds.”

Member's explanatory statement

This amendment seeks to ensure that farmers and cluster farmer groups are able to apply to the Nature Restoration Levy and participate in the delivery of conservation measures required by Environmental Delivery Plans.

Clause 72

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

179 Leave out Clause 72

Clause 73

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

180 Leave out Clause 73

Clause 74

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

181 Leave out Clause 74

Clause 75

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

182 Leave out Clause 75

Clause 76

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

183 Leave out Clause 76

Clause 77

THE EARL OF CAITHNESS
LORD ROBOROUGH

183A Clause 77, page 110, line 19, after “unless” insert “21 days”

Member's explanatory statement

This amendment, and another in the name of the Earl of Caithness to clause 77, seeks to ensure that both statutory undertakers and private individual land managers are given equal treatment as regards the powers of entry to be exercised by Natural England.

THE EARL OF CAITHNESS
LORD ROBOROUGH

183B Clause 77, page 110, line 20, leave out from “occupier” to end of line 23

Member's explanatory statement

This amendment, and another in the name of the Earl of Caithness to clause 77, seeks to ensure that both statutory undertakers and private individual land managers are given equal treatment as regards the powers of entry to be exercised by Natural England.

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

184 Leave out Clause 77

Clause 78

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

185 Leave out Clause 78

Clause 79

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

186 Leave out Clause 79

Clause 80

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

187 Leave out Clause 80

Clause 81

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

188 Leave out Clause 81

Clause 82

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

189 Leave out Clause 82

Clause 83

LORD ROBOROUGH

190 Clause 83, page 115, line 10, at end insert –

“(2A) The power under subsection (1) may not be exercised in relation to land which is, or forms part of, a legally occupied dwelling or a private garden.”

Member's explanatory statement

This amendment prevents land that is part of a home or garden being subject to a Compulsory Purchase Order in relation to an Environmental Delivery Plan.

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

191 Leave out Clause 83

Clause 84

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

192 Leave out Clause 84

Clause 85

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

193 Leave out Clause 85

Clause 86

BARONESS MCINTOSH OF PICKERING
BARONESS YOUNG OF OLD SCONE

194 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
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

195 Leave out Clause 86

Clause 87

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

196 Leave out Clause 87

After Clause 87

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

197 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).

BARONESS MCINTOSH OF PICKERING
BARONESS WILLIS OF SUMMERTOWN

198

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

This amendment links the right to connect to the public sewer to first having followed the new Government's newly introduced National Standards for Sustainable Drainage Systems, to 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
BARONESS BENNETT OF MANOR CASTLE

199

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

200

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.

LORD ROBOROUGH
LORD BLENCATHRA

201

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.

LORD OFFORD OF GARVEL
BARONESS BLOOMFIELD OF HINTON WALDRIST

202

After Clause 87, insert the following new Clause—

“Nuclear power station development

- (1) Section 104 of the Planning Act 2008 (decisions in cases where national policy statement has effect) is amended as set out in subsections (2) to (4).

- (2) In subsection (2), insert at the beginning “Subject to subsection (3A),”.
- (3) In subsection (3), for “(4)” substitute “(3A)”.
- (4) After subsection (3) insert –
 - “(3A) Subsection (2)(a) to (c) does not apply, and this subsection applies, in the case of an application for an order granting development consent for a nuclear-powered generating station with a proposed nameplate capacity of 500MW or higher, if and to the extent that the Secretary of State considers it is necessary and appropriate to disregard any provision of –
 - (a) the Conservation of Habitats and Species Regulations 2017,
 - (b) the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, or
 - (c) any environmental delivery plan made under the Planning and Infrastructure Act 2025,
 to secure the provision of the generating station in an economic, efficient, proportionate and timely manner.”.
- (5) By the end of the period of six months beginning with the day on which this Act is passed, the Secretary of State must make regulations to amend the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 to provide for a bespoke regime for the environmental impact assessment of any proposal for an order granting development consent for a nuclear-powered generating station with a proposed nameplate capacity of 500MW or higher.
- (6) Regulations made pursuant to subsection (5) must make provision for –
 - (a) a page limit for environmental statements, not exceeding 1,000 pages for the main body of the statement and a total of 4,000 pages for any appendices, and
 - (b) any person or body consulted on an environmental impact assessment to respond to the consultation within 21 days.”

Member's explanatory statement

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

LORD ROBOROUGH

203

After Clause 87, insert the following new Clause –

“Joint Nature and Conservation Committee report

- (1) The Joint Nature and Conservation Committee must publish a report on how best to consolidate the provisions of the Conservation of Habitats and Species

Regulations 2017 (S.I. 2017/1012) into the Wildlife and Countryside Act 1981 in so far as they relate to planning and development.

- (2) The report required by subsection (1) must be published by the end of 2025.”

Member's explanatory statement

This new clause would require the Joint Nature and Conservation Committee to report on how to consolidate the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981, in so far as they relate to planning and development.

Clause 88

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

204 Leave out Clause 88

Clause 89

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

205 Leave out Clause 89

After Clause 89

EARL RUSSELL

206 After Clause 89, insert the following new Clause —

“Duty to have regard to the Climate Change Act 2008

- (1) When exercising their functions under this Part, all relevant authorities must have regard to the United Kingdom’s obligations under the Climate Change Act 2008.
- (2) In this section, “relevant authorities” means any public bodies or persons, including the Secretary of State, who are exercising duties under this Part.”

Clause 90

LORD RAVENSDALE

207 Clause 90, page 121, line 2, at end insert —

- “(aa) Part 1A amends the Habitats Regulations 2017 to provide for changes to the way that planning applications are treated in relation to the Regulations;”

Member's explanatory statement

This amendment, linked to another in the name of Lord Ravensdale, seeks to reverse the impacts of recent case law and other clarifications on the operation of the Conservation of Habitats and Species Regulations 2017.

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

208 Leave out Clause 90

Schedule 6

BARONESS TAYLOR OF STEVENAGE

209 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

210 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

- 211** 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

- 212** 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

- 213** 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

214 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

215 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

216 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

217 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

218 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

219 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.

LORD RAVENSDALE

220 Schedule 6, page 181, line 20, at end insert –

“(3) For the purpose of paragraph (1), the appropriate authority may secure measures which benefit Natura 2000 by –

- (a) directly or indirectly benefiting ecosystems affected by the plan or project,
- (b) contributing, anywhere within Natura 2000, to the improvement of the conservation status of protected features affected by the plan or project,
- (c) assisting the appropriate authority in meeting its management objectives under regulation 16A in respect of the affected protected features, or
- (d) contributing to meeting the objectives of a current environmental improvement plan or Environment Act strategy in the vicinity of the plan or project,

and such measures need not be of the same type or scale as the protected features negatively affected by the plan or project or in place or effective prior to the onset of its impact.

(4) In this regulation –

“current environment improvement plan” has the same meaning as in Part 1 of the Environment Act 2021;

“Environment Act Strategy” means a strategy prepared under any of the following provisions of the Environment Act 2021 –

- (a) section 104 (local nature strategies),
- (b) section 109 (species conservation strategies), or
- (c) section 110 (protected site strategies).”

Member's explanatory statement

This amendment, linked to another in the name of Lord Ravensdale, seeks to reverse the impacts of recent case law and other clarifications on the operation of the Conservation of Habitats and Species Regulations 2017.

BARONESS TAYLOR OF STEVENAGE

221 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

222 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

223 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

224 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

225 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

226 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

227 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

228 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

229 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.

LORD RAVENSDALE
LORD ROBOROUGH

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

“PART 1A

PLANNING CONSENT: AMENDMENTS TO THE CONSERVATION OF HABITATS AND SPECIES
REGULATIONS 2017

Interpretation etc

- 1 The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) are amended as follows.
- 2 In regulation 3 (interpretation), in paragraph (1) after the definition of “priority species”, insert –

““protected features” means, in relation to a European offshore marine site, any Annex I or Annex II species (as defined in the Habitats Directive) which is an interest feature of that site;”
- 3 In regulation 3A (interpretation: the Directives), in paragraph (4) at end insert “or any matters pertaining to the assessment of, or compensation for, plans or projects pursuant to regulations 63 and 68, or the protection of species and species licensing pursuant to regulations 43 and 55”.

De minimis effects

- 4 Regulation 55 (licences for certain activities relating to animals or plants) is amended as follows.
- 5 After paragraph (6), insert –

“(6A) Where there is evidence that the effects of a plan or project alone on a protected feature are likely to be de minimis (including due to their temporary duration) and the plan or project’s contribution to in-combination effects with other plans or projects on that protected feature is also likely to be de minimis, there should not be considered to be a likely significant effect on a European site or European offshore marine site for the purpose of paragraph (1)(a) or an adverse effect on the integrity of a European site or European offshore marine site for the purpose of paragraph (5), including in cases where the European site or European offshore marine site has an unfavourable conservation status.

(6B) For the purpose of paragraph (6A) as it applies to paragraph (5), the manner in which a plan or project is proposed to be carried out and any conditions or restrictions subject to which it is proposed that the consent, permission or other authorisation should be given, may be taken into account when considering whether effects are likely to be de minimis.

(6C) Paragraph (6A) shall not apply in relation to permanent loss of any part of a natural habitat type whose preservation was the objective justifying the designation of the site.

(6D) Any evidence or justification provided by an applicant for the purpose of assessment, or to enable a competent authority to determine whether an appropriate assessment is required, shall not (without justification) be accorded less weight by the competent authority than that provided by the appropriate nature conservation body.”.

Cases where subsequent assessment is not required

6 In paragraph (7) of regulation 63 (assessment of implications for European sites and European offshore marine sites), after sub-paragraph (c), insert—

“(d) consents, approvals, permissions or authorisations required pursuant to—

- (i) the conditions of a planning permission granted under the Town and Country Planning Act 1990,
- (ii) the requirements of a development consent order made under the Planning Act 2008,
- (iii) the conditions of a marine license granted pursuant to Marine and Coastal Access Act 2009,
- (iv) the conditions of a consent under section 36 or section 37 of the Electricity Act 1989, or
- (v) the requirements of an infrastructure consent order made under the Infrastructure (Wales) Act 2024,

provided that when planning permission, development consent, a marine license, section 36 or section 37 consent, or infrastructure consent (as relevant) was granted, any assessment required at that time by these Regulations (or any predecessor Regulations in force at that time) was carried out.”.

Member's explanatory statement

This amendment, linked to another in the name of Lord Ravensdale, seeks to reverse the impacts of recent case law and other clarifications on the operation of the Conservation of Habitats and Species Regulations 2017.

BARONESS TAYLOR OF STEVENAGE

231 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 disappplies 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

232 After Schedule 6, insert the following new Schedule –

“SCHEDULE

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

Introduction

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

Part 8

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

Interpretation

- 3 In section 196 –
- (a) before the definition of “the Mayor” insert –
- ““CCA” means a combined county authority established under Chapter 1 of Part 2 of the Levelling-up and Regeneration Act 2023;
- “combined authority” means a combined authority established under Part 6 of the Local Democracy, Economic Development and Construction Act 2009;
- “constituent council” means –
- (a) in relation to a combined authority –
- (i) a county council the whole or any part of whose area is within the area of the authority, or

- (ii) a district council whose area is within the area of the authority;
- (b) in relation to a CCA –
 - (i) a county council for an area within the area of the authority, or
 - (ii) a unitary district council for an area within the area of the authority;

and here “unitary district council” means the council for a district for which there is no county council;”;
- (b) for the definition of “the Mayor” substitute –

““the Mayor” means –

 - (a) the Mayor of London,
 - (b) the mayor for the area of a combined authority, or
 - (c) the mayor for the area of a CCA;”;
- (c) after the definition of “MDC” insert –

““strategic authority area” means –

 - (a) in relation to the Mayor of London or a mayoral development area designated by that Mayor, Greater London;
 - (b) in relation to the mayor for the area of a combined authority or a mayoral development area designated by the mayor for such an area, the area of the combined authority, or
 - (c) in relation to the mayor for the area of a CCA or a mayoral development area designated by the mayor for such an area, the area of the CCA;”.

Designation of Mayoral development areas

- 4 (1) Section 197 is amended in accordance with this paragraph.
- (2) In subsection (1), for “Greater London” substitute “a strategic authority area”.
- (3) In subsection (3), in the words before paragraph (a), for “the Mayor” substitute “the Mayor of London”.
- (4) After subsection (5) insert –

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

 - (a) the Mayor considers that designation of the area is expedient for furthering economic development and regeneration in the strategic authority area,
 - (b) the Mayor has consulted the persons specified by subsection (5B) and, if applicable, subsection (5C),
 - (c) the Mayor has had regard to any comments made in response by the consultees,

- (d) in the event that those comments include comments made by a constituent council or a district council consulted under subsection (5C) that are comments that the Mayor does not accept, the Mayor has published a statement giving the reasons for the non-acceptance,
 - (e) the Mayor has laid before the combined authority or CCA, in accordance with its standing orders, a document stating that the Mayor is proposing to designate the area, and
 - (f) the combined authority or CCA approves the proposal.
- (5B) The persons who have to be consulted before an area may be designated are –
- (a) the constituent councils,
 - (b) each Member of Parliament whose parliamentary constituency contains any part of the area, and
 - (c) any other person whom the Mayor considers it appropriate to consult.
- (5C) In the case of a combined county authority, any district council whose local authority area contains any part of the area also has to be consulted before the area may be designated.
- (5D) For the purposes of subsection (5A)(f) the combined authority or CCA approves a proposal if it resolves to do so on a motion considered at a meeting of the combined authority or CCA throughout which members of the public are entitled to be present.”.

Exclusion of land from Mayoral development areas

- 5 (1) Section 199 is amended in accordance with this paragraph.
- (2) In subsection (2), for “the Mayor” substitute “the Mayor of London”.
- (3) After subsection (2) insert –
- “(2A) Before making an alteration, the mayor for the area of a combined authority or CCA must consult –
- (a) the constituent councils, and
 - (b) any other person whom the Mayor considers it appropriate to consult.”.

Transfers of property etc to a Mayoral development corporation

- 6 (1) Section 200 is amended in accordance with this paragraph.
- (2) In subsection (1), for “a person within subsection (3)” substitute “an eligible transferor”.
- (3) After subsection (1) insert –
- “(1A) In the case of an MDC for an area in Greater London, “eligible transferor” means –
- (a) a London borough council,

- (b) the Common Council of the City of London in its capacity as a local authority,
 - (c) any company whose members—
 - (i) include the Mayor of London and a Minister of the Crown, and
 - (ii) do not include anyone who is neither the Mayor or London nor a Minister of the Crown, or
 - (d) a person within subsection (3).
- (1B) In the case of an MDC for an area in the area of a combined authority, “eligible transferor” means a person within subsection (3).
- (1C) In the case of an MDC for an area in the area of a CCA, “eligible transferor” means—
 - (a) any district council whose local authority area is within the area of the CCA, or
 - (b) a person within subsection (3).”.
- (4) In subsection (3)—
 - (a) omit paragraphs (a) and (b);
 - (b) in paragraphs (d) and (e), for “Greater London” substitute “the strategic authority area”;
 - (c) omit paragraph (k).
- (5) In subsection (4), for “liabilities of—” substitute “liabilities of an eligible transferee.
- (4A) In the case of an MDC for an area in Greater London, “eligible transferee” means—”.
- (6) Before subsection (5) insert—
 - “(4A) 20 In the case of an MDC for an area in the area of a combined authority or CCA, “eligible transferee” means—
 - (a) the combined authority or CCA, o
 - (b) a company that is a subsidiary of the combined authority or CCA.”.
- (7) In subsection (9), after “(4)(c)” insert “or (4A)(b)”.

Functions in relation to Town and Country Planning

- 7 (1) Section 202 is amended in accordance with this paragraph.
- (2) In subsection (7), for “the Mayor” substitute “the Mayor of London”.
- (3) After subsection (7) insert—
 - “(7A) The mayor for the area of a combined authority or CCA may make a decision under any of subsections (2) to (6) only if—
 - (a) the Mayor has consulted the persons specified by section 197(5B) and, if applicable, section 197(5C), in relation to the area,

- (b) the Mayor has had regard to any comments made in response by the consultees, and
- (c) in the event that those comments include comments made by the constituent council or a district council specified by section 197(5C) that are comments that the Mayor does not accept, the Mayor has published a statement giving the reasons for the non-acceptance.”.

Arrangements for discharge of, or assistance with, planning functions

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

Acquisition of land

- 9 (1) Section 207 is amended in accordance with this paragraph.
- (2) In subsection (2), for “Greater London” substitute “the strategic authority area”.
- (3) For subsection (3) substitute –
- “(3) Before submitting a compulsory purchase order authorising an acquisition under subsection (2) to the Secretary of State for confirmation –
- (a) 15 an MDC for an area in Greater London must obtain the consent of the Mayor of London;
 - (b) an MDC for an area in the area of a combined authority or CCA must obtain the consent of the mayor for that area.”.

Clause 91

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

233 Leave out Clause 91

Clause 92

LORD ROBOROUGH
LORD BLENCATHRA
BARONESS JONES OF MOULSECOOMB

234 Leave out Clause 92

Clause 94

LORD LANSLEY

235 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

236 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

237 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.

Clause 96

LORD FULLER
 BARONESS SCOTT OF BYBROOK
 LORD JAMIESON

238 Clause 96, page 130, line 15, at end insert —

“(c) the funding and financing of development proposals, which may extend to the issuance of bonds, debt or similar financial instruments.”

Member's explanatory statement

This amendment seeks to empower development corporations to seek finance from the widest number of sources whether from PWLB, private money, sovereign wealth, pension funds or value in-kind as part of a joint-venture together with the ability to issue bonds, individually or severally with other development corporations.

Clause 105

LORD MESTON

238A★ Clause 105, page 149, line 41, at end insert “unless the person displaced can show that he or she did not deliberately allow the dwelling to fall into disrepair or to remain derelict and that his or her failure to take steps or action required by the notice or order served was due to that person’s poor health or other infirmity, or was due to his or her inability to afford the cost of the work required.”

Member's explanatory statement

This amendment seeks to mitigate the potentially harsh and punitive application of the proposed new section 32A of the 1973 Act when a dwelling is compulsorily acquired.

After Clause 106

BARONESS SCOTT OF BYBROOK
LORD JAMIESON
BARONESS HODGSON OF ABINGER

239 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

240 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

241 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.

Clause 107

LORD ROBOROUGH

242 Leave out Clause 107 and insert the following new Clause –

“The Land Compensation Act 1961

In the Land Compensation Act 1961, omit section 14A (cases where prospect of planning permission to be ignored).”

Member's explanatory statement

This amendment would remove the Levelling-up and Regeneration Act 2023's changes to Compulsory Purchase Orders which enabled the Secretary of State to ignore “hope value”.

LORD ROBOROUGH

243 Leave out Clause 107

Member's explanatory statement

This amendment would remove Clause 107 (amendments relating to section 14A of the Land Compensation Act 1961) which would enable LAs to ignore “hope value” when using compulsory purchase orders.

After Clause 108

BARONESS SCOTT OF BYBROOK

244 After Clause 108, insert the following new Clause –

“Report: local government reorganisation and devolution

Within three months of the day on which this Act is passed, the Secretary of State must lay before both Houses of Parliament a report setting out –

- (a) how this Act is intended to operate following local government reorganisation,
- (b) the arrangements that will apply in respect of this Act in the interim period while devolution settlements are being negotiated, and
- (c) what provisions must be in place to ensure the effective operation of this Act during the interim period.”

LORD GOLDSMITH OF RICHMOND PARK

LORD LAMONT OF LERWICK

LORD GOVE

BARONESS COFFEY

245 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
BARONESS BENNETT OF MANOR CASTLE

246

After Clause 108, insert the following new Clause –

“National Planning Policy Framework: bird safety of buildings

- (1) The Secretary of State must, within six months of the day on which this Act is passed –
 - (a) amend the National Planning Policy Framework 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 amendments 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 updated National Planning Policy Framework coming into force.
- (3) The Secretary of State may issue exemptions to the amendments made by 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 the National Planning Policy Framework for new builds and non-heritage buildings being extensively modified.

LORD CRISP
LORD YOUNG OF COOKHAM
BARONESS PINNOCK
BARONESS BENNETT OF MANOR CASTLE

247 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
BARONESS PINNOCK
BARONESS BENNETT OF MANOR CASTLE

248 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

249 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.

LORD BANNER
LORD PANNICK
LORD GRABINER
LORD O'DONNELL

250 After Clause 108, insert the following new Clause –

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

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

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

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

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

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

Member's explanatory statement

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

LORD SANDHURST

251 After Clause 108, insert the following new Clause –

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

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

- (2) The report must, in particular, consider –
 - (a) whether current legislative and procedural safeguards on compulsory purchase adequately protect the right to peaceful enjoyment of possessions under Article 1 of Protocol No. 1 to the Convention (protection of property);
 - (b) the extent to which affected individuals have access to effective remedies under Article 6 of the Convention;
 - (c) any patterns of concern arising from recent uses of compulsory purchase powers.
- (3) In this section, “the European Convention on Human Rights” has the same meaning as in section 21(1) of the Human Rights Act 1998.”

Member's explanatory statement

This amendment would require the Secretary of State to report on the compatibility of CPOs with the ECHR.

LORD ROBOROUGH

252

After Clause 108, insert the following new Clause –

“Return of compulsorily purchased land

- (1) Natural England must return land acquired under a compulsory purchase order to the person from whom it was compulsorily purchased where the following conditions have been met –
 - (a) the owner of the land has refused to agree to a contract offered by Natural England,
 - (b) any works specified under the contract have been undertaken on behalf of Natural England and relate to an environmental development plan,
 - (c) a compulsory purchase order has been made by Natural England in relation to the land, and
 - (d) the cost of work undertaken on the land by Natural England exceeds the value of the contract offered by Natural England to the owner.
- (2) When returning land under subsection (1), Natural England must not –
 - (a) impose any charge on, or
 - (b) require any sum from
 the person from whom the land was compulsorily purchased.”

Member's explanatory statement

This amendment requires Natural England to return land that has been subject to a Compulsory Purchase Order to the original owner if Natural England spends more on the contracted work than the money they were originally offering the landowner.

BARONESS ROCK
BARONESS COFFEY

253 After Clause 108, insert the following new Clause –

“Tenant farmers (compensation for disturbance following change of use for farm business tenancies let under the Agricultural Tenancies Act 1995)

In the Agricultural Tenancies Act 1995, after section 21 insert –

“21A Compensation payable to the tenant for disturbance

- (1) This section applies where a farm business tenancy terminates in whole or in part by reason of a notice to quit given by the landlord following the granting of a planning consent for change of use and the tenant quits the holding in consequence of the notice.
- (2) Where this section applies there shall be payable by the landlord to the tenant by way of compensation for disturbance a sum equal to the tenant’s actual loss.”.

Member’s explanatory statement

This amendment introduces reasonable compensation provisions payable to farm tenants within the Agricultural Tenancies Act 1995. It will ensure that farm tenants receive compensation equivalent to their real loss for any land removed from their tenancy agreements for development. There are currently no compensation provisions within the Act.

BARONESS ROCK

253A After Clause 108, insert the following new Clause –

“Tenant farmers (compensation for disturbance following change of use for holdings let under the Agricultural Holdings Act 1986)

- (1) Section 60 of the Agricultural Holdings Act 1986 (right to, and measure of, compensation for disturbance) is amended as follows.
- (2) At the beginning of subsection (3) insert “Subject to subsection (3A),”.
- (3) After subsection (3) insert –
 - “(3A) Where the termination in accordance with subsection (1) takes place following the granting of planning consent for a change of use relating to some or all of the holding, the amount of basic compensation shall be –
 - (a) an amount equal to one year’s rent of the holding at the rate at which rent was payable immediately before the termination of the tenancy, or
 - (b) where the tenant has complied with the requirements of subsection (6) below, a greater amount equal to either the amount of the tenant’s actual loss or two years’ rent of the holding, whichever is the larger.”.

Member's explanatory statement

This amendment would revise the compensation provisions payable to farm tenants set out within the Agricultural Holdings Act 1986 to ensure that farm tenants receive compensation equivalent to their real loss for any land removed from their tenancy agreements for development, rather than a multiple of the rent they are paying.

Clause 111

BARONESS TAYLOR OF STEVENAGE

254 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

255 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

256 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

257 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

258 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

259 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

260 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

261 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

262 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

263 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

264 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

265 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.

Planning and Infrastructure Bill

SECOND MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

21 October 2025

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