

# Planning and Infrastructure Bill

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## MARSHALLED LIST OF MOTIONS AND AMENDMENTS

### TO BE MOVED ON CONSIDERATION OF COMMONS REASONS AND AMENDMENTS

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*[The page and line references are to HL Bill 110, the Bill as first printed for the Lords]*

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## MOTION A

### LORDS AMENDMENT 1

#### Clause 2

- 1** Clause 2, page 3, line 33, leave out subsection (3)

### COMMONS REASON

*The Commons disagree to Lords Amendment 1 for the following Reason –*

- 1A** *Because the Commons consider a more streamlined process of Parliamentary scrutiny is more appropriate to apply to an amendment of a national policy statement which reflects relevant published government policy, changes to (or the coming into force of) relevant legislation, a change to a published document referred to in a national policy statement or a relevant decision in court proceedings.*

- A** **Baroness Taylor of Stevenage to move, That this House do not insist on its Amendment 1, to which the Commons have disagreed for their Reason 1A.**

**After Clause 2****MOTION B****LORDS AMENDMENT 2**

**2** After Clause 2, insert the following new Clause –

**“Projects relating to water**

(1) Part 3 of the Planning Act 2008 (nationally significant infrastructure projects) is amended as set out in subsections (2) to (4).

5 (2) In section 27 (dams and reservoirs) –

- (a) in subsection (1)(b), after “by” insert “, or by a person appointed by,”;
- (b) in subsection (2)(b), after “by” insert “, or by a person appointed by,”;
- (c) after subsection (3) insert –

10 “(4) In this section, references to “a person appointed by” a water undertaker include a person whose bid is accepted by a water undertaker under regulation 6(6) of the Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013 (S.I. 2013/1582) and is designated as an Infrastructure Provider under regulation 8 of those Regulations.”

15 (3) In section 28 (transfer of water resources) –

- (a) in subsection (1)(a), after “by” insert “, or by a person appointed by,”;
- (b) after subsection (2) insert –

20 “(3) In this section, the reference to “a person appointed by” a water undertaker includes a person whose bid is accepted by a water undertaker under regulation 6(6) of the Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013 (S.I. 2013/1582) and is designated as an Infrastructure Provider under regulation 8 of those Regulations.”

25 (4) In section 28A (desalination plants) –

- (a) in subsection (1)(b), after “by” insert “, or by a person appointed by,”;
- (b) in subsection (2)(b), after “by” insert “, or by a person appointed by,”;
- (c) after subsection (3) insert –

30 “(4) In this section, references to “a person appointed by” a water undertaker include a person whose bid is accepted by a water undertaker under regulation 6(6) of the Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013 (S.I. 2013/1582) and is designated as an Infrastructure Provider under regulation 8 of those Regulations.”

- 35 (5) The amendments made by this section do not apply in relation to a project where, before the day on which this section comes into force –
- (a) consent for the project was required, or otherwise provided for, by or under an enactment other than section 31 of the Planning Act 2008 (requirement for development consent in relation to development that is or forms part of a nationally significant infrastructure project), and
- 40 (b) any steps provided for by or under the enactment in question, to obtain that consent, had been taken.
- (6) In subsection (5), “consent” means any consent, approval, permission, authorisation, confirmation, direction or decision (however described, given or made).
- 45 (7) Part 4 of the Planning Act 2008 (Requirement for development consent) is amended as set out in subsection (8).
- (8) In section 33 (Effect of requirement for development consent on other consent regimes), after subsection (1), insert –
- 50 “(1A) Paragraphs (f), (g), (i) and (j) of subsection (1) do not apply in relation to projects falling within section 14(1)(m) (dams and reservoirs).”

#### AGREEMENT AND AMENDMENT

*The Commons agree with the Lords in their Amendment 2 and propose Amendment 2A as an amendment thereto –*

**2A** Line 45, leave out subsections (7) and (8)

**B** Baroness Taylor of Stevenage to move, That this House do agree with the Commons in their Amendment 2A.

**B1★** Lord Parkinson of Whitley Bay to move, as an amendment to Motion B, leave out “agree” and insert “disagree”.

#### MOTION C

#### LORDS AMENDMENT 3

**3** After Clause 2, insert the following new Clause –

#### **“Projects relating to water which require the demolition of villages**

After section 35(4) (directions in relation to projects of national significance) of the Planning Act 2008 insert –

- 5 “(4A) Where a development falls within the definition in section 27 and requires the demolition of more than 20 residential properties the Secretary of State may not give a direction under subsection (1) unless the persons who live at, or otherwise occupy, premises in the vicinity of the land have been

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notified and given the opportunity to make representations to the Secretary of State.””

### COMMONS REASON

*The Commons disagree to Lords Amendment 3 for the following Reason –*

3A

*Because the Commons consider that it would create a duplicative process and cause unnecessary delay.*

C

**Baroness Taylor of Stevenage to move, That this House do not insist on its Amendment 3, to which the Commons have disagreed for their Reason 3A.**

C1

**Baroness Scott of Bybrook to move, as an amendment to Motion C, leave out from “House” to end and insert “do insist on its Amendment 3.”**

### MOTION D

#### LORDS AMENDMENT 31

#### Clause 47

31

Clause 47, page 60, line 27, at end insert –

“(10) The Automated and Electric Vehicles Act 2018 is amended as set out in subsections (11) and (12).

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(11) In section 10 (public charging or refuelling points: access, standards and connection) –

(a) in subsection (1), after paragraph (b) insert –

“(ba) the accessibility of public charging or refuelling points;”;

(b) after subsection (3) insert –

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“(3A) Regulations under subsection (1)(ba) may, for example, require the operator of a public charging or refuelling point to ensure that the point complies with minimum specifications for placement of a charge point display, bay size, and the height and weight of the charging cable for the purpose of ensuring accessibility for disabled people.”

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(12) In section 14 (transmission of data relating to charge points), in subsection (2) after “energy consumption” insert “, accessibility”.”

#### COMMONS AMENDMENTS IN LIEU

*The Commons disagree to Lords Amendment 31 and propose Amendments 31A and 31B in lieu thereof –*

**31A** Page 60, line 27, at end insert the following new Clause –

**“Accessibility of public charging or refuelling points**

In section 10 of the Automated and Electric Vehicles Act 2018 (public charging or refuelling points: access, standards and connection) at the end insert –

- “(5) Regulations may impose requirements in connection with the accessibility of public charging or refuelling points in England, Wales and Scotland, such as requirements relating to –
- (a) the design of the point,
  - (b) the location, placement or surroundings of the point, and
  - (c) the provision of assistance in using the point.
- (6) Regulations under subsection (5) may prescribe requirements by reference to technical standards or specifications published by a person specified in the regulations (including standards or specifications as amended from time to time).
- (7) Regulations under subsection (5) may impose requirements on any person, including –
- (a) persons making, supplying, importing, operating or installing public charging or refuelling points;
  - (b) the owners or occupiers of land on which public charging or refuelling points are situated.
- (8) Regulations under subsection (5) may not impose requirements on owners or occupiers of domestic premises.””

**31B** Clause 110, page 152, line 6, for “section 47 comes” substitute “sections 47 and (*Accessibility of public charging or refuelling points*) come”

**D** **Baroness Taylor of Stevenage to move, That this House do not insist on its Amendment 31 and do agree with the Commons in their Amendments 31A and 31B in lieu.**

## MOTION E

### LORDS AMENDMENT 32

#### **After Clause 47**

**32** After Clause 47, insert the following new Clause –

**“Deregulation of low hazard reservoirs**

Within six months of the day on which this Act is passed, the Secretary of State must publish an assessment of the impact of the current regulatory regime for

- 5 low hazard reservoirs, and set out proposals for the deregulation of such reservoirs to facilitate their construction.”

### COMMONS REASON

*The Commons disagree to Lords Amendment 32 for the following Reason –*

- 32A** *Because the Commons do not consider it necessary to have a legislative requirement to publish the information required by the amendment relating to low hazard reservoirs.*

**E** **Baroness Taylor of Stevenage to move, That this House do not insist on its Amendment 32, to which the Commons have disagreed for their Reason 32A.**

**E1** **Baroness McIntosh of Pickering to move, as an amendment to Motion E, leave out from “House” to end and insert “do insist on its Amendment 32.”**

### MOTION F

#### LORDS AMENDMENT 33

#### Clause 51

- 33** Clause 51, page 69, line 24, at end insert –

“(3) In section 333 of the Town and Country Planning Act 1990 (regulations and orders), after subsection (3ZAA), insert –

5 “(3ZAB) The first regulations under sections 319ZZC or 319ZZD may not be made unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.

(3ZAC) Regulations made under sections 319ZZC or 319ZZD are subject to annulment in pursuance of a resolution of either House of Parliament (except for the first such regulations).”

### COMMONS REASON

*The Commons disagree to Lords Amendment 33 for the following Reason –*

- 33A** *Because the Commons consider that requiring these regulations to be made by affirmative procedure would not be an appropriate use of Parliamentary time.*

**F** **Baroness Taylor of Stevenage to move, That this House do insist on its Amendment 33, to which the Commons have disagreed for their Reason 33A.**

## MOTION G

## LORDS AMENDMENT 37

## After Clause 51

37 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.””

## COMMONS REASON

*The Commons disagree to Lords Amendment 37 for the following Reason –*

37A *Because the Commons consider that measures in respect of permitted development rights should be taken forward through secondary legislation.*

G **Baroness Taylor of Stevenage to move, That this House do not insist on its Amendment 37, to which the Commons have disagreed for their Reason 37A.**

## Clause 52

## MOTION H

## LORDS AMENDMENT 38

38 Clause 52, page 73, line 24, 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.”

## COMMONS REASON

*The Commons disagree to Lords Amendment 38 for the following Reason –*

- 38A** *Because the Commons consider that it is not appropriate for chalk stream protection to be dealt with by spatial development strategies.*
- H** **Baroness Taylor of Stevenage to move, That this House do not insist on its Amendment 38, to which the Commons have disagreed for their Reason 38A.**
- H1★** **The Lord Bishop of Norwich to move, as an amendment to Motion H, at end to insert “, and do propose Amendment 38B in lieu –**
- 38B** After Clause 52, insert the following new Clause –
- “Chalk streams**
- (1) The Secretary of State must, within 12 months of the day on which this Act is passed, by regulations made by statutory instrument, provide guidance to strategic planning authorities on how they must, in delivering their planning functions, take into account the need to define, protect and enhance chalk stream habitats.
  - (2) 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.””

## MOTION J

### LORDS AMENDMENT 39

- 39** Clause 52, page 73, line 31, 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.”

### COMMONS REASON

*The Commons disagree to Lords Amendment 39 for the following Reason –*

- 39A** *Because the Commons consider that the proposal is impracticable and would unreasonably fetter decision-making around the use of land.*
- J** **Baroness Taylor of Stevenage to move, That this House do not insist on its Amendment 39, to which the Commons have disagreed for their Reason 39A.**
- J1** **Baroness Scott of Bybrook to move, as an amendment to Motion J, leave out from “House” to end and insert “do insist on its Amendment 39.”**



## MOTION K

## LORDS AMENDMENT 40

## Clause 55

**40** Clause 55, page 92, line 1, at end insert –

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

## COMMONS REASON

*The Commons disagree to Lords Amendment 40 for the following Reason –*

**40A** *Because the Commons consider that the test for making an EDP (the overall improvement test) provides robust environmental protection, so it is not necessary to limit the scope of EDPs to only certain types of environmental impact.*

**K** **Baroness Taylor of Stevenage to move, That this House do not insist on its Amendment 40, to which the Commons have disagreed for their Reason 40A.**

**K1★** **Baroness Willis of Summertown to move, as an amendment to Motion K, at end to insert “, and do propose Amendments 40B and 40C in lieu –**

**40B** Clause 55, page 92, line 1, at end insert –

“(2A) An environmental impact identified in an EDP may only affect one or more of the items in the following list –

- (a) nutrient neutrality;
- (b) water quality;
- (c) water resource;
- (d) air quality.

(2B) The Secretary of State may, by regulations, amend the list set out in subsection (2A) if the following conditions are met –

- (a) doing so is likely to result in environmental improvement, on the basis of the best scientific evidence,
- (b) a review of the success of EDPs implemented to date has demonstrated that they have achieved their performance objectives, and
- (c) a summary of the evidence relied upon to assess the proposed change to the list has been published.”

**40C** Clause 90, page 118, line 22, at end insert –

“(za) regulations under subsection 55(2B),””

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*21 November 2025*

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PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS