

Planning and Infrastructure Bill

THIRD 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.**

After Clause 51

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.

LORD BLENCATHRA

As an amendment to Amendment 87B

- 87BA★** In subsection (1), after “requested,” insert —
- “(b) the National Biodiversity Network, and
 - (c) the Biological Records Centre,”

BARONESS COFFEY

- 87C** [Withdrawn]

BARONESS COFFEY
LORD FREYBERG
THE EARL OF CLANCARTY

- 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.”

BARONESS MCINTOSH OF PICKERING

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

“Applications for development consent: consultation for water and sewerage undertakers

- (1) The Planning Act 2008 is amended as follows.
- (2) In subsection (1) of section 42 (duty to consult), after paragraph (aa) insert –

“(ab) water and sewerage undertakers,””

Member's explanatory statement

This amendment seeks to ensure that water and sewerage undertakings are consulted by applicants for a development consent order in the same way as the Environment Agency currently is.

LORD HOWARD OF RISING

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

“Bat inspections during planning application process

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must undertake a review of the current process by which local authorities require bat inspections to be undertaken by applicants as part of the planning application process.
- (2) The review under subsection (1) must include —
 - (a) an assessment of the number of bat inspections undertaken annually in England and Wales;
 - (b) an assessment of the total cost to applicants of bat inspections required by local authorities as part of the planning application process undertaken annually in England and Wales;
 - (c) an assessment of the proportion of bat inspections undertaken annually in England and Wales that find bats are present.
- (3) Following the review under subsection (1), the Secretary of State may by regulations implement measures to ensure local authorities may only require applicants to undertake bat inspections where the authority has a reasonable expectation that bat species protected under the Wildlife and Countryside Act 1981 may be present.
- (4) For the purposes of this section a “bat inspection” is a species inspection carried out by a person who meets the Competencies for Species Surveys for bats as determined by the Chartered Institute of Ecology and Environmental Management.”

Member's explanatory statement

This amendment requires a review of the current process by which local authorities require bat inspections to be undertaken by planning applicants and grants the Secretary of State the power to make regulations to ensure local authorities may only require applicants to undertake bat inspections where the authority has a reasonable expectation that bat species protected under the Wildlife and Countryside Act 1981 may be present.

LORD HOWARD OF RISING

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

“Quality of bat inspections during planning application process

- (1) 12 months after the day on which this Act is passed, the Secretary of State must undertake a review of the current process for holding bat inspectors to account for the quality of their inspections.
- (2) The review under subsection (1) must include —
 - (a) an assessment of the numbers of complaints made annually against bat inspectors in England and Wales;

- (b) an assessment of the total cost to landowners and other rights holders of measures that have been made necessary by bat inspection results which have subsequently proven to be incorrect;
 - (c) the overall number of active bat inspectors who have been found by the Chartered Institute of Ecology and Environmental Management to be incompetent according to their Competencies for Species Surveys for bats.
- (3) Following the review under subsection (1) the Secretary of State may by regulations implement measures to hold bat inspectors to account for bat inspections that have subsequently been proven to be incorrect as well as measures to ensure landowners and other rights holders are compensated appropriately for costs incurred implementing measures that have been made necessary by bat inspection which have subsequently proven to be incorrect.
- (4) For the purposes of this section a “bat inspector” is a person who meets the Competencies for Species Surveys for bats as determined by the Chartered Institute of Ecology and Environmental Management.”

Member's explanatory statement

This amendment requires a review of the current process for holding bat inspectors to account for the quality of their inspections and grants the Secretary of State the power to make regulations to hold bat inspectors to account for bat inspections that have subsequently been proven to be incorrect.

Clause 52

LORD LUCAS

- 87G** Clause 52, page 70, line 38, at end insert “, or where the area of a spatial development strategy contains any part of a national park authority.”

Member's explanatory statement

This amendment seeks to ensure coherent planning through extending the Secretary of State’s powers to establish a joint committee of authorities where a national park is present in the spatial development strategy area.

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 spatial 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 LANSLEY

97A★ Clause 52, page 82, line 22, at end insert –

“12OA Effect of local government organisational changes affecting principal authorities

- (1) This section applies in the event of any changes to the local government organisational structure made under the Local Government and Public Involvement in Health Act 2007 that amend –
 - (a) the composition of a strategic planning authority under 12A(2) by means of changes in the structure of a principal authority (as defined in 12A (7)), or
 - (b) the constituent authorities (as defined in 12B (2)) to a strategic planning board.
- (2) Any spatial development strategy that had been prepared by a strategic planning authority" (under 12A(1)), remains in operation for the strategy area as defined in 12A (4) before the organisational change took effect under subsection (1).
- (3) Any spatial development strategy that remains in operation under subsection (2) may not be replaced or substantially altered before the expiry of five years after the date of its adoption, subject to subsection (4).
- (4) Subsection (3) does not apply if the Secretary of State issues a direction authorising the alteration or replacement of the existing spatial development strategy.”

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 spatial 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.

THE EARL OF CAITHNESS

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

“Wildfire risk and planning: duties

- (1) Within six months of the day on which this Act is passed —
 - (a) the Secretary of State must publish a national wildfire strategy and action plan, for the purposes of informing national and local planning policy, and

- (b) each local planning authority in England must, in conjunction with their local fire and rescue service, publish a wildfire risk assessment, for the purposes of informing local plans and planning policy.
- (2) The wildfire risk assessment under subsection (1)(b) must include –
 - (a) a map identifying areas of subject to wildfire risk, which is produced in accordance with a United Kingdom fire danger rating system,
 - (b) the actions to be taken to mitigate risk in the areas identified as part of a new development, including, but not limited to –
 - (i) fuel management,
 - (ii) vegetation change, and
 - (iii) public education, and
 - (c) guidance to local communities on how to improve the wildfire resilience of new homes or developments.
- (3) When exercising their functions under the planning Acts, a local planning authority must have regard to –
 - (a) the wildfire risk assessment for that local authority area,
 - (b) the design of any buildings and developments in relation to wildfire risks,
 - (c) the layout of the buildings and developments in relation to wildfire risks,
 - (d) the ways that buildings and developments relate to the surrounding landscape in relation to wildfire risks, and
 - (e) any wildfire risk reduction measures in place locally.”

LORD BLENCATHRA

As an amendment to Amendment 121C

121D★ In subsection (3), at end insert –

- “(f) the likelihood that any building and development could increase the risk of wildfires affecting nationally important habitat and species in Sites of Special Scientific Interest and National Nature Reserves.”

BARONESS BENNETT OF MANOR CASTLE

121E★ After Clause 52, insert the following new Clause –

“Play sufficiency duty

- (1) A local planning authority in England must, so far as reasonably practicable, assess, secure, enhance, and protect sufficient opportunities for children’s play when exercising any of its planning functions.
- (2) In fulfilling the duty under subsection (1), a local planning authority must –
 - (a) undertake and publish play sufficiency assessments at intervals to be defined in regulations;

- (b) integrate the findings and recommendations of such assessments into local plans, relevant strategies, infrastructure planning, and development decisions;
 - (c) not give permission for any development which would lead to a net loss of formal or informal play spaces except where equivalent or improved provision is secured;
 - (d) require new developments to provide high-quality, accessible, inclusive play opportunities which incorporate natural features and are integrated within broader public spaces;
 - (e) consult regularly with children, families, communities, and play professionals regarding play provision.
- (3) A play sufficiency assessment produced under subsection (2)(a) must specifically evaluate and report on the quantity, quality, accessibility, inclusivity, and integration of play opportunities within the planning authority's area.
- (4) The Secretary of State may, by regulations made by statutory instrument, specify –
 - (a) the frequency, methodology, content, and publication requirements of play sufficiency assessments;
 - (b) minimum design standards and quality expectations for formal and informal play provision;
 - (c) developer obligations regarding play infrastructure contributions to be secured through planning conditions.
- (5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) For the purposes of this section –
 - “play” means activities undertaken by children and young people that are freely chosen, self-directed, and carried out following their own interests, in their own way, and for their own reasons;
 - “play opportunities” include formal and informal play spaces, parks, open spaces, streets, schools, neighbourhood spaces, natural green areas, active travel routes, supervised play settings (including adventure playgrounds), and community recreation facilities;
 - “sufficient” means adequate in quantity, quality, accessibility, inclusivity, and integration within community infrastructure.”

Member's explanatory statement

This amendment seeks to ensure that planning authorities must take all practicable steps to ensure a sufficiency of play opportunities for children.

LORD BLENCATHRA

121F★ After Clause 52, insert the following new Clause—

“Duty to have regard to the UK’s National Biodiversity Strategy and Action Plan for 2030 in relation to planning

- (1) The Secretary of State must have special regard to UK’s National Biodiversity Strategy and Action Plan for 2030 in preparing—
 - (a) national policy, planning policy or advice relating to the development or use of land, and
 - (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 UK’s National Biodiversity Strategy and Action Plan for 2030.
- (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 UK’s National Biodiversity Strategy and Action Plan for 2030.”

BARONESS NEVILLE-ROLFE

121G★ After Clause 52, insert the following new Clause—

“Planning process: guidance on small and medium-sized enterprises

- (1) Within three months of the day which this Act is passed, the Secretary of State must amend national planning guidance to ensure that local planning authorities have regard to the fact that small and medium-sized enterprises may in practice face more difficulties when engaging in the planning process.
- (2) In this section—
 - (a) “national planning guidance” includes but is not limited to the National Planning Policy Framework;
 - (b) “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.”

Clause 53

LORD ROBOROUGH
THE EARL OF CAITHNESS

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,
 - (d) the need to define the proposed conservation measures relating to an EDP during a pre consultation period and to seek expressions of interest from appropriate persons or bodies to deliver them, and
 - (e) 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
BARONESS FREEMAN OF STEVENTON

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 BLENATHRA
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
THE EARL OF CAITHNESS

146★ Clause 58, page 94, line 29, at end insert –

- “(m) any impacted landowner or rights holder,
- (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 LANSLEY

158A 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.

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 BANNER

163A★ Clause 66, page 101, line 39, leave out “, at any time before development commences,”

Member's explanatory statement

This amendment would enable developers to use an EDP after development commences, for example, in cases of applications for alteration of planning conditions, planning applications for developments already carried out or applications for changes to a planning permission.

LORD BANNER

163B★ Clause 66, page 101, line 41, at end insert –

“(1A) If a development to which a request relates has already commenced, Natural England must have regard to any guidance issued by the Secretary of State in deciding whether to accept the request.”

Member's explanatory statement

This amendment would require Natural England to have regard to guidance issued by the Secretary of State when considering whether to accept a request from a developer to use an EDP in cases where the development has already commenced.

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 LANSLEY

164A 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.

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 disappplies 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
THE EARL OF CAITHNESS

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 CURRY OF KIRKHARLE
LORD ROBOROUGH
LORD CROMWELL

182A Clause 76, page 110, line 3, leave out subsections (3) to (5) and insert –

- “(3) Natural England must pay another person to take conservation measures with regard to its duties under subsection (1)(b), or to monitor EDPs with regard to its duties under subsection (1)(c).
- (4) Before commissioning another person to take conservation measures or monitor EDPs with regard to subsection (3), Natural England must first set out which private market solutions were explored to address an environmental impact on an identified environmental feature, and why no existing and available private market solution was deemed sufficient or suitable.
- (5) When commissioning conservation measures or monitoring under subsection (3) with regard to subsections (1)(b) and (1)(c), Natural England must undertake an open competitive tender process.
- (6) Natural England cannot undertake conservation measures itself unless it can show that no individual or body is willing to undertake conservation measures on its behalf.
- (7) In the event that Natural England undertakes conservation measures itself, it must first attempt to purchase the land in question at market value.
- (8) In monitoring an EDP under subsection (1)(c) Natural England must take sufficient measures to monitor –
- (a) the effectiveness of the conservation measures that have been implemented, and
 - (b) the effects of the EDP in general.
- (9) When commissioning monitoring with regard to subsection (1)(c), Natural England must have regard to guidance issued by the Secretary of State.”

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

189A 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.

LORD ROBOROUGH
BARONESS GRENDER

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) disapplies or modifies, in relation to a relevant enactment, any effect of nutrients in water;
- (b) confers, removes or otherwise modifies a function (including a function involving the exercise of a discretion) under or by virtue of a relevant enactment;

- (c) affects how such a function is exercised, including the extent to which (if any) the effect of nutrients in water is taken, or to be taken, into account;
 - (d) provides for an obligation under or by virtue of a relevant enactment to be treated as discharged (in circumstances where, but for the provision, the obligation may not have been discharged);
 - (e) amends, repeals, revokes or otherwise modifies any provision of a relevant enactment.
- (3) A “relevant enactment” means—
- (a) an enactment comprised in or made under an Act of Parliament, 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.

BARONESS COFFEY

203A 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.

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 1APLANNING 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 disapplies the duties in s.125 of the MCAA 2009 where a public authority exercises functions under Part 3, such as drafting or approving an EDP. This is necessary to enable an EDP to include network conservation measures (see further the explanatory statement to my amendment to Schedule 4 (at page 171, line 28)). It also makes a consequential amendment to s.141.

LORD ROBOROUGH

231A Leave out Schedule 6

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.

BARONESS COFFEY

236A 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.

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 100

LORD LUCAS

238ZA Clause 100, page 141, line 23, at end insert —

“(A1) In section 7 of the Acquisition of Land Act 1981 (interpretation), after the definition of “local authority” insert —

““local news publisher” has the meaning prescribed to it in Schedule 2ZA.”.

(A2) After Schedule 2 of the Acquisition of Land Act 1981, insert –

“SCHEDULE 2ZA

LOCAL NEWS PUBLISHERS

Definition of local news publisher

- 1 The term “local news publisher” means a business that –
 - (a) has as its principal purpose the publication of original, local news content, where such material, whether or not publication is done with a view to making profit –
 - (i) is published, online or in print, no less than once every 31 days;
 - (ii) is subject to editorial control;
 - (iii) is regulated by the Independent Press Standards Organisation (IPSO), or by IMPRESS;
 - (b) is legally resident in the United Kingdom;
 - (c) is owned and operated within the community; and
 - (d) is considered by the relevant local authority to be an effective means of drawing the notice to the attention of local people who would be interested to read it but are not actively looking for it.
- 2 An organisation is a relevant local authority if it is –
 - (a) identified as a principal council within the meaning of section 2 of the Local Government Act 1978 for England or section 21 of that Act for Wales, and
 - (b) required by law (such as section 14 of the Road Traffic Regulation Act 1984) to issue a public notice relating to any powers it exercises.””

Member's explanatory statement

This amendment, together with two others to this Clause in the name of Lord Lucas, is to update the 1981 definition of newspaper so that it takes account of the substantial changes in local media this century, in relation to newspaper notices required under the Acquisition of Land Act 1981.

LORD LUCAS

238ZB Clause 100, page 141, line 27, after “order),” insert –

“(a) in subsection (1)(a), for “newspapers” substitute “news publishers”;”

LORD LUCAS

238ZC Clause 100, page 141, line 31, at end insert –

“(za) in subsection (3)(a), for “newspapers” substitute “news publishers”;”

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
BARONESS GRENDER

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 MOYNIHAN
As an amendment to Amendment 247

247A★ At end insert —

- “(2) Sport England may make representations to the Secretary of State about the extent to which the Secretary of State is meeting the duty in subsection (1).
- (3) The Secretary of State must have regard to the representations in subsection (2).”

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
BARONESS GRENDER

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
BARONESS GRENDER

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

THIRD MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

23 October 2025

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS