

Planning and Infrastructure Bill

AMENDMENTS TO BE MOVED ON REPORT

[Supplementary to the Second Marshalled List]

Clause 62

LORD LANSLEY

Clause 62, page 97, line 36, at end insert “, subject to subsection (2A).”

- “(2A) An EDP can be amended if the following conditions are met—
- (a) the EDP applies to a development with multiple developers,
 - (b) a commitment to pay the levy by one or more of those developers would render it no longer reasonably practicable for other developers to opt not to pay the levy and otherwise to meet their environmental obligations, and
 - (c) the EDP is to be amended to make the payment of the levy mandatory for the other developers.”

Member's explanatory statement

This amendment allows EDPs to be amended after a developer has committed to pay the levy, if it is to make the levy mandatory where (1) there are multiple developers and (2) some but not all have committed to pay the levy. This would avoid conflict in the delivery of the EDP between (a) developers relying on the levy, and (b) developers abiding by existing environmental obligations.

Clause 66

LORD LANSLEY

Clause 66, page 102, line 39, at end insert—

- “(4A) An EDP can only provide that payment of the levy is mandatory if the condition in subsection (4B) is satisfied.
- (4B) The condition is that—
- (a) the EDP applies to a development with multiple developers, and
 - (b) a commitment to pay the levy by one or more of those developers (whether before the making of the EDP or after) would render it no longer reasonably

practicable for other developers to opt not to pay the levy and otherwise to meet their environmental obligations.”

Member's explanatory statement

This amendment would limit the mandatory requirement to pay the levy to circumstances where (1) there are multiple developers and (2) some but not all have committed to pay the levy. This would avoid conflict in the delivery of the EDP between (1) developers relying on the levy, and (2) developers abiding by existing environmental obligations.

Clause 83

LORD ROBOROUGH

Clause 83, page 115, line 7, at end insert –

- “(1A) Where Natural England exercises the power under subsection (1) the Secretary of State must permit the owner of the land which is to be acquired compulsorily to make a written submission to them before they authorise Natural England to acquire the land compulsorily, and Natural England must –
- (a) at the earliest opportunity advise the owner of the land which is to be acquired compulsorily that they have the right to make a written submission to the Secretary of State under this subsection, and
 - (b) provide copies of all correspondence and documentation relevant to the proposed exercise of the power under subsection (1) to the owner of the land and the Secretary of State.”

Member's explanatory statement

This amendment would require the Secretary of State to accept submission from landowners whose land is to be acquired compulsorily by Natural England before he authorises the compulsory acquisition.

After Clause 87

BARONESS COFFEY

After Clause 87, insert the following new Clause –

“Permitted development: ponds

In Part 13 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596), after paragraph D.2 insert –

“Class E – ponds

Permitted development

1. Development of ponds with a surface area of less than 0.25 hectares.

Interpretation of Class E

2. For the purpose of Class E, “pond” means a permanent or seasonal standing body of water with a surface area not exceeding 0.25 hectares.””

Member's explanatory statement

This amendment introduces a new permitted development right for ponds.

BARONESS MCINTOSH OF PICKERING

After Clause 87, insert the following new Clause –

“National Standards for Sustainable Drainage Systems

In section 106(4) of the Water Industry Act 1991 (right to communicate with public sewers), in paragraph (b), after “system” insert “, or –

- (c) is such that the predicted or actual volume of water to be discharged thereafter into the public sewer would increase flood risk due to lack of capacity;

or if the current National Standards for Sustainable Drainage Systems have not first been applied.””

Member's explanatory statement

The amendment adds weight to the Government’s newly-introduced National Standards for Sustainable Drainage Systems (SuDS) by making the right to communicate with the public sewer conditional on having applied the standards first. Changing the right to connect to the public sewer to be conditional upon first having followed the new Standards will provide a more robust incentive to developers to follow this guidance, in the absence of full implementation of Schedule 3 of the Flood and Water Management Act 2010.

Schedule 6

LORD ROBOROUGH

Leave out Schedule 6

Clause 94

BARONESS COFFEY

Clause 94, page 125, line 12, at end insert –

- “(1B) For the purposes of subsection (1A), “Secretary of State” means the Secretary of State for the Department for Environment, Food and Rural Affairs.”

Member's explanatory statement

This will make explicit in the primary legislation that for Part 3 of the Bill, the Secretary of State undertaking the powers in this Part of the Bill will be the Secretary of State for Department for Environment, Food and Rural Affairs, not another Secretary of State.

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