PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

PLANNING AND INFRASTRUCTURE BILL

Eighth Sitting

Wednesday 14 May 2025

(Afternoon)

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not later than

Sunday 18 May 2025

The Committee consisted of the following Members:

Chairs: † Wera Hobhouse, Dr Rupa Huq, Christine Jardine, Derek Twigg

† Amos, Gideon *(Taunton and Wellington)* (LD)
† Caliskan, Nesil *(Barking)* (Lab)
† Chowns, Ellie *(North Herefordshire)* (Green)
† Cocking, Lewis *(Broxbourne)* (Con)
† Dickson, Jim *(Dartford)* (Lab)
† Ferguson, Mark *(Gateshead Central and Whickham)* (Lab)
† Glover, Olly *(Didcot and Wantage)* (LD)
† Grady, John *(Glasgow East)* (Lab)
† Holmes, Paul *(Hamble Valley)* (Con)
† Kitchen, Gen *(Wellingborough and Rushden)* (Lab)
† Martin, Amanda *(Portsmouth North)* (Lab)
† Murphy, Luke *(Basingstoke)* (Lab)
† Pennycook, Matthew *(Minister for Housing and Planning)*
† Pitcher, Lee *(Doncaster East and the Isle of Axholme)* (Lab)
Shanks, Michael *(Parliamentary Under-Secretary of State for Energy Security and Net Zero)*
† Simmonds, David *(Ruislip, Northwood and Pinner)* (Con)
† Taylor, Rachel *(North Warwickshire and Bedworth)* (Lab)

Simon Armitage, Dominic Stockbridge, *Committee Clerks*

† attended the Committee

Public Bill Committee

Wednesday 14 May 2025

(Afternoon)

[Wera Hobhouse *in the Chair*]

Planning and Infrastructure Bill

Clause 47

Spatial development strategies

Amendment proposed (this day): 29, in clause 47, page 65, line 36, at end insert—

"(2A) A spatial development strategy must have regard to the need to provide 150,000 new social homes nationally a year."—*(Gideon Amos.)*

This amendment would require spatial development strategy to have regard to the need to provide 150,000 social homes nationally a year.

2 pm

Question again proposed, That the amendment be made.

The Chair: I remind the Committee that with this we are discussing the following:

Amendment 73, in clause 47, page 66, line 8, after "describe" insert

"(subject to the conditions in subsection (5A))".

Amendment 17, in clause 47, page 66, line 15, at end insert ";

(c) a specific density of housing development which ensures effective use of land and which the strategic planning authority considers to be of strategic importance to the strategy area.".

This amendment requires strategic planning authorities to include a specific housing density in their plans which ensures land is used effectively where it is considered strategically important.

Amendment 35, in clause 47, page 66, line 15, at end insert—

"(c) the particular features or characteristics of communities or areas covered by the strategy which new development must have regard to in order to support and develop a sense of belonging and sense of place;

(d) a design style to which development taking place in part or all of the area covered by the strategy must have regard;

(e) any natural landmarks or features to which development should be sympathetic.".

Amendment 74, in clause 47, page 66, line 15, at end insert—

"(5A) Where a spatial development strategy specifies or describes an amount or distribution of housing, the strategy must not—

(a) increase the number of homes to be developed in any part of the strategy area by more than 20%, or

(b) reduce the required number of homes to be developed by more than 20% in area part of a strategy area which is an urban area, when compared to the previous spatial development strategy or the amount of housing currently provided in the relevant area.

(5B) In subsection (5A) 'urban area' has such meaning as the Secretary of State may by regulations specify.".

This amendment would place limits on changes to housing targets in a spatial development strategy.

Amendment 94, in clause 47, page 67, line 11, leave out from "means" to the end of line 14 and insert

"housing which is to be let as social rent housing.

(15) For the purposes of this section, 'social rent housing' has the meaning given by paragraph 7 of the Direction on the Rent Standard 2019 and paragraphs 4 and 8 of the Direction on the Rent Standard 2023.".

This amendment would define affordable housing, for the purposes of spatial development strategies, as social rent housing, as defined in the Directions on Rent Standards.

Amendment 85, in clause 47, page 67, line 13, after "2008," insert—

"(aa) housing provided by an almshouse charity,".

Good afternoon and thank you all for coming to this afternoon's line-by-line consideration of the Bill. I apologise to the Minister and anybody who felt that I was going so quickly through the agenda yesterday morning that they felt interrupted—that was not my intention. I think everybody has understood that the agenda is very long. I will try to make sure that I do not interrupt anybody today, but please remember that we need to move through at pace.

Question put, That the amendment be made.

The Committee divided: Ayes 3, Noes 9.

Division No. 7]

AYES

Amos, Gideon	Glover, Olly
Chowns, Ellie	

NOES

Caliskan, Nesil	Murphy, Luke
Dickson, Jim	Pennycook, Matthew
Ferguson, Mark	Pitcher, Lee
Grady, John	Taylor, Rachel
Kitchen, Gen	

Question accordingly negatived.

Gideon Amos (Taunton and Wellington) (LD): I beg to move amendment 88, in clause 47, page 66, line 1, leave out "may" and insert "must".

This amendment would create a requirement that spatial development strategies specify infrastructure of strategic importance for the purposes set out in subsection (4).

The Chair: With this it will be convenient to discuss the following:

Amendment 89, in clause 47, page 66, line 5, leave out first "or" and insert "and".

This amendment would create a requirement that infrastructure of strategic importance specified in a spatial development strategy have the purposes both of mitigating and adapting to climate change.

Amendment 79, in clause 47, page 66, line 7, after "area" insert

", including through the provision of social infrastructure.

(4A) For the purposes of this section, 'social infrastructure' means the framework of institutions and physical spaces that support shared civic life.".

Amendment 123, in clause 47, page 66, line 7, at end insert—

"(4A) For the purposes of subsection (4), 'infrastructure and public services' must include—

(a) primary and secondary healthcare provision, including mental health provision;

(b) social care provision;

(c) education, skills and training provision;

(d) infrastructure for active travel and public transport;

(e) sufficient road capacity;

(f) access to such commercial amenities, including shops, as the strategic planning authority deems necessary to support residents of the strategy area; and

(g) recreational and leisure facilities;

(h) publicly accessible green spaces.

(4B) A spatial development strategy must include targets for the provision of strategically important infrastructure and public services which are—

(a) considered to be appropriate by the relevant planning authorities and delivery bodies;

(b) periodically amended to account for changes in population size or dynamic within the strategy area;

(c) annually reported against with regard to the strategic planning authority's performance.".

This amendment would clarify the meaning of strategically important infrastructure and public services, require targets for such provision to be set, and for performance against such targets to be annually reported.

Gideon Amos: It is a pleasure to serve with you in the Chair, Mrs Hobhouse. I rise to speak to amendments 88 and 89, which together relate to spatial development strategies and their content. The important point is that spatial development strategies should provide properly for climate change mitigation and adaptation. Currently, the Bill says that they "may" provide for those matters. From the Liberal Democrats' point of view, spatial development strategies must provide for tackling climate change.

Amendment 89 seeks to change the Bill's current wording so that instead of saying that spatial development strategies may consider mitigation "or" adaptation, it says that they must consider mitigation "and" adaptation. It seems perverse that it should be one or the other. That may not be the intention, and no doubt the Minister will have a lengthy explanation as to why the Bill is drafted as it is, but our position is that climate change must be tackled in spatial development strategies. It is not an either/or in terms of adaptation and mitigation: it needs to be both.

Ellie Chowns (North Herefordshire) (Green): It is a pleasure to serve under your chairship, Mrs Hobhouse. I speak in support of the amendments tabled by my colleague, the hon. Member for Taunton and Wellington, and also in support of amendment 79, on social infrastructure.

Amendment 79 is a probing amendment, emphasising the importance of social infrastructure such as parks, libraries, community hubs and sports facilities. These elements of the public realm are so important for community cohesion and strong communities. There are many communities that are doubly disadvantaged: they are economically disadvantaged and they lack the social infrastructure that is a key catalyst for development, social cohesion and wellbeing locally. We have a real opportunity in the Bill to specify the importance of social infrastructure—the elements of public space that enable people to come together to make connections and strengthen communities, and that act as the springboard for prosperity.

Olly Glover (Didcot and Wantage) (LD): It is a pleasure to serve under your chairship again, Mrs Hobhouse. On your comments about the speed with which you handled things yesterday, that is to your credit as a Chair, rather than the other way around.

I rise to speak to Lib Dem amendments 89 and 123. I associate myself with the remarks of my hon. Friend the Member for Taunton and Wellington and the hon. Member for North Herefordshire. Climate change mitigation and adaption are needed. Mitigation is about preventing climate change and adaptation is about dealing with the effects of climate change that we have not been able to prevent.

Amendment 123 relates to our earlier amendment on infrastructure delivery plans, and is intended to achieve something similar. House building is essential, as the Committee has discussed, to provide the homes that people need, but there are significant problems with our current approach to planning. We have targets for building homes, but we do not have the same targets or focus for all the things that come alongside housing.

My Oxfordshire constituency of Didcot and Wantage has seen population growth of 35% in 20 years, which is why the boundaries of the predecessor constituency of Wantage shrunk considerably ahead of the 2024 general election. The single biggest issue I hear on the doorstep is that our services are struggling to cope. People cannot get doctor's appointments, their children cannot access vital special educational needs and disabilities services, roads are often at a standstill and residents are not happy with the amount of amenities provided.

We must invest more in local infrastructure, particularly where there has been considerable housing and population growth, and support our local authorities to deliver it. Local authorities often do not have the powers or funding to deliver some of the most important infrastructure, particularly in respect of health, which is administered at a more regional level, and major transport schemes, as I will to illustrate. Nor does anyone within local authorities have the power to hold the bodies responsible to account—at least not fully.

For example, a new housing estate in my constituency has a bare patch of land designated to be a GP surgery. There is money from the developer in the section 106 agreement, to put towards the build, but the body responsible for delivering healthcare is the regional integrated care board, and although the development has been finished for a number of years, the land for the GP surgery still sits undeveloped. Fortunately, the district council is working with the ICB, and the GP surgery now has planning permission. But if the ICB had chosen, it may not have been delivered at all—there are no targets as part of the planning process that say the ICB has to deliver it. I am sure that is not the only case and that the same thing is replicated across the country.

[Olly Glover]

Another example from my constituency is that of a new railway station at Grove to support the enormous population growth we have seen at Wantage and Grove. Local authorities do not have the power to insist that funding is allocated to that station on the Great Western main line, and are dealing with significant problems in accessing facilities in Oxford, as well as access to London and beyond. By not delivering the services that people need, we are undermining public support for housing growth, which is essential, as the Committee has discussed.

Gideon Amos: Does my hon. Friend agree that the Minister's supportive comments about the delivery of infrastructure, how it will unlock housing and how it needs to come forward to do so mean that he must be lending his support to the reopening of Wellington station in my constituency, which would unlock several thousand new homes? It was ready and construction was starting when it hit the review in July, when the Chancellor had said that such stations would go ahead.

Olly Glover: My hon. Friend makes the case persuasively for a new station at Wellington. I note that it is not responsibility of the Minister's Department, but I hope he is aware that railway and station re-openings in recent years have seen vastly more use than even the most optimistic forecasts and models predicted.

Without delivering the services that people need, we are undermining public support for the housing that we all know we need. The issue of housing targets not being supported by accompanying targets for—and commensurate investment in and focus on—infrastructure, amenities and public services needs to be rectified. That is essential for happy and well-functioning communities, and for ensuring that there continues to be public support and consent for more housing.

The Minister for Housing and Planning (Matthew Pennycook): Let me take each of the amendments in turn, beginning with amendment 88. I fully agree that it is essential to consider and identify infrastructure needs when planning for new development, including through spatial development strategies. I do not agree, however, that amendment 88 is needed to achieve that outcome, as the Government intend to set a strong expectation in national policy that key strategic infrastructure needs should be addressed in spatial development strategies. Furthermore, the Bill grants powers to the Secretary of State to intervene where she considers that spatial development strategies are inconsistent with national policies, as we discussed in relation to previous amendments.

On amendment 89, although I appreciate the desire of the hon. Member for Taunton and Wellington for clarity on the matter, I do not agree that any changes are needed to clarify the provision. Proposed new section 12D(4)(b) already enables spatial development strategies to describe infrastructure for both mitigating and adapting to climate change. It does not need to be one or the other.

Gideon Amos: I appreciate that the Minister is hoping that spatial development strategies will make provision for that, but does he accept that the wording in the Bill is that they will provide for either mitigation or adaptation? That is the wording on the face of the Bill, is it not?

Matthew Pennycook: No, I think the hon. Gentleman is mistaken. As I have said, proposed new section 12D(4)(b), as drafted, enables spatial development strategies to describe infrastructure for both mitigation and adaptation. The Government are very clear that we need to have concern for both. As I have said, it does not need to be one or the other. I am more than happy to provide the hon. Gentleman with further detail—in writing, if he wishes—as to the operation of that subsection.

On amendment 79, I recognise that the provision of social infrastructure is also an important consideration. Proposed new section 12D(4)(c) already allows spatial development strategies to describe infrastructure for the purposes of promoting or improving the social wellbeing of the area. I therefore do not consider that additional provision is needed in order to enable SDSs to describe social infrastructure.

On amendment 123, I agree that, as we have discussed in relation to previous clauses, as the hon. Member for Didcot and Wantage noted, sufficient provision of health and education facilities, and other forms of essential infrastructure listed in the amendment, is critical in supporting and facilitating new development, and in ensuring that the needs of existing communities are met. I hope that I gave the hon. Gentleman, in relation to a previous clause, some reassurance about the Government's intent in this policy area. I also recognise that in some cases, for a variety of issues, it can be related to whether sufficient developer contributions have been secured and so on, but in many cases there is an issue of co-ordination with bodies like ICBs. I think the Government could potentially do more in this area.

I note the plea from the hon. Member for Taunton and Wellington for his local railway station, which I will ensure is passed on to the relevant Minister in the Department for Transport but, in terms of amendment 123, I do not agree that it is necessary to enable spatial development strategies to contribute to such an outcome. Proposed new section 12D(4), as drafted, already gives strategic planning authorities the scope to specify in their strategies a wide range of infrastructure types, including those listed in the amendment.

On the issue of specifying infrastructure targets, I do not think it is appropriate for spatial development strategies themselves to set infrastructure targets. Again, that is because SDSs will not allocate specific sites, and therefore they are not likely to give sufficient certainty about the precise level of infrastructure needed at that stage. That is a role for subsequent local plans, which will need to consider infrastructure needs at a more granular level when sites are allocated and, as I have said before, need to be in general conformity with other plans. Spatial development strategies will, however, be able to specify the key infrastructure needs for the development that they identify.

For the reasons that I have outlined, and because we do not want to fetter the production and development of spatial development strategies—it is for the areas that bring them forward to have a measure of discretion about their infrastructure and housing tenure needs—we do not think the amendments are necessary, and I request that hon. Members withdraw them.

Gideon Amos: I am grateful for the Minister's response, but I remain concerned. The Bill states:

"A spatial development strategy may specify or describe infrastructure the provision of which the strategic planning authority considers to be of strategic importance".

Particularly if the Government will not accept the amendment discussed by my hon. Friend the Member for Didcot and Wantage, on the provision of infrastructure, surely spatial development strategies must specify or describe that sort of infrastructure.

2.15 pm

Similarly, it would remove a great deal of doubt and confusion if, where proposed new section 12D(4)(b) refers to

"mitigating, or adapting to, climate change,"

it said "and" instead of "or". That would make it absolutely clear. I have spotted that there are fewer Opposition Members than Government Members, so although we maintain our commitment to much stronger protections and measures against climate change in the spatial development strategy, I will not press the amendment to a vote on this occasion.

Matthew Pennycook: On that I point, as I have said, the Bill sets out that SDSs

"must be designed to secure that the use and development of land in the strategy area contribute to the mitigation of, and adaptation to, climate change."

We could spend many hours debating the implications of "and", "or", "may" or "must"—I have spent many an hour in Bill Committees doing that, when we were trying to string out the Bill for various reasons. I am happy to write to the hon. Member for Taunton and Wellington and reflect on the point he makes about the wording and whether further clarity would help.

Gideon Amos: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: 123, in clause 47, page 66, line 7, at end insert—

"(4A) For the purposes of subsection (4), 'infrastructure and public services' must include—

(a) primary and secondary healthcare provision, including mental health provision;

(b) social care provision;

(c) education, skills and training provision;

(d) infrastructure for active travel and public transport;

(e) sufficient road capacity;

(f) access to such commercial amenities, including shops, as the strategic planning authority deems necessary to support residents of the strategy area; and

(g) recreational and leisure facilities;

(h) publicly accessible green spaces.

(4B) A spatial development strategy must include targets for the provision of strategically important infrastructure and public services which are—

(a) considered to be appropriate by the relevant planning authorities and delivery bodies;

(b) periodically amended to account for changes in population size or dynamic within the strategy area;

(c) annually reported against with regard to the strategic planning authority's performance."—*(Olly Glover.)*

This amendment would clarify the meaning of strategically important infrastructure and public services, require targets for such provision to be set, and for performance against such targets to be annually reported.

Question put, That the amendment be made.

The Committee divided: Ayes 3, Noes 10.

Division No. 8]

AYES

Amos, Gideon
Chowns, Ellie
Glover, Olly

NOES

Caliskan, Nesil
Dickson, Jim
Ferguson, Mark
Grady, John
Kitchen, Gen
Martin, Amanda
Murphy, Luke
Pennycook, Matthew
Pitcher, Lee
Taylor, Rachel

Question accordingly negatived.

Amendment proposed: 73, in clause 47, page 66, line 8, after "describe" insert "(subject to the conditions in subsection (5A))".—*(Paul Holmes.)*

Question put, That the amendment be made.

The Committee divided: Ayes 3, Noes 11.

Division No. 9]

AYES

Cocking, Lewis
Holmes, Paul
Simmonds, David

NOES

Caliskan, Nesil
Chowns, Ellie
Dickson, Jim
Ferguson, Mark
Grady, John
Kitchen, Gen
Martin, Amanda
Murphy, Luke
Pennycook, Matthew
Pitcher, Lee
Taylor, Rachel

Question accordingly negatived.

Amendment proposed: 74, in clause 47, page 66, line 15, at end insert—

"(5A) Where a spatial development strategy specifies or describes an amount or distribution of housing, the strategy must not—

(a) increase the number of homes to be developed in any part of the strategy area by more than 20%, or

(b) reduce the required number of homes to be developed by more than 20% in area part of a strategy area which is an urban area,

when compared to the previous spatial development strategy or the amount of housing currently provided in the relevant area.

(5B) In subsection (5A) 'urban area' has such meaning as the Secretary of State may by regulations specify."—*(Paul Holmes.)*

This amendment would place limits on changes to housing targets in a spatial development strategy.

Question put, That the amendment be made.

The Committee divided: Ayes 3, Noes 11.

Division No. 10]

AYES

Cocking, Lewis	Simmonds, David
Holmes, Paul	

NOES

Caliskan, Nesil	Martin, Amanda
Chowns, Ellie	Murphy, Luke
Dickson, Jim	Pennycook, Matthew
Ferguson, Mark	Pitcher, Lee
Grady, John	Taylor, Rachel
Kitchen, Gen	

Question accordingly negatived.

Ellie Chowns: I beg to move amendment 1, in clause 47, page 66, line 18, 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."

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

The Chair: With this it will be convenient to discuss the following:

Amendment 30, in clause 47, page 66, line 18, 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."

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

Amendment 28, in clause 47, page 66, line 41, at end insert—

"(11A) A spatial development strategy must—

(a) take account of Local Wildlife Sites in or relating to the strategy area, and

(b) avoid development or land use change which would adversely affect or hinder the protection or recovery of nature in a Local Wildlife Site."

This amendment would ensure that spatial development strategies take account of Local Wildlife Sites.

Ellie Chowns: I am delighted to move amendment 1 on chalk streams, which was tabled in the name of the hon. Member for North East Hertfordshire (Chris Hinchliff).

Clause 47 introduces spatial development strategies to provide a new strategic layer to the planning system. That creates a real opportunity to create new planning protections for strategic but threatened natural resources, such as chalk streams. We have talked about these matters in the Chamber throughout my time here, so I think we all know that the south and east of England are home to fresh waters that rise on chalk soils, whose filtration qualities result in crystal-clear, mineral-rich waters teeming with aquatic life. They are truly beautiful.

A handful of chalk streams occur in northern France and Denmark, but the majority are found in England, so this globally rare ecosystem is largely restricted to our shores. We have a huge responsibly to protect it, and a huge opportunity with the Bill. Sadly, however, we are currently failing to look after this natural treasure adequately for the world. These rare habitats are threatened like never before due to development and other pressures. Some 37% of chalk water bodies do not meet the criteria for good ecological status, due in large part to over-abstraction of water to serve development in inappropriate locations. This spring is the driest since 1956, and there is a risk that some vulnerable chalk streams will dry up altogether, which would be terrible.

Amendment 1 would equip the Bill to address those risks and reduce the impact of development on chalk streams. It would direct the Secretary of State to create new protections for chalk streams and require spatial development authorities covering areas with chalk streams to use those protections to protect and enhance them within the SDS. The affixing of chalk stream responsibility to spatial development strategies would allow the protections to be applied strategically and effectively across entire regions where chalk streams flow. Water bodies, rivers and streams do not respect our administrative boundaries, so we need cross-boundary co-operation to ensure effective protection in the whole catchment. That would also allow the protection requirements to be fairly balanced with development objectives, furthering the wins for both nature and development that Ministers say they are so keen to see from this Bill.

Successive Governments have failed to bring forward the planning reforms needed to address the development pressures that are eroding some of England's natural crown jewels, and chalk streams are absolutely in that category. There is significant cross-party support for this amendment and for action—I have heard many Members speak about this matter in the Chamber—so I hope the Minister listens, accepts the amendment and delivers a timely new protection for one of our most threatened habitats.

Luke Murphy (Basingstoke) (Lab): It is a pleasure to serve under your chairship Mrs Hobhouse. I do not agree that this is the right place to make such an amendment to the Bill, but I agree with the hon. Member for North Herefordshire about chalk streams and I want to put on my record my appreciation for those rare and irreplaceable habitats.

In Basingstoke and Hampshire, we are blessed with the River Loddon and the River Test. During the election campaign, I enjoyed—or was subject to, depending on your point of view—a sermon from Feargal Sharkey about chalk streams, and I learned much. As the hon. Lady says, they are very rare and irreplaceable, and they mean a lot to many people.

Although I do not believe this is the place to put this amendment into legislation, I would be grateful if the Minister can set out the Government's position on how to protect these rare and special habitats. I also pay tribute to the Hampshire and Isle of Wight Wildlife

Trust, Natural Basingstoke and Greener Basingstoke for their outstanding work and campaigning to protect these much-loved rare habitats.

Gideon Amos: I rise to support amendment 1 and speak to amendment 30, which my hon. Friend the Member for Didcot and Wantage will talk about, and amendment 28, in my name, which relates to local wildlife sites.

Amendment 28 would require spatial development strategies to take account of local wildlife sites and include policies that would avoid development on them. Local wildlife sites are some of the country's most valuable and important spaces for nature. They are selected locally using robust scientific criteria. Those critical sites for biodiversity create wildlife corridors that join up other nationally and internationally designated sites, improving ecological coherence and connectivity. It is a misconception to think that all the best sites for nature conservation are designated sites of special scientific interest—that is not true. SSSIs cover only a representative sample of particular habitats, which means that only a certain number of sites are covered by the national selection. Local wildlife sites, in contrast, operate by a more comprehensive approach, and all sites that meet the criteria are selected. Consequently, some local wildlife sites are of equal biodiversity value to SSSIs.

Where there is little SSSI coverage, local wildlife sites are often the principal wildlife resource for the area, as well as an important place for communities to access nature on their doorstep. In my constituency of Taunton and Wellington, there are 213 local wildlife sites covering almost 23.5 sq km, compared with 16 sq km of land designated as sites of special scientific interest.

In the interest of time, I will cut short my remarks, but it is important to say that the current protection for local wildlife sites in the national planning policy framework is not strong enough, and 2% of sites have been lost or damaged in recent years. My amendment would improve the recognition of local wildlife sites and provide clarity to allow plan makers and decision makers to make the appropriate provision to protect and enhance local wildlife sites within spatial development strategies.

2.30 pm

Olly Glover: I rise to support amendments 30, 28 and 1. Chalk streams, such as Letcombe brook in my Didcot and Wantage constituency, are a precious habitat, as the hon. Member for North Herefordshire eloquently articulated. The Letcombe Brook Project, set up in April 2003, has done a huge amount of work—mostly through volunteers—to enhance and protect its natural beauty. It is important that the Bill is amended to specifically protect chalk streams and local wildlife sites. That is not just my opinion as a humble Liberal Democrat Back Bencher; in the oral evidence sessions and the written evidence we heard from organisations such as the Wildlife and Countryside Link, the National Trust, the Woodland Trust and Butterfly Conservation, who are all gravely concerned that the Bill does not include enough safeguards.

In addition to the Letcombe Brook Project in my constituency, in Oxfordshire, organisations such as the Earth Trust have, in just 40 years, created precious wildlife sites that are useful for training and educating local people and children. It is important to protect those sites, which is why these amendments have been tabled, and the Bill does not go far enough.

Paul Holmes (Hamble Valley) (Con): I welcome you to the Chair, Mrs Hobhouse, and echo the comments about your chairing yesterday being absolutely excellent. I am sure that, as the afternoon goes on, the Government Whip will be looking for you to be as stern as you were yesterday.

I rise to speak briefly in favour of amendment 1, tabled by the hon. Member for North East Hertfordshire, on the importance of chalk streams. I know about this issue personally, as I spent five years as the Member of Parliament for Eastleigh, which had another chalk stream in the River Itchen. As the hon. Member for Basingstoke mentioned, Hampshire has a unique ecosystem and a huge array of chalk streams.

I also pay tribute to the Hampshire and Isle of Wight Wildlife Trust, which is vociferous in making sure that hon. Members on both sides of the House who represent Hampshire constituencies know about the importance of chalk streams. I will refer to the hon. Member for Portsmouth North as well, because she is a very welcome part of our Hampshire family—even if many of my constituents would not accept that Portsmouth exists. She also knows how much the Hampshire and Isle of Wight Wildlife Trust does in the local area and for us as parliamentarians.

It is important for chalk streams to be protected. We support this well intentioned amendment, because it does no harm to have guidance to make sure that spatial development strategies refer to the unique and important ecosystems that need to be protected. I do not think it is anti-development or that it would harm or hinder activating development if needed. It is a useful step and guideline to make sure that developers take into account the areas that need to be protected.

The River Hamble, which is not a chalk stream, runs through the middle of my constituency. In that river, too, we are seeing the adverse effects of development in the parameter of the river, with water run-off and the pollution that is naturally created by the building process. The current regulatory framework is not doing enough to protect those rivers.

We are seeing our river ecosystems die. That was a heavily political subject at the last general election, and we need to do more on that issue. There are provisions in the Environment Act 2021 that give chalk streams some protection, but even though I am a Conservative who does not believe in over-regulation, I do believe that having that guidance for local authority decision makers would be helpful, which is why we support amendment 1.

Matthew Pennycook: I thank members of the Committee for so eloquently outlining the intent of these amendments. I will first deal with amendments 1 and 30. I very much accept the positive intent of these proposals and would like to stress that the Government are fully committed to restoring and improving the nation's chalk streams. As the hon. Member for North Herefordshire made clear, 85% of the world's chalk streams are found in England. They are unique water bodies, not only vital ecosystems, but a symbol of our national heritage. This

[Matthew Pennycook]

Government are committed to restoring them. We are undertaking a comprehensive set of actions outside the Bill to protect our chalk streams; in the interests of time, it is probably worthwhile for me to write to the Committee to set those out in detail.

We do not believe it is necessary to include amendment 1 in the legislation, as existing policy and legislation will already achieve the intended effect. Local nature recovery strategies are a more suitable place to map out chalk streams and identify measures to protect them. Proposed new section 12D(11) of the Planning and Compulsory Purchase Act 2004 already requires spatial development strategies to

"take account of any local nature recovery strategy"

that relates to a strategy area.

Strategic planning authorities will also be required to undertake habitats regulations assessments, subject to a Government amendment to the Bill. That places a further requirement on them to assess any adverse effects of the strategy on protected sites, which, in many cases, will include chalk streams. The point I am trying to convey to hon. Members is that strategic planning authorities will already have responsibilities in relation to their protection.

David Simmonds (Ruislip, Northwood and Pinner) (Con): This is an important and much debated issue. I would be grateful if the Minister could share with the Committee whether he has given consideration to bringing this issue within the remit of the Wildlife and Countryside Act 1981, specifically in respect of species that are unique to those particular habitats. This is very much an area of cross-party interest; I am conscious of my own constituents, who have the Colne Valley, which has a chalk stream. I work closely with my hon. Friends the hon. Members for Beaconsfield (Joy Morrissey), and for South West Hertfordshire (Mr Mohindra), whose constituencies this affects as well.

This issue often goes significantly beyond the scope of a local nature recovery strategy, simply because pollution discharge or run-off in one part of a river ecosystem results in a problem elsewhere. While I am sure the Minister will say he welcomes the measures that we passed in the Environment Act during the previous Parliament—which, for the first time, introduced comprehensive monitoring for issues such as sewage discharges—I believe there is still an opportunity to do a bit more to protect these unique habitats.

Matthew Pennycook: I thank the shadow Minister for that point. We will come on to discuss our approach to development and the environment more generally when we reach part 3 of the Bill. In response to his specific question, it is probably best dealt with in the letter I will send to the Committee on this matter, where I can pull together a range of points. The important point I am trying to stress, for the purposes of amendment 1, is that if a strategic planning authority considers the identification and protection of chalk streams to be a matter that should be included in its SDS, proposed new section 12D(1) already makes clear that an SDS must include policies relating to the

"development and use of land in the strategy area, which are of strategic importance to that area"

so that it can be taken into account. There is nothing to prevent strategic planning authorities from including such policies in their spatial development strategies if they consider them to be of strategic importance.

As I said, we have an ongoing debate about when centralisation is appropriate or not; I assume the hon. Member for North Herefordshire will tell me that it is, in this instance, in her view. But for those reasons, we do not consider these amendments necessary to achieve the desired effect.

Paul Holmes: The Minister is absolutely right on this occasion. I just want to probe his comment. He outlined perfectly how, under the proposals he is bringing forward, spatial development strategies can include and incorporate the protection of chalk streams—I perfectly accept that. However, does he not accept that there is a risk that, if any of the decisions arising from the SDS are later challenged under the appeals procedure, without the national guidance that the amendments might provide, those protections might not have the full weight that they would if national regulation ensured the protection of the site? I hope he gets my gist.

Matthew Pennycook: I think I do, and I am happy to expand on the point. What I have been trying to convey is that local nature recovery strategies are a new system of spatial strategies for nature and the environment, which will map out the most valuable areas for nature, including chalk streams, and identify measures to protect them. Proposed new subsection 12D(11) requires spatial development strategies to take account of any local nature recovery strategy that relates to any part of the strategy area.

For the reasons I have given—I am more than happy to expand on these points in writing—I think that the well-founded concerns, which I understand, are unfounded in that respect. We believe that the amendments are not necessary to achieve the desired effect that the hon. Lady has argued for.

I turn to amendment 28. As outlined previously, I do not believe that the amendment is necessary as existing provisions in this legislation will already achieve the desired effect. Again, proposed new subsection 12D(11) already requires spatial development strategies to take account of any local nature recovery strategies that relate to any part of the strategy area. Local nature recovery strategies are required to identify areas of particular importance for biodiversity, and statutory guidance published by the Department for Environment Food and Rural Affairs is clear that they should include all existing local wildlife sites. Strategic planning authorities are therefore already required to take account of local wildlife sites in relation to the strategy area.

Similarly, existing policy already affords protection from development that would adversely affect local wildlife sites. The current national planning policy framework is clear that when determining planning applications, local planning authorities should reject applications where significant harm to biodiversity cannot be avoided, mitigated or compensated for. We therefore do not consider the amendments to be necessary.

Ellie Chowns: Although I take the Minister's point that there is nothing to prevent strategic planning authorities from making provision for protecting chalk streams, there is not anything to ensure that all the strategic planning authorities in which chalk streams exist will definitely take those measures.

I am going to be tabling further amendments later about irreplaceable habitats. I am not in the habit of proposing amendments about every single specific ecosystem, but chalk streams specifically have global significance and are cross-border in nature, and the spatial planning strategies offer a huge opportunity to tackle the issue head-on.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 10.

Division No. 11]

AYES

Amos, Gideon	Glover, Olly
Chowns, Ellie	Holmes, Paul
Cocking, Lewis	Simmonds, David

NOES

Caliskan, Nesil	Martin, Amanda
Dickson, Jim	Murphy, Luke
Ferguson, Mark	Pennycook, Matthew
Grady, John	Pitcher, Lee
Kitchen, Gen	Taylor, Rachel

Question accordingly negatived.

Amendment proposed: 30, in clause 47, page 66, line 18, 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."—*(Gideon Amos.)*

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

Question put, That the amendment be made.

The Committee divided: Ayes 3, Noes 10.

Division No. 12]

AYES

Amos, Gideon	Glover, Olly
Chowns, Ellie	

NOES

Caliskan, Nesil	Martin, Amanda
Dickson, Jim	Murphy, Luke
Ferguson, Mark	Pennycook, Matthew
Grady, John	Pitcher, Lee
Kitchen, Gen	Taylor, Rachel

Question accordingly negatived.

2.45 pm

Amendment proposed: 75, in clause 47, page 66, line 18, at end insert—

"(6A) A strategic planning board has a duty to ensure that any development specified or described under subsections (4) or (5) does not take place on green belt land unless there is no practicable option for development in existing urban areas, including by—

(a) increasing the density of existing development, and

(b) regenerating an existing development,

in an urban area."—*(Paul Holmes.)*

This amendment would ensure that a strategic planning board must only propose development on green belt land where development in urban areas is not possible.

Question put, That the amendment be made.

The Committee divided: Ayes 4, Noes 10.

Division No. 13]

AYES

Chowns, Ellie	Holmes, Paul
Cocking, Lewis	Simmonds, David

NOES

Caliskan, Nesil	Martin, Amanda
Dickson, Jim	Murphy, Luke
Ferguson, Mark	Pennycook, Matthew
Grady, John	Pitcher, Lee
Kitchen, Gen	Taylor, Rachel

Question accordingly negatived.

Amendment proposed: 82, in clause 47, page 66, line 18, at end insert—

"(6A) Where a spatial development strategy proposes the development or use of agricultural land, the strategy must consider—

(a) the grade of such agricultural land;

(b) the cumulative impact of projects developing or using such agricultural land."—*(Paul Holmes.)*

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 10.

Division No. 14]

AYES

Amos, Gideon	Glover, Olly
Chowns, Ellie	Holmes, Paul
Cocking, Lewis	Simmonds, David

NOES

Caliskan, Nesil	Martin, Amanda
Dickson, Jim	Murphy, Luke
Ferguson, Mark	Pennycook, Matthew
Grady, John	Pitcher, Lee
Kitchen, Gen	Taylor, Rachel

Question accordingly negatived.

Ellie Chowns: I beg to move amendment 93, in clause 47, page 66, line 18, at end insert—

"(6A) Where a spatial development strategy includes a Smoke Control Area or an Air Quality Management Area, the strategy must—

(a) identify measures to reduce air pollution resulting from the development and use of land in that area, and

(b) outline the responsibilities of strategic planning authorities in relation to the management of air quality."

This amendment would require spatial development strategies which cover Smoke Control Areas or Air Quality Management Areas to consider air pollution and air quality.

[Ellie Chowns]

This amendment would require that, where a spatial development strategy includes a smoke control area or an air quality management area, the strategy must identify specific measures to reduce air pollution from the development and use of land, and must outline the responsibilities of strategic planning authorities in managing air quality.

Currently, over 10 million people in the UK live in smoke control areas: zones where restrictions are placed on burning certain fuels or using specific appliances to reduce particular emissions. Likewise, more than 400 air quality management areas have been declared by local authorities under the Environment Act 1995 in locations where air pollution exceeds national air quality objectives. These are places where we are really not doing well enough on air pollution. Despite the formal recognition of these zones, they are often not meaningfully integrated into spatial development strategies, so this legislation gives us an opportunity to ensure that new housing, transport and infrastructure projects, when approved, must fully account for their cumulative impacts on already poor air quality.

Construction and land development are direct contributors to air pollution through increased traffic volume, emissions from building activity and the removal of green space that helps to filter pollutants. In many cases, strategic planning authorities are not required to take those factors into account when drafting or approving development strategies. The amendment would close that gap by ensuring that air quality is treated not as a secondary consideration, but a fundamental part of sustainable planning. Perhaps I should declare an interest as an asthmatic, like huge numbers of people in the UK.

The amendment also strengthens the accountability of strategic planning authorities, by requiring them not just to assess air quality impacts, but to work out what they are going to do—to define their roles—in addressing them. That would help to prevent the recurring issue where the responsibility for mitigating air pollution falls between Departments or different levels of government, central and local. It would ensure that development strategies are consistent with the UK's broader legal commitments to air quality, including the targets that we set under the Environment Act 2021 and the national air quality strategy.

From a public health perspective, the case for the amendment is clear. Air pollution is linked to an estimated 43,000 premature deaths annually in the UK. That is a huge number and contributes to a range of serious health conditions, particularly among children, older adults and those living in deprived areas. The economic cost of air pollution, including its impact on the NHS, is estimated at a whopping £20 billion a year. Embedding air quality considerations directly into spatial planning is a proactive and cost-effective way to address the crisis before further harm is done to human health.

I believe that the amendment provides a clear, proportionate mechanism for ensuring that planning strategies support our clean air objectives. I strongly urge the Minister to consider warmly the amendment.

Gideon Amos: I very much sympathise with the amendment. Indeed, I have air quality management areas in my constituency of Taunton and Wellington, including two that breach the lawful limits of air pollution. We desperately need the bypass for Thornfalcon and Henlade, which would solve that particular issue.

In brief, I feel that the approach in amendment 93 is not quite right, because it would be better directed at local plans. As I understand it, spatial development strategies are not site-specific or area-specific in their proposals. We do not feel that the amendment is quite the right approach, but we are very sympathetic to the hon. Member for North Herefordshire's motivation for tabling it.

Matthew Pennycook: Once again, I understand the positive intent of the hon. Member for North Herefordshire's amendment. Of course, improving air quality is a highly important issue in many parts of the country, not least in my own south-east London constituency. It is part of the reason why, many moons ago now, I established the all-party parliamentary group on air pollution. It is a public health issue and a social justice issue, and the Government are committed to improving air quality across the country. Amendment 93, however, is another example of trying to ask SDSs to do things that they are not designed for, and replicating existing duties and requirements that bear down on authorities in an SDS.

Ellie Chowns: Does the Minister not recognise that the fact that we have such huge problems with air pollution means that existing regulation is not working well enough?

Matthew Pennycook: I am more than happy, in the interests of time, to set out what the Government are doing on this agenda through ministerial colleagues, but I return to this fundamental point: what are we introducing spatial development strategies for? They are high-level plans for infrastructure investment for housing growth. They need not replicate every existing duty and requirement in national policy.

Local authorities are already required to review and assess air quality in the area regularly, setting air quality management areas where national objectives are not being met. National planning policy is clear that opportunities to improve air quality or mitigate impact should be identified at the plan-making stage to ensure a strategic approach. Again, I make the point that SDSs have to ensure that local plans are in general conformity with them. Planning decisions should ensure that any development in air quality management areas and clean air zones is consistent with the local air quality action plan.

Placing responsibilities—this is the fundamental point, which also applies to other amendment—on strategic planning authorities in relation to air quality management would replicate existing duties, and we therefore do not think the amendment is necessary. The hon. Lady may feel strongly and wish to press it to a vote. However, although it is entirely laudable that hon. Members with amendments are taking an opportunity to make points about the value of existing national duties and requirements, or the ways those may need to change, I hope that I have clearly outlined why the provisions on introducing an effective layer of strategic planning across England are not the place to have those debates.

Ellie Chowns: I thank the Minister for his response. We will have to agree to somewhat disagree on this matter, but in the interests of time—and because I can count—I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

The Chair: I call the shadow Secretary of State.

Paul Holmes: I beg to move amendment 78, in clause 47, page 69, line 37, leave out from "must" to the end of line 4 on page 70 and insert "consult—

(a) residents of the relevant area;

(b) businesses located in the relevant area; and

(c) representatives of those that the authority considers may have an interest in any relevant area."

This amendment would change the existing requirement in the Bill for a strategic planning authority to notify specified parties to a requirement to consult local residents, businesses, and representative organisations.

The Chair: With this it will be convenient to discuss the following:

Amendment 90, in clause 47, page 70, line 2, leave out "and".

This amendment is consequential on Amendment 91.

Amendment 91, in clause 47, page 70, line 4, at end insert ", and

(e) persons who experience disability."

This amendment would require strategic planning authorities to consider notifying disabled people about the publication of a draft spatial development strategy.

Paul Holmes: I am grateful to have been promoted to shadow Secretary of State, Mrs Hobhouse, but as soon as my colleagues and leader find out, I am bound to be sacked.

This important amendment was tabled by my hon. Friend the Member for Ruislip, Northwood and Pinner; we have pushed the Minister on this issue on Second Reading and other occasions. Throughout the passage of the Bill, the Minister has made clear his strength of feeling about the measures and the amendments that he has tabled on the planning system, and about the radical reforming zeal that they will deliver to people across the country, through a centralised national approach to amending our planning system.

However, the Minister does not want the scrutiny for local people that goes with that. Proposed new section 12H(3) states that

"the strategic planning authority must consider notifying (at least) the following about the publication of the draft spatial development strategy—

(a) voluntary bodies some or all of whose activities benefit the whole or part of the strategy area",

as well as a number of other organisations. We agree with the Minister that the development strategies will be wide-ranging in their impact on local communities, but if the Minister believes that, he should also believe that the people affected by them should be consulted. He should believe that those people should have their say on whether the development strategies have been drawn up in the right way, whether they contain what they should contain and whether they perhaps contain too much.

We just discussed the importance of chalk streams, and the Minister said that there is nothing to stop authorities from putting protections for chalk streams in a strategy. However, the Bill states that these organisations "at least" have to be notified—there are people who do not have to be notified. We believe that there should at least be some consultation exercise on the detail of the draft spatial development strategy put forward by the strategic planning authority. Something as important as that should be consulted on.

In discussing chapter 2, the Minister has outlined that local people are important and that spatial development strategies are vital to ensuring that development and planning are delivered in a radical, efficient and much more concrete way. That is why we tabled this amendment. We believe that the Minister should be bold. If he thinks that the measures in the Bill are as radical as he says and that they will wholeheartedly deliver on the infrastructure and the local base-led planning system he so wants, he should be confident in allowing the people that the Bill affects to have their say and be able to share and bask in the glory of the radical agenda he is bringing through. We believe that consultation is a good thing and, as we have said on previous amendments, constituents and local people should be able to shape what they want and do not want within them.

3 pm

Rachel Taylor (North Warwickshire and Bedworth) (Lab): The shadow Minister is making important points about how we consult the public, but we heard clearly from him this morning that that was the role of local councillors. I refer him to new section 12I to the Planning and Compulsory Purchase Act 2004, which provides that any spatial development strategy must be examined by the public. Another layer of consultation would be an unnecessary addition when there is already in-built public consultation in the Bill.

Paul Holmes: I genuinely thank the hon. Lady for that intervention. She has clearly examined the Bill, which is such a big piece of legislation—in the right way. I simply say that an examination of and consultation on the creation of a spatial development strategy would not always have what people want in it, or do not want in it, as its ultimate end goal once the draft has been put together. When a draft spatial strategy has been put together, people should be able to have their say on it.

The hon. Lady will know from her previous career, as I do from mine, that when people want to have their say on something in a consultation that an authority proposes, some will be happy—maybe they are getting what they want from it—but some will never be happy. They will always want to grumble; we have all had a few of those in our inboxes. However, we believe it is right that once something as key and new as these strategies is brought together, local people should be able to have their say.

The hon. Lady is absolutely right that there is a requirement on strategic planning authorities to consult prior and during. We are saying that once the draft strategy is put forward, it is crucial that local people have their chance to have a say. If a strategic planning authority is confident that it has made the right decision on a local development based on the consultations it

[Paul Holmes]

has already done, it should not be scared or hindered by a consultation to see what happens in respect of the finished product.

Lewis Cocking (Broxbourne) (Con): The shadow Minister is making some eloquent points. Does he agree that if the Government are intent on bringing in a national scheme of delegation, and changing the role of the planning committee and how councillors interact with the planning process, even more consultation should be done at the stages he is describing so that we can ensure that residents still get their say over development in their area?

Paul Holmes: Yes. We had a significant debate yesterday on what I said was the Government's centralising zeal in taking powers away from locally elected politicians. Many Opposition Members agree with me. The Opposition tabled an amendment that would not have allowed to go ahead something as large-scale being put together by a strategic planning authority, created by the Government, but the Minister won. We believe people should be consulted.

As I said to the hon. Member for North Warwickshire and Bedworth, it is vital that when there is a democratic deficit—we fundamentally believe that one is being created by other aspects of the Bill—local people should have the right to be consulted on the end product. That is why I say this to the Minister, slightly cheekily, but with a serious undertone. As I said in a Westminster Hall debate, he is the forward-looking planner of our time, and I know he gets embarrassed about these things—he is blushing—but nobody in the House of Commons is more deserving of the role of Housing Minister. He worked hard on the role in opposition, and he comes from a space of wanting to reform the system. We accept that, but sometimes his reforms have consequences, and if those reforms are so good, he should not be afraid to allow the people who elected him to his place and the Government to their place to have their say on something as radical as this change.

Gideon Amos: I rise to speak to amendments 90 and 91—hon. Members will be pleased to hear that I will be brief. We have significant concerns about community involvement in consultation and about many of the points that have just been made. I have more to say on all that for the next group, in which we have tabled an amendment to make those points.

Amendments 90 and 91 would simply ensure that disabled people are consulted in the preparation of spatial development strategies. The Equality Act 2010 includes a public sector equality duty: a duty on public authorities to advance equality and eliminate discrimination. That implies that disabled people should be consulted on spatial development strategies in any case. The Housing, Communities and Local Government Committee's report on disabled people in the housing sector said:

> "Despite the cross-government effort to 'ensure disability inclusion is a priority'…we have found little evidence that the Department for Levelling Up, Housing and Communities is treating disabled people's needs as a priority in housing policy."

We need to make sure that the voices of disabled people are heard in the preparation of spatial development strategies.

Ellie Chowns: I rise, briefly, to support the substantive point about the necessity of public consultation on something as important as a spatial planning strategy. As new section 12H of the Planning and Compulsory Purchase Act 2004 is entitled "Consultation and representations", it is disappointing that there is actually no provision for consultation. There is provision only for the consideration of notification, which is inadequate for strategies that will be as important as these. I urge the Minister to consider going away and aligning the text of his clause with the title of his clause.

David Simmonds: When we were drafting amendment 78, we gave a good deal of consideration to the direction of travel set out by the Government. The concerns that underlay the drafting were reinforced in the evidence sessions, where the Committee heard from a cross-party panel of local government leaders that the consultation process in planning was an opportunity to get things right, and for a public conversation about the impact of any proposed development, large or small, in order to forestall, through the planning process, objections that might later arise, by designing a development that would meet those concerns.

We have heard today a number of examples from Members that fall within that category. We have heard cross-party concerns about the impact on chalk streams, where consultation would allow effective parties with an interest to bring forward their views—for example, on the impact of run-off. A developer would therefore have the opportunity to build those concerns into the design of their proposed scheme to mitigate the impact and address the concerns.

We heard about the impact of air pollution on asthmatics—including, for the record, me. If a developer says they are planning to use biomass or wood burning as the heat source for a development, and the stoves are on the DEFRA exempt list—that is, if the Government consider that they produce little or no environmental pollution—that might be acceptable to people with that concern. However, if it will simply be up to the developer to install whatever they wish, that will have a significant negative impact and there is no opportunity for mitigation. The consultation is therefore critical.

There is a direction of travel: it feels very much that the Government's view is that consultation and democracy are a hindrance to getting new units built. It is very clear from the views expressed by many Members—from all parties, in fairness, but certainly in the Opposition amendments that have been put forward—that we are keen to retain a sufficient element of local democracy and local voice to ensure that the kinds of concerns I have described are properly addressed. I invite the Minister to consider accepting the amendment, which would not in any way derail the intentions that he sets out in the Bill, but would achieve the opportunity for consultation, which is critical.

Matthew Pennycook: I take on board the strength of feeling that has been expressed. As with all the debates we are having, I will reflect on the arguments that hon.

Members have made. However, we do not think the amendments are necessary. As I have sought to reassure the Committee on previous occasions, each SDS will have to undergo public consultation and then be examined by a planning inspector. Once a draft SDS is published, it is open for anyone to make representations about that SDS. For those reasons, I hope that, in dealing with the specific amendments, I can reassure the Committee that they are unnecessary.

Turning first to amendment 78—

Ellie Chowns: I have been reading the clauses very carefully. As I read the Bill, it provides that a draft SDS can be produced without any public consultation whatsoever—in other words, a draft SDS can be produced by somebody in a cupboard with access to the internet. New section 12H, which deals with consultation and representations, provides an opportunity for consultation on the draft, preparatory to the examination and then the finalisation.

The problem is that new section 12H does not provide for consultation; it provides only for the consideration of notifying various local bodies. According to the Bill, it provides that

"the authority must also publish or make available a statement inviting representations to be made to the authority".

Without any clarity on what that involves, an authority can just put something on a website that says, "If you're interested in this, send us an email," and nobody in the local area would have a clue that it was happening. The point of consultation is that it is an active process of engagement with those who have a legitimate interest in the matter. I think the Bill's drafting does not reflect that.

Matthew Pennycook: May I press the hon. Lady, so that I understand her carefully made point? A draft SDS will be published and it will be a requirement, under clause 12H, that the strategic planning authority either notifies or consults, and that will then be open for comment or representations. I want to understand the hon. Lady's point, because I will go away and reflect on it. In what way does she think that is different from the consultation process on, for example, a local development plan?

Ellie Chowns: New section 12H(3) says that the authority

"must consider notifying…the following",

so there is no specification that it must notify; it must only consider notifying. The person in the cupboard could consider notifying them and decide, "No, I'm not going to notify them." The only hard requirement is that

"the authority must…publish…a statement inviting representations".

As I have just outlined, that is not the same as consultation. I taught this subject at university: according to Arnstein's ladder of participation, consultation is at a higher level than notification. Will the Minister take that away and consider improving the provisions for consultation?

Matthew Pennycook: The hon. Lady cut me off early in my remarks, so let me develop them somewhat and deal with the specific point that, by our reading, the amendment deals with. The list of public bodies detailed in new section 12H(3) sets out that strategic planning authorities must consider notifying community and interest groups that a draft of their spatial development strategy has been published. In subsection (3), it is very clear who the strategic planning authority must consider notifying—I have it in front me. That list is by no means exhaustive or exclusive. Indeed, new section 12H(4) requires strategic planning authorities to invite representations, as I have said, about their draft strategy. That invitation is open to all, including residents and businesses within the strategy area.

The purpose of new section 12H(3) is to ensure that strategic planning authorities consider a broad range of opinion when they consult on their draft strategy. There is nothing in the Bill, or elsewhere, to prevent residents or businesses from participating in the consultation, or to prevent strategic planning authorities from notifying them of the consultation specifically. For those reasons, we do not think—

Ellie Chowns *rose—*

Matthew Pennycook: In the interests of making progress, let me say that I have understood the hon. Lady's point, and will happily go away and reflect on it, but we do not think the amendment is necessary. For the reasons I have set out, we will resist the amendment if she presses it to a vote. As I said, I am more than happy to reflect on her point; she has made it very clearly and it has been understood.

Paul Holmes: The Minister is being very clear in his position on the amendments, but I have extreme sympathy for, and agreement with, the hon. Member for Hereford north.

Ellie Chowns: North Herefordshire.

Paul Holmes: I am sorry about that. I am not very good at geography; I did not teach it at university.

I hope the Minister takes these concerns in the spirit in which they are intended. I say that a lot, but there is genuinely a huge concern about the difference between notifying and consulting, and about what he has said in Committee today. The minimum wording in the Bill—I guarantee that strategic planning authorities will look at it and follow it to the letter, given the work they have to do—is that the strategic planning authority

"must consider notifying (at least) the following about the publication of the draft spatial development strategy".

New section 12H(4) outlines that the planning authorities should publish the draft spatial strategy

"as required by subsection (1)(a)",

or make

"such a strategy available for inspection",

but there is a vast difference between "notifying (at least)" and consulting.

3.15 pm

Rachel Taylor: Will the hon. Gentleman give way?

Paul Holmes: I will, but then I want to ask the Minister a question to see whether he will answer, in which case we might not press the amendment to a vote.

The Chair: Can I make sure that this is a speech and not an intervention on the Minister? Minister, had you sat down and made all the points you wanted to make to all the amendments being debated?

Matthew Pennycook: I sat down because I saw the hon. Member for Hamble Valley rising. We do have another amendment to respond to, if he wants me to.

The Chair: I would like the Minister to speak to the three amendments we are debating, including amendments 90 and 91. I will then invite the hon. Member for Hamble Valley to respond and he can take an intervention from the hon. Member for North Warwickshire and Bedworth.

Paul Holmes: I apologise; I thought the Minister had finished.

Matthew Pennycook: In the interests of brevity, Mrs Hobhouse, I will make one final comment, then I will go away and reflect and we can return to the matter on Report, where there will be time for consideration.

Again—it has felt like this a lot today—I think we are conflating different things. The process for an SDS is different from the process for the development of a local development plan. They are different things.

David Simmonds: Yes, I know.

Matthew Pennycook: The shadow Minister says he knows, but in a sense the legislative underpinning that we have looked at for this measure, and the most obvious and comparable example, is the London plan. Broadly similar provisions exist in the London plan, and when it is put out to consultation it gets tens of thousands of responses to the notification, which are taken into account. I say gently that I do not think we are talking about an arrangement here much different from what applies there. To make the point again, this is a very different strategy that we are asking strategic authorities, or boards in those cases, to bring forward.

David Simmonds: One question that frequently arises when there is a challenge to a development through the process of judicial review is about whether the processes of consultation have been correctly followed. Removing a requirement for consultation and replacing it with a discretion to notify dramatically lowers the ability of people who are very concerned that developments are brought forward within their strategic plans that would not have been acceptable and would have failed to meet the proper consultation standard—for example, on issues such as air quality or environmental impact. In fact, it would be in the interests of the development industry for proper consultation to take place, rather than its being forestalled in this way.

Matthew Pennycook: I come back to the point I have made several times now: SDSs cannot allocate sites. There is a role for local plans underneath SDSs, which must be in general conformity with them. We would have failed if we simply ensured that SDSs were big local plans with the level of detail required on site allocation for a local plan. I gently say to the hon. Gentleman that SDSs will not opine on whether a particular development on a particular plot of land is acceptable. They may outline the areas of general housing growth that the strategic authority or constituent member authorities want to be brought forward in that sub-region.

Again, I am more than happy to go away and set out in chapter and verse the way we think the clause might operate—if we ever get to clause stand part, I might be able to outline it in a little bit more detail—but I think that when hon. Members grasp the full detail of what we want these strategies to do and how we think they should be prepared and developed, they may be reassured. If not, we can come back to the matter on Report.

Rachel Taylor: This really is a semantic point about language. I fully appreciate that there is a massive difference between notification and consultation, but new section 12H(5) is very clear that that notification is also required to contain an invitation to the relevant person to make representations. Surely an invitation to somebody to make a representation is a consultation?

Matthew Pennycook: I did not teach the subject, so I do not know. I am content to be schooled by the hon. Member for North Herefordshire on the philosophical meaning of a consultation versus notification. As I read it, the relevant strategic planning authority has a duty to produce and then publish a draft SDS, and they are required to notify all the groups under subsection (2). It is not exhaustive; they can add additional groups if they want to consult further. They must include, as my hon. Friend the Member for North Warwickshire and Bedworth rightly says, an invitation to those persons to make representations, which will be considered.

Strategic planning authorities have the discretion to go further. There is nothing stopping relevant authorities undertaking wider or different forms of consultation if they wish to inform their strategy. I think what we are talking about is somewhat a semantic difference. I will leave it there. I have spoken enough about this and the reasons why the Government do not think the amendment is necessary. If hon. Members feel strongly enough, they can either press it to a vote in Committee or we can return to it on Report.

The Chair: I call the shadow Minister to respond, but I also would like to know whether he wishes to press his amendment to a vote.

Paul Holmes: I cannot yet tell you that, Mrs Hobhouse, because I want first to respond to what the Minister has said, and then hear his response in an intervention I will invite him to make. The Minister and I are obviously fairly jaded about the length of time that this is taking. I feel exactly the same as he does, but this is a serious concern from all parties, as he has accepted. He outlined his belief that the wording in the Bill is substantive enough to ensure that there is an invitation to make representations.

The process established by the Bill says that the authority must "consider notifying"—that could be, as the hon. Member for North Herefordshire said, in a very small advert on a distinct web page that is not very accessible somewhere—"(at least) the following" people. It then publishes a strategy and asks for representations,

which must be in a prescribed form and manner and within a prescribed period. That is fine, but nowhere in the Bill does it outline what happens to those representations once they are received. There is no obligation on the development organisation to look at those representations.

Matthew Pennycook *indicated dissent.*

Paul Holmes: The Minister can make that face, but that is true. Nowhere does it say that the authority has to look at the representations, give any feedback on them or do anything about them. All we are saying in amendment 78—it was addressed in other Members' speeches as well—is that local people should be consulted on what they think about the proposals.

The Minister is, as I have said repeatedly on this Committee, a man of integrity and he has listened to our case, but nowhere under proposed new section 12H, particularly in subsections (3) and (4), does it require authorities to do anything with the representations. There is nowhere where those representations could feasibly make the proposals and draft plan better or fundamentally change their contents. I will invite the Minister to intervene—

Matthew Pennycook: I will—

Paul Holmes—when I have posed this question. We are seriously concerned about this element of the Bill. The Minister said in Committee yesterday that they have the numbers. We accept that, and we can look at this on Report. We will look at this on Report, because it is a substantial area in which the Bill falls short.

If the Minister commits to meeting all interested parties and look actively at how, in subsection (3), we can remove "consider notifying (at least)" and include not just notifying, but consulting, and we get a clear, proper commitment to that in Committee this afternoon, then we will consider not pressing the amendment to a vote. I know the Minister has the numbers, but I hope, in the spirit in which our amendment is intended, he understands that people who will be impacted by these decisions will want to have that consultation. I ask the Minister to intervene to hear if he is willing to do that. If he is not, we will press this amendment to a vote.

Matthew Pennycook: I will intervene in the interest of trying to bring this discussion to a close, because I feel I have outlined the Government's position in quite some detail. I have understood the points that Opposition Members have made. I have committed to reflecting on them.

I have also committed to writing to the Committee, which I will do, and it might be useful for the debates on Report if I outline, because I have made reference to the London plan, as the prime example of an existing spatial development strategy, how consultation works under that plan; how generally, in terms of the principles of good plan making, consultation operates across the system; and how we think the approach outlined in clause 47 in reference to spatial development strategies will operate. The hon. Member for Hamble Valley is more than welcome to press the amendment to a vote—I do not mind in any sense—but if I give hon. Members that detail and they still feel strongly enough on Report, we can continue the debate then.

Paul Holmes: I am grateful to the Minister and I know he is doing his best in this regard. I am challenging not to be obtuse or difficult, but because, as I have said, there is clear concern about the wording in the Bill, and his interpretation, which is the really important thing, is an interpretation of language in the Bill that we just do not feel is tight enough. I know he has committed to writing to the Committee, and we would like him to do that. I did ask whether he would consider looking at the consultation element in relation to proposed new section 12H(3).

On his reference to the London plan, that is fine—we can compare apples with apples and oranges with oranges—but let us look at the fact that this is a provision in legislation that will be new. I think that he should be looking at this afresh, aside from what happened before. Just because something has happened before does not mean it is correct or right, and we want the language in the Bill tightened up as much as possible. I really regret to say to the Minister—

Ellie Chowns: I plead with the hon. Member not to press the amendment to a vote, in the interests of time and also because I cannot vote for his amendment proactively, because I think it is even more poorly written than the text it is trying to replace, so can we—*[Laughter.]*

Paul Holmes: After I was so kind to the hon. Lady! Actually, we agree on this issue, and it is not my amendment; it was tabled by my hon. Friend the Member for Ruislip, Northwood and Pinner, so it is his fault. But whether she thinks it is poorly worded or not has no bearing on my inclination to press the amendment to a vote or not, because I think the principle is what matters. I think we both have a principled stance on what we want to achieve in the Bill, which is consultation.

Whether the hon. Lady thinks that the amendment is worded wrongly or not—I say that with all due respect, genuine respect, to the hon Lady—what I was saying to the Minister was that he has made a number of commitments, but I fear that coming back to this on Report and not—*[Interruption.]* I am coming to a close, Mrs Hobhouse, but other people have had their say on this and it is important that we have our say on our amendment. The Minister has been very clear on what he wants to do, but I do not think he has gone far enough, so we will press the amendment to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 3, Noes 9.

Division No. 15]

AYES

Cocking, Lewis
Holmes, Paul
Simmonds, David

NOES

Caliskan, Nesil
Ferguson, Mark
Grady, John
Kitchen, Gen
Martin, Amanda
Murphy, Luke
Pennycook, Matthew
Pitcher, Lee
Taylor, Rachel

Question accordingly negatived.

3.30 pm

Gideon Amos: I beg to move amendment 120, in clause 47, page 70, leave out line 40 and insert—

> "(5) A strategic planning authority must prepare and consult on a statement of community involvement which provides for persons affected by the strategy to have a right to be heard at an examination."

I want to discuss participation in and consultation on spatial development strategies. I appreciate that this will be a long day as we are going on until 7 pm, but this is a really important part of the Bill, and the level of public involvement that is allowed in spatial development strategies is really important. It is vital that the Bill gets that right.

The amendment provides that strategic authorities would have to prepare a statement of community involvement, which would set out the people who had a right to be heard on a spatial development strategy. That approach recognises that spatial development strategies are different from local plans. This debate was had, probably in this room, during debates on the Planning and Compulsory Purchase Act 2004. The Labour Government did not intend to include any right to be heard in local development plans, but they changed their mind and accepted the wisdom of the arguments that were put forward. A right to be heard on local development plans was enshrined in that Act.

I recognise that spatial development strategies are different, that a right to be heard is more challenging in a strategic context, and that the London plan does not have a right to be heard. However, the provisions on spatial development strategies in this Bill do not even go as far as those in the Greater London Authority Act 1999, which set out the London spatial development strategy. That Act has a duty to take account of consultation, and there is no such duty in this Bill.

I have some sympathy for the amendment that the shadow Minister proposed—the points made were valid—but we did not feel the drafting was quite right. Picking out particular businesses and interest groups was not how we would do it. We propose that strategic authorities should develop their own statement of community involvement. After all, that is what local councils are expected to do on their local plans, so why should a mayoral authority not be required to do that on a much more overarching, much more strategic and much more powerful document that would follow as a result?

In another respect, the Bill provides for even less consultation than there is on nationally significant infrastructure projects in the Planning Act 2008. In that Act, there is a statutory duty to take account of consultation—I believe it is in section 50, if memory serves me correctly. In this Bill, there is no duty to take account of consultation. There is a difference between considering notifying parties and consulting them and being required to take their views into account.

Matthew Pennycook: This is an important point, and perhaps some of the confusion arises from the stages of the process. Let me draw his attention to proposed new section 12K(2) of the Planning and Compulsory Purchase Act 2004. That makes it very clear:

> "The strategic planning authority must…consider any representations received in accordance with regulations under section 12H(7)"—

which we have just discussed—

> "and decide whether to make any modifications as a result".

A strategic planning authority cannot, as I think the shadow Minister asserted, bin all the representations that it receives in a cupboard—I think that was how the hon. Member for North Herefordshire phrased it. It does have to have regard to them. I just address that point, in terms of the examination, about what is required to come via submission to the Secretary of State before adoption.

Gideon Amos: I am grateful to the Minister for correcting me on that point. He is absolutely right that there is a provision stating that consultation responses must be taken into account, but there is no duty to consult and no requirement, and it is the same for community involvement. In fact, the Bill explicitly states that there will not be a right to be heard in the examination in public.

We should be clear that what is called a public examination of the strategy does not mean that the public are allowed to take part. They are allowed to watch and listen to it—that is what it means—but they are not allowed to take part. A clause specifically states that there should not be a right to be heard, so those affected—members of the public, landowners, businesses and so on—will not have a right to take part in that examination. There is effectively no right to take part in any of the process.

We propose a modest approach that is less onerous than what is required of local planning authorities: a statement of community involvement, in which mayoral authorities would establish for themselves what categories of persons have the right to be heard in examinations of their plans. I believe that is a sensible measure that would provide a different level of involvement, which is appropriate given that a strategic authority obviously covers many more people and it would be difficult to provide a right to be heard to every member of the public. A provision to allow mayoral authorities to set out their own consultation and involvement standards seems eminently sensible to us, and that is why we have tabled the amendment.

Matthew Pennycook: I thank the hon. Gentleman for clearly setting out his intent. Again, I preface my remarks by saying that, given the strength of feeling that has been expressed this afternoon, I will certainly reflect. As a point of principle—I will repeat this clearly, so that it is on the record—the Government of course want local communities to be actively involved in the production of a spatial development strategy for their area. All persons have the right to make representations on a draft SDS. However, we do not think it is necessary to be overly prescriptive about how strategic planning authorities should go about seeking the views of their communities, or to require them to demonstrate how they are doing so.

As the hon. Gentleman may be aware, following the implementation of changes made in the Levelling-up and Regeneration Act 2023, local planning authorities will no longer be required to produce a statement of community involvement setting out how they are engaging with their community. I do not think it would be appropriate to place a similar requirement on strategic planning authorities.

Similarly, I do not think it is necessary to give people the right to be heard at examination. It is true that, unlike for local plans, there is no formal right for persons to appear and be heard at the examination of a spatial development strategy. As I have said several times, it is the Government's intention that spatial development strategies should act as high-level documents that set the context for subsequent local plans that must be in general conformance with them. Notably, unlike local plans, spatial development strategies do not allocate specific sites for development. Therefore, it is more appropriate for people to have the right to appear at local plan examinations and for examinations of spatial development strategies to be kept proportionate to their specific role.

I say that having heard very clearly the hon. Gentleman accept and understand the difference between what the Government are trying to achieve via SDSs vis-à-vis local development plans, for example. Experience shows that planning inspectors go to lengths to ensure that a broad range of relevant interests and views are heard at examinations of the London plan, which, while not identical in legislative underpinning, is the most comparable SDS that is out there. For reference, as the hon. Gentleman probably knows given his background and experience, the most recent spatial development strategy examination —that of the London plan in 2019—took place over 12 weeks and the list of participants ran to 27 pages.

For those reasons, we do not think the amendment is necessary, and I kindly ask the hon. Gentleman to withdraw it.

Gideon Amos: We wish to press the amendment to a vote, because we believe in the right to be heard and, in general, we are highly concerned about the potential erosion of the democratic planning system by the Bill.

Question put, That the amendment be made.

The Committee divided: Ayes 3, Noes 9.

Division No. 16]

AYES

Amos, Gideon	Glover, Olly
Chowns, Ellie	

NOES

Caliskan, Nesil	Murphy, Luke
Ferguson, Mark	Pennycook, Matthew
Grady, John	Pitcher, Lee
Kitchen, Gen	Taylor, Rachel
Martin, Amanda	

Question accordingly negatived.

Gideon Amos: I beg to move amendment 124, in clause 47, page 74, line 10, leave out "from time to time" and insert "annually".

The Chair: With this it will be convenient to discuss the following:

Clause stand part.

Government amendment 48.

Schedule 3.

Gideon Amos: The Committee will be delighted to hear that I will be extremely brief on this topic. Simply put, there is no provision for how often a spatial development strategy should be reviewed, and our amendment proposes that it be done annually. It may be that annually is not be the appropriate timeframe, but there should be regular reviews. That is the spirit of the amendment, although I will not seek a vote, to enable the Committee to make progress.

Matthew Pennycook: I will start by responding to amendment 124 moved by the hon Member for Taunton and Wellington. I will then speak to clause 47 stand part, Government amendment 48 and schedule 3.

In reference to amendment 124, it is true that, unlike local plans, which must be reviewed at least every five years, there is no set timescale in which spatial development strategies must be reviewed or replaced. Spatial development strategies are intended to be long-term strategies that provide greater certainty for investment and development decisions. The areas producing them will vary greatly in their size, the scale of development that they require and the changes over time which they must respond to. This light-touch review requirement gives strategic planning authorities greater discretion to review their strategy as and when they feel it necessary to do so.

By way of comparison, the London plan, which has the same review requirement, has been fully replaced twice, and another version is now under way; it has also undergone several interim reviews and updates. I hope that strategic planning authorities will exhibit similar diligence in maintaining their SDSs. In the event that a strategic planning authority fails to adequately keep its strategy under review, the Secretary of State will have the power under the Bill to direct the authority to review all or part of its strategy. For those reasons we do not think that this amendment is required.

The Government firmly believe that housing and infrastructure needs cannot be met without planning for growth on a larger than local scale, and that new mechanisms for cross-boundary strategic planning are essential. A nationally consistent system will underpin the Government's ambition to deliver 1.5 million new homes during this Parliament, help to deliver better infrastructure, and boost economic growth. For those reasons I hope that the hon. Member will understand what we are trying to achieve with this clause and withdraw the amendment.

Government amendment 48 makes consequential changes to regulation 111 of the Conservation of Habitats and Species Regulations 2017 to add spatial development strategies drawn up under the Bill to the definition of "land use plan", and update the definition of "plan-making authority" and the references to

"giving effect to a land use plan"

to reflect the introduction of the new spatial development strategies. The amendment will bring the new spatial strategies into line with the spatial development strategy for London, along with local and neighbourhood plans. It ensures that strategic planning authorities will also be bound to carry out habitats regulations assessments. A habitats regulations assessment will identify any aspects of the spatial development strategy that may have an adverse effect on special areas of conservation, special

[Matthew Pennycook]

protection areas and Ramsar sites. That will ensure that the impacts of development on protected habitat sites are appropriately considered.

Finally, on clause 47 stand part, as we have discussed at some length, the clause reintroduces a system of strategic plan making across England. The recent period has been something of an aberration, as throughout most of the past 50 years, England has had a strategic tier of plan-making. We have had structure plans at county level, regional planning guidance from central Government and regional spatial strategies prepared at regional level. The past 14 years, without any formal planning since the abolition of regional spatial strategies, have been anomalous, and this Government's firmly held view is that that has led to suboptimal outcomes. Over the last 40 years, development levels have consistently failed to meet the country's needs, resulting in a housing crisis and significant affordability gaps across the country. Additionally, the number of local plans being adopted or updated has continued to decline, with only about 30% of plans adopted in the last five years.

As is generally accepted by hon. Members, the planning system is in dire need of reform. A system of strategic plans is central to our efforts to get Britain building again. The duty to co-operate introduced by the Localism Act 2011 was intended to replace strategic planning, but it has failed. Instead, it created a bureaucratic system and significant uncertainty, led to numerous local plan failures, and ultimately failed to deliver the kind of joined-up thinking and co-operation across local authority boundaries that was intended. Indeed, the failure of the duty was such that the previous Government legislated for its repeal in the Levelling Up and Regeneration Act 2023. I can assure the Committee that this Government will honour the previous Government's intentions and commence the relevant provisions of the 2023 Act to repeal the duty. Our goal is to establish a system of strategic planning that garners support from all sides of the House, and so create a stable and consistent framework for planning the growth that this country so desperately needs.

3.45 pm

We have learned from the previous system of regional spatial strategies, which in our view were too detached from the communities they planned for. Instead, we are introducing strategic planning at the level of devolved local government—a programme supported by the last Conservative Government. This Government are taking that even further, with four new devolved authorities already established this year and plans to establish six more by May 2026. Nearly 80% of England's population will be covered by a combined authority or combined county authority. That is the level at which we think strategic planning should occur. Combined authorities and combined county authorities provide a coherent geography to plan over, and where they exist elected mayors will be the figurehead for the strategy.

The model of strategic planning we have chosen is the spatial development strategy successfully implemented in London for over 20 years through the London plan. Importantly, Conservative, coalition and Labour Governments have all supported and respected the Mayor of London's strategic planning role. Although the London plan is not perfect and arguably delves into too much detail, it has fostered increased co-ordination between planning and infrastructure provision, not just with Transport for London, but with a range of other infrastructure providers. That co-ordination is key to successful strategic planning. It is only by making the relevant strategic decisions at the right level that we can genuinely plan for the development and future that this country and its people need. We can unblock the local plan system and start to link our infrastructure systems more closely with our planning system.

Briefly, schedule 3 contains amendments consequential on new part 1A of the Planning and Compulsory Purchase Act 2004 inserted by the clause. That includes amending the 2004 Act, the Town and Country Planning Act 1990 and the Levelling Up and Regeneration Act 2023. That will ensure that legislation is operable and effective, achieving the Government's intended objectives. For those reasons I commend clause 47 and schedule 3 to the Committee.

Gideon Amos: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 47 ordered to stand part of the Bill.

Schedule 3

Section 47: minor and consequential amendments

Amendment made: 48, in schedule 3, page 146, line 4, at end insert—

"Habitats Regulations

11A (1) Regulation 111 of the Habitats Regulations (interpretation of Chapter 8) is amended as follows.

(2) In paragraph (1), in the definition of 'land use plan'—

(a) in paragraph (a), for '(the spatial development strategy)' substitute '(the spatial development strategy for London)';

(b) after paragraph (a) insert—

'(aa) a spatial development strategy as provided for in Part 1A of the 2004 Planning Act;

(ab) a spatial development strategy of a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009, not being a spatial development strategy within paragraph (aa);

(ac) a spatial development strategy of a combined county authority established under section 9 of the Levelling-up and Regeneration Act 2023, not being a spatial development strategy within paragraph (aa);'.

(3) In paragraph (1), in the definition of 'plan-making authority'—

(a) in paragraph (a), after 'replacement' insert 'of the spatial development strategy for London';

(b) after paragraph (a) insert—

'(aa) a strategic planning authority (within the meaning given in section 12A of the 2004 Planning Act);

(ab) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 when

exercising powers in relation to a spatial development strategy specified in paragraph (ab) of the definition of "land use plan";

(ac) a combined county authority established under section 9 of the Levelling-up and Regeneration Act 2023 when exercising powers in relation to a spatial development strategy specified in paragraph (ac) of the definition of "land use plan;"';

(c) in paragraph (c), before sub-paragraph (ii) insert—

'(ia) section 12P or 12Q of the 2004 Planning Act (Secretary of State's powers in relation to spatial development strategy);'.

(4) In paragraph (2)—

(a) in sub-paragraph (c), after 'strategy', in both places, insert 'for London';

(b) after sub-paragraph (c) insert—

'(ca) the adoption or approval of a spatial development strategy or of an alteration of such a strategy under Part 1A of the 2004 Planning Act;

(cb) the adoption or alteration of a spatial development strategy specified in paragraph (ab) of the definition of "land use plan";

(cc) the adoption or alteration of a spatial development strategy specified in paragraph (ac) of the definition of "land use plan";'."—*(Matthew Pennycook.)*

This amendment revises the Habitats Regulations 2017 so that the new kind of spatial development strategy (see clause 47 of the Bill) counts as a "land use plan". The effect is that an assessment under those Regulations will be required in certain cases before the strategy is adopted.

Schedule 3, as amended, agreed to.

Clause 48

Overview of EDPs

Gideon Amos: I beg to move amendment 12, in clause 48, page 83, line 2, after "to" insert "significantly".

This amendment would require that conservation measures undertaken within Environmental Delivery Plans (EDP) should significantly protect environmental features.

The Chair: With this it will be convenient to discuss the following:

Amendment 77, in clause 48, page 83, line 8, at end insert—

"(1A) An environmental delivery plan may be prepared by a local planning authority, or incorporated into a local plan or supplementary planning document.

(1B) Where an environmental delivery plan is prepared by a local planning authority, references in sections 48 to 60 to Natural England should be read as referring to the relevant local planning authority."

Clause stand part.

Clause 49 stand part.

Gideon Amos: I am sure we can hardly contain our excitement about moving on to another clause. Amendment 12 would require that conservation measures undertaken within environmental development plans should "significantly" protect environmental features.

Clause 48 is definitional, introducing the concept of environmental delivery plans and setting out briefly what they should contain. Amendment 12 would strengthen the second of the four main functions of an EDP in subsection (1)(b), which describes the purpose of any conservation measures, including an EDP, as merely to protect the environmental features in question. "To protect" is not adequate or strong enough. The amendment would have the relevant text read, "significantly protect" the features, which would provide stronger protection.

We heard oral evidence from various environmental groups at the beginning of our consideration of the Bill. They rang alarm bells about the level of protection that EDPs would offer and said that it would not be strong enough. This is a specific change to the test of what those environmental measures should deliver, and it would go some way to address the environmental concerns that have been raised.

Paul Holmes: I apologise, Mrs Hobhouse, for the length of my speech on the previous clause; this one will not be as long. I will take your steer and cut my remarks to a more suitable length. *[Interruption.]* I did not hear what the hon. Member for North Herefordshire said from a sedentary position, but she is making my speech longer.

Amendment 77, tabled by my hon. Friend the Member for Ruislip, Northwood and Pinner, is an attempt to elaborate on the Opposition's arguments about Natural England. The Minister will know where this amendment is coming from. He was open to some of the challenge from Members and witnesses in the Committee's evidence session in which concerns were repeatedly raised about the functionality, ability and readiness of Natural England to play the role expected of it by the Secretary of State and the Minister in the parameters of this legislation.

I was initially concerned about Natural England because I have had involvement with it in my constituency, and some of its response times and ability to react in what I consider to be a satisfactory manner are sometimes compromised. That is by no means a criticism of the chief executive, who I thought gave very honest and able testimony in our evidence session. I will précis her words, as I did not make a note, but essentially she said, "We are going to wait for the spending review, but there is a lot of work that we need to do. We have been assured that the Government are going to resource us, and there are added responsibilities, but we hope, we see, we think." I am afraid that, when we are looking at such monumental changes to development and nature recovery planning, we need better than that.

The Minister was really open when we cross-examined him in the evidence session. He said that I was tempting him to give an answer ahead of the spending review. I will not do that this afternoon; I know that he is but a small cog among the many Ministers asking the Chancellor for more money to resource their Departments. I understand that, having been through it myself. None the less, we are concerned about Natural England's ability and whether it is the right organisation to take these responsibilities forward.

Amendment 77 to clause 48 would remove the reference to Natural England and provide that an environmental delivery plan may be prepared by a local planning authority, or incorporated into a local plan or supplementary planning document. The second part of the amendment, proposed subsection (1B), would provide that where an EDP is prepared by a local planning

[Paul Holmes]

authority, the references to clauses 48 to 60, which essentially outline Natural England's responsibilities, should be read as referring to the relevant local planning authority.

We believe that local planning authorities have the wherewithal to develop local environmental delivery plans. They have experience of doing so. I know that there is some challenge, given the resourcing of planning departments, but the Minister's record on that issue, as well as the actions that he is taking through this legislation, which we wholeheartedly support, make me confident that that challenge will be met.

As I say, I am concerned to ensure that local authorities can develop environmental delivery plans. After my hon. Friend the Member for Ruislip, Northwood and Pinner has spoken, will the Minister elaborate on that in his winding up? I hope that since the evidence session, he has taken a look at some of the legislation and recommendations for Natural England, or discussed them with Natural England to reassure himself that Natural England is resourced for the actions that he and Secretary of State will require it to undertake, although I realise that he will say this is a slow-burn development going through. Those are the parameters of our amendment, and we hope that the Minister will look on it favourably. If he cannot, we hope he can give us some reassurance that Natural England is still the best fit to undertake these responsibilities.

David Simmonds: For the Opposition, support for the recovery of nature and the natural environment is a high priority. Amendment 77 and the arguments we will advance later are about ensuring that the additional capacity the Government are bringing to the process of nature recovery through their changes to the planning system is focused in a way that delivers.

As we have heard, both in evidence and in the general debates around the comparison with the section 106 process, for example, where financial contributions are sought, they are accumulated until the point when the delivery of a plan—for school places, road improvements or whatever it may be—is viable. Clearly, the Government intend environmental delivery plans to work in the same way.

As my hon. Friend the shadow Minister has ably set out, during the evidence sessions we heard concerns about the capacity of Natural England, as a further part of this already complex system, to deliver on that objective. In his rebuttal remarks earlier, the Minister relied on the proposed new section on chalk streams, saying that it was an example of something that could be dealt with through a local nature recovery strategy. That is one alternative to Natural England seeking to create a much larger process, but there are many others.

In my constituency, we have the Hertfordshire and Middlesex Wildlife Trust, which might well be able to deliver a very substantial project in this respect. All of those bodies have a very direct relationship with the local authority, which is the planning authority. Rather than create an additional element of complexity, we should streamline the process so that a local authority becomes not only the planning decision maker, but is able, through its direct engagement with the developer and its detailed local knowledge of the environment in which the development is taking place, to take on that responsibility. Should it feel that Natural England is the best delivery partner for that, okay. I am sure we would all accept that, but there will be other options available, especially when the impacts the EDP is intended to mitigate are quite specialist or quite local in their effects. That is the thinking behind the amendment.

I fundamentally disagree with my hon. Friend the Member for Hamble Valley in that I do not consider the Minister to be a small cog in this wheel. I am sure that his will be a significant voice in discussions with the Treasury, given the priority given to growth. I hope the Minister will take that into consideration, because this is an opportunity to step away from the previous delays, which were frequently cited in evidence on the role of Natural England, and to ensure that additional capacity goes into the part of the planning system that we know is already delivering at scale—the part that is under the control of local authorities.

Matthew Pennycook: Did we hear about the other amendment, Mrs Hobhouse?

The Chair: Yes, we heard about amendment 12 and 77; we discussed them together.

Matthew Pennycook: Excellent. I wanted to make sure, given previous confusion on other clauses.

Before I speak to clauses 48 and 49 and respond to the points made, I hope you will indulge me slightly, Mrs Hobhouse, as I take a few moments to set out the Government's overriding objections to amending this really important part of the Bill, which I know will be subjected to rigorous scrutiny by the Opposition.

As set out in our plan for change, this Government are committed to reforming the planning system to build the homes and critical infrastructure our country needs. The reforms in this Bill are critical to meeting our ambitious targets of building 1.5 million safe and decent homes, and fast-tracking 150 planning decisions on major economic infrastructure projects by the end of this Parliament. However, we have been consistently clear that meeting those objectives need not, and should not, come at the cost of the environment.

By pursuing smart planning reforms, we can unlock and accelerate housing and infrastructure delivery while improving the state of nature across the country, delivering a win-win for development and the environment, and building a future where nature and the economy flourish together. The new approach that the nature restoration fund will facilitate will allow us to use funding from development to deliver environmental improvements at a scale that will have the greatest impact in terms of driving the recovery of protected sites and species, thereby delivering more for nature, not less. The fund will move us away from an unacceptable status quo. I think there is recognition in Committee that not only does the status quo deters and constrains development, but all too often it fails to improve our environment.

4 pm

The nature restoration fund will allow Natural England to produce plans that will demonstrate how strategic action can effectively address the impact of development

and improve the conservation status of the relevant environmental feature. The environmental delivery plans are central to our approach. By addressing environmental impacts strategically, rather than at the level of an individual project, Natural England will be empowered to take the necessary action to unlock the positive impact that development can have in driving nature recovery. Where a plan is in place, these actions will be delivered through funding secured through developer contributions.

As I have said, by shifting to a strategic approach, leveraging economies of scale and reducing the need for costly project-level assessments, we can secure better outcomes for nature, deliver planning consents more quickly, and ensure that the aggregate cost to developers is no greater than the status quo. This is an incredibly important area of the Bill, for the reasons I have outlined. It provides us with the opportunity to take a new approach that, as I have said, provides that win-win. I appreciate that, because it is novel, it naturally represents a different approach from the status quo. However, as I have set out, in our view a change in approach is critical to ensuring that we can deliver the homes and infrastructure that our country needs while protecting and improving nature.

Although I am confident that the nature restoration fund represents a win-win, that does not mean that the Government are not listening to views on how we make sure this approach is as effective as possible. In that spirit we are, to take a key example, carefully considering the advice of the Office for Environmental Protection. We welcome its support for the overall approach and intentions of this part of the Bill, and will carefully consider the detailed points it has raised, because it is important that everyone is confident that the outcomes for nature provided by this part of the Bill will be positive. In that same spirit, I look forward to a constructive debate on the clauses and will listen carefully to the contributions of all Members, as I listen to the views of all sectors, to ensure that our proposals deliver what we have promised—namely, a new, strategic approach that both speeds up development and delivers better outcomes for nature.

Clause 48 provides an overview of the new type of plan and signposts to other key sections in this part relating to the contents, procedure and reporting requirements of an environmental delivery plan. EDPs will be drafted by Natural England or, as I will come on to explain, another delivery body where set by regulations, and subsequently made by the Secretary of State following their consideration and approval of the EDP. EDPs will set out the conservation measures that will be taken to address the impact of specified types of development on relevant environmental features—a specific protected feature of a protected site, or a specific protected species. We will cover that issue in detail at clause 50.

The EDP will also set out the amount of the nature restoration levy to be paid by developers to Natural England based on what is required to pay for the measures. Alongside the levy rate payable, the EDP will set out the relevant environmental obligations that will be discharged, disapplied or modified as a result of making the payment. Further details on environmental delivery plans are provided in clauses 49 to 60, which we will come on to later this afternoon and, I fear, perhaps tomorrow morning as well.

Clause 49 sets out the requirements for what an EDP must contain, providing clarity on its scope and setting clear expectations for Natural England as to what it should include when preparing EDPs. The requirements include that the EDP will apply to a specific geographic area, or separate areas, in England or its territorial waters; that is the geographic area where development can benefit from the EDP. The EDP may also include areas within that development area where development is excluded from the EDP—for example, within the protected site itself. The EDP will also specify particular types and amounts of development that it can cover. Once the threshold for the amount of development allowed under the EDP is reached, without an amendment new development will no longer be able to rely upon the EDP. Natural England can define an amount of development in a variety of ways. I want to be clear on that point.

An EDP must specify a start date when development can start paying into the EDP, and an end date—the point at which the overall improvement test, which we will consider in detail on clause 55, must have been met. The end date must be no later than 10 years following the start date, so that benefits can start to be realised within a reasonable timeframe. It is vital that EDPs include that information to provide clarity for developers on the type and location of development that will be in scope of the plans. For those reasons, I commend both clauses to the Committee.

Amendment 12, tabled by the hon. Member for Taunton and Wellington, would require an EDP to contain conservation measures that "significantly" protect environmental features. In developing the nature restoration fund, the Government have been clear that these measures will go further than the current system, leaving the environment in a better place rather than simply offsetting the impact of development. That is why the Bill includes clause 55—to be debated in more detail in due course—which ensures that an environmental delivery plan can be put in place only where the Secretary of State is satisfied that the delivery of conservation measures will outweigh the negative effects of a development.

Natural England will also be tasked with setting out conservation measures that will both address the environmental impact of development and contribute to an overall improvement, and set out why it, as the statutory nature conservation body in England, considers those measures to be appropriate. Under this approach, conservation measures will already deliver environmental outcomes that exceed those secured under the current system. That is a really important point.

My reference point for the benefits that the system can introduce is the status quo, which is not delivering; we will come on to the resource point, but, if EDPs do not come forward, we will be reliant on that status quo, which is not delivering. I ask hon. Members to hold that in mind throughout our debates on these clauses. On that basis, I hope that the hon. Member will agree to withdraw his amendment.

Finally, amendment 77, as the hon. Member for Ruislip, Northwood and Pinner set out, would allow local planning authorities to act as an alternative delivery body to Natural England for the purposes of creating EDPs. Local authorities will already have an important role to play in the creation and delivery of EDPs. Crucially, Natural England will need to consult with all

relevant local authorities on an EDP, and the Bill contains a requirement for local authorities to co-operate with Natural England and provide reasonable assistance throughout the lifespan of an EDP.

This part of the Bill also already provides the Secretary of State with the power to designate another body with the functions of Natural England. That speaks to the heart of the proposed amendment, as the Secretary of State can already provide, in specific circumstances, for local authorities to take on the role of delivery body not just in preparing the EDP, but in delivering conservation measures. There are instances where we can imagine that that might be appropriate, but in the main, as many of the measures we are speaking about here will cross local authority boundaries, it will be more appropriate in most instances for Natural England to be the lead body.

There are clear reasons why we have named Natural England in the Bill as the body responsible for delivering EDPs. As England's nature conservation body, Natural England already has the ecological skills and expertise required to develop and deliver EDPs. That skill and expertise will allow it to apply its knowledge of protected sites and species to bring forward EDPs that deliver meaningful improvements for nature. An equally important benefit is that Natural England will be able to act as a single national body, with the ability to make EDPs on a strategic cross-local authority level and oversight over the whole suite of EDPs that apply. At the same time, it will put suitable propriety barriers in place to ensure that it can act effectively as an advisory body while being tasked with designing and implementing EDPs.

The Government are working closely with Natural England to ensure that the appropriate resources are in place to administer the nature restoration fund. As I said in a previous exchange with the hon. Member for Hamble Valley, the autumn Budget allocated £14 million to support the set-up of the nature restoration fund. In the medium to long term, we will move the fund so that it operates on a cost recovery basis, and therefore sustainably. Were the amendment to be accepted, there is a risk that local authority EDPs could conflict with those produced by Natural England, leading only to additional complexity. However, as I said, the Secretary of State does have the power to appoint a local authority to produce a plan.

David Simmonds: The Minister mentioned moving to a cost recovery basis. Earlier, I mentioned a weakness of section 106: by the time funds are accumulated, maybe over a five or 10-year period, costs have risen and the delivered outcome is significantly less than was envisaged to mitigate the original impact. Could the Minister set out the process for establishing the relevant costs, with reference for example to the much-mocked £115 million HS2 bat tunnel, which came up in the evidence sessions? That has been hugely costly. We could end up with a very substantial bill that the developers and the promoters of the project had never expected in the first place, but that was judged necessary as a result of this process, despite it being entirely out of the view of the planning authority determining the original application.

Matthew Pennycook: The hon. Gentleman is more than welcome to come back to me on that point, but we will deal with the mechanism by which fees are set under the EDPs in a later clause. I hope that, at that point, I will provide him with more clarity, but perhaps we could defer that particular discussion, because I think it would be more appropriately dealt with then. For the reasons I have given, I commend these clauses to the Committee and ask for the two amendments to be withdrawn.

Gideon Amos: We are concerned about this issue. Our set of amendments in these areas is small; they are in the spirit of the Bill and of what the Government want to do with environmental delivery plans. They are designed to provide the strengthening that environmental groups are calling for clearly and strongly. We will not push the Committee to a vote, but we remain concerned and we will return to similar points, which are also in the spirit of the Bill, on later amendments. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: 77, in clause 48, page 83, line 8, at end insert—

"(1A) An environmental delivery plan may be prepared by a local planning authority, or incorporated into a local plan or supplementary planning document.

(1B) Where an environmental delivery plan is prepared by a local planning authority, references in sections 48 to 60 to Natural England should be read as referring to the relevant local planning authority."—*(Paul Holmes.)*

Question put, That the amendment be made.

The Committee divided: Ayes 3, Noes 8.

Division No. 17]

AYES

Cocking, Lewis	Simmonds, David
Holmes, Paul	

NOES

Caliskan, Nesil	Murphy, Luke
Ferguson, Mark	Pennycook, Matthew
Grady, John	Pitcher, Lee
Martin, Amanda	Taylor, Rachel

Question accordingly negatived.

Clause 48 ordered to stand part of the Bill.

Clause 49 ordered to stand part of the Bill.

Clause 50

APPLICATIONS FOR DEVELOPMENT CONSENT: COSTS

Ellie Chowns: I beg to move amendment 18, in clause 50, page 84, line 27, at end insert—

"(2A) An environmental feature identified in an EDP must not be—

(a) an irreplaceable habitat;

(b) ecologically linked to an irreplaceable habitat to the extent that development-related harm to that feature or the surrounding site would negatively affect the irreplaceable habitat.

(2B) For the purposes of this section, 'irreplaceable habitat' means—

(a) a habitat identified as irreplaceable under The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024, or

(b) an ecologically valuable habitat that would be technically very difficult or impossible to restore, create or replace within a reasonable timescale."

This amendment would mean that an Environmental Delivery Plan cannot be created for irreplaceable habitats, and would maintain existing rules and processes for the protection of irreplaceable habitats, including under the National Planning Policy Framework.

The Chair: With this it will be convenient to discuss the following:

Amendment 13, in clause 50, page 84, line 32, leave out "an" and insert "a significant".

This amendment would require that an improvement made to the conservation status of an identified environmental feature within environmental delivery plans should be significant.

Amendment 33, in clause 50, page 84, line 33, at end insert

", and deliver new nature-based solutions to flooding and sustainable drainage systems in the area covered by the EDP."

Amendment 148, clause 50, page 84, line 38, at end insert—

"(4A) Subsection (4) does not apply where an identified environmental feature is a protected feature of a protected site and is—

(a) a chalk stream;

(b) a blanket bog."

Government amendments 95 and 96.

Clause stand part.

Ellie Chowns: I rise to speak in very strong support of amendment 18 to clause 50, which is one of a number of amendments I have tabled to part 3. I have significant concerns about part 3—concerns clearly shared by a wide range of environmental organisations, the Office for Environmental Protection and by many prominent scientists.

Amendment 18 seeks to ensure that irreplaceable habitats, those rare and exceptional ecosystems that, once lost, cannot be recreated, are explicitly excluded from being subjected to environmental delivery plans under the Bill. In simple terms, it provides a critical safeguard for our most ecologically valuable places by ensuring that EDPs, tools designed to offset and manage environmental harm from development, cannot be applied to irreplaceable habitats or to features whose degradation would harm such habitats. It is not possible to offset an irreplaceable habitat; it is, by definition, irreplaceable.

4.15 pm

Unfortunately, clause 50 as drafted would allow EDPs to be created for areas that include irreplaceable habitats. That is an alarming oversight. Irreplaceable habitats are unique. They are not interchangeable or restorable within a meaningful timeframe, and once destroyed, they are gone forever—they cannot be replaced. No delivery plan, however well intentioned, can truly replace ancient woodland, lowland fens or ancient peat bogs. The amendment puts that right. It states clearly that an EDP cannot be used as a cover to justify damage to irreplaceable habitats. Crucially, it is rooted in and builds on existing policy, notably protections enshrined in the national planning policy framework and, more recently, the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024.

I will remind colleagues why that matters. First, the science is clear: irreplaceable habitats are rare and declining. According to the 2023 Natural England report on priority habitats, only 2.4% of England's land is covered by ancient woodland. That figure is down from much higher ones in previous centuries, and it is still falling under pressure from development.

Likewise, our rare peatlands store more carbon than all UK forests combined, yet more than 80% of UK peatlands are degraded. Those habitats are critical not only for biodiversity—they are one of our richest habitats for dragonflies, with 25 of the UK's 38 species being found on upland peat bogs—but for wider societal benefits, including, importantly, carbon sequestration; flood mitigation, which is also very important; and air and water purification, with 70% of our drinking water coming from upland areas dominated by peat.

Secondly, these habitats are legally and internationally recognised. For instance, ancient woodland and veteran trees are afforded protection in the NPPF due to their high biodiversity value and the significant time they take to establish. The UK is also bound by international agreements, such as the convention on biological diversity, to halt biodiversity loss. Allowing the destruction of irreplaceable habitats, even under a managed environmental delivery plan, would risk breaching those commitments through irreparable losses and harm.

Thirdly, irreplaceability means what it says. Mitigation and compensation measures such as biodiversity net gain are already recognised as entirely inappropriate for these kinds of ecosystems. That has been openly stated by Natural England and the Department for Environment, Food and Rural Affairs. In fact, the Government's own biodiversity metric excludes irreplaceable habitats from calculations of net gain for exactly that reason: we cannot offset the un-offsettable.

Let me address a potential concern that the amendment is too rigid or would hinder necessary development—it would not. Development near irreplaceable habitats can and does happen, but it must be designed in a way that respects and avoids harm to those habitats. Likewise, we must seek to disincentivise developments in areas where they are clearly inappropriate and would not deliver the promised win-win for nature and the economy.

The amendment does not prevent development; it simply preserves the long-standing and widely supported principle that our most sensitive habitats are off limits for compensatory trade-offs. The amendment relies on a clear, evidence-based, tightly bound and well-understood definition of "irreplaceable habitat", using the 2024 regulations and allowing for scientific assessment of ecological value and technical feasibility of restoration. This is not a blanket ban, but a principled, proportionate protection based on ecological reality.

The amendment is a necessary complement to the overall improvement test, which would not currently rule out the possibility of attempting compensation on the basis of even detailed assumptions that later prove false. Past attempts have been made to offset harm to irreplaceable habitats, with poor records of success. It is therefore sensible to make the law explicit from the outset to avoid uncertainty and falsely optimistic attempts at potential offsetting.

Crucially, the amendment is necessary if we are to meet the legally binding targets set out under the Environment Act 2021. One of the headline goals of that Act is to halt the decline in species abundance by 2030. It has further ambitions to increase wildlife populations, improve the condition of protected sites and enhance the overall extent and connectivity of habitats. Those outcomes are simply not achievable if irreplaceable habitats remain vulnerable to development through loopholes in planning tools such as environmental delivery plans.

The loss of even small areas of ancient woodland or wetland mosaic can have a disproportionate impact on biodiversity and ecological networks. By ringfencing such habitats from EDPs, the amendment would give practical effect to the spirit and substance of the Environment Act's ambitions, ensuring that our most valuable natural assets are genuinely protected and not undermined by piecemeal erosion.

Lastly, the amendment aligns with the 2023 environmental principles policy statement. As we know, the statement requires Ministers and policymakers to consider five key environmental principles when making decisions; those principles are relevant to this clause but also to this entire part of the Bill. Most relevant here are the precautionary principle, the principle of environmental harm being prevented at source, and the integration principle. Allowing EDPs to apply to irreplaceable habitats directly contradicts those principles.

The precautionary principle demands that where environmental harm is uncertain and potentially irreversible, we act pre-emptively to prevent it. The prevention at source principle is likewise relevant, as once lost, these habitats cannot be recreated elsewhere. By embedding a clear exemption for irreplaceable habitats, the amendment would give effect to those principles—the Government's principles—and ensure that the Bill remains in line with the Government's environmental obligations.

If we are serious about halting nature's decline and reversing the biodiversity crisis, we must draw red lines. This is one of them: irreplaceable must mean irreplaceable. The Government have committed to helping nature's recovery alongside new development, and weakening protections now would send precisely the wrong signal.

I urge the Committee to support the amendment. It reflects public expectation, ecological and scientific evidence, and policy consistency. It would give clarity to developers and comfort to conservationists, who are deeply worried. Most of all, it would honour our obligation to protect the natural heritage we cannot afford to lose.

Luke Murphy: I rise to speak to clause 50. The Government and the Minister deserve complete praise for their attempt to thread the needle of building more homes while protecting and restoring nature. We must recognise that the system we inherited was failing on both counts. The innovative approach outlined in this part of the Bill, including in clause 50, is to be applauded.

I have one question for the Minister. In evidence to the Committee, there was a difference of opinion between Natural England and Wildlife and Countryside Link about whether the mitigation hierarchy would still apply under the Bill. As the Minister is aware, the Office for Environmental Protection has also expressed concerns about the undermining of the mitigation hierarchy. Here we have a disagreement between Natural England and the OEP on the loss of the mitigation hierarchy, and whether developers can indeed get away without avoiding harm.

I have also seen written evidence from Arbtech, the leading ecological consultancy in the UK and a major employer in the constituency of my right hon. Friend the Member for Alyn and Deeside (Mark Tami). In its representations on the issue, it also expressed concerns on behalf of developers about the complexities that could be created for them. I ask the Minister, how can we clear up the discrepancy? It is absolutely clear that the Government want to avoid harm for habitats that cannot be easily replaced, and that the Government want to restore and protect nature and achieve our housing goals. How can we give the OEP and others the confidence that the Government's intentions will be made a legal reality?

Gideon Amos: I rise to speak in support of amendment 13, which would require that the conservation measures undertaken within environmental delivery plans should significantly protect environmental features. It is one of a number of similar amendments that I will not speak to at length. Together, they would strengthen the thrust and strength of environmental delivery plans.

I say gently to the Government that if none of these strengthening opportunities is taken, we will end up with a Bill that provides environmental delivery plans that do not have the confidence of environmental bodies in this country or those who represent our environment. I hope that the Minister will consider that as we debate these amendments, which may seem to concern minor matters of wording but could really strengthen the structure of EDPs.

We look forward to hearing what the Government have to say about amendment 18, which was tabled by the hon. Member for North Herefordshire. We are concerned about irreplaceable habitats, and we look for some reassurance on that topic before considering how we respond to that amendment.

Matthew Pennycook: Before I start, let me make a point that I think has been well conveyed, but that I will make again for the sake of clarity: I hope that Opposition Members who have dealt with me in the past know this, but when I say that I am reflecting and listening, I am. I will take all the comments about these clauses away. As I said in respect of the opinions that have been shared with us by the Office for Environmental Protection, we are already thinking about how we might respond to allay some of those concerns.

Environmental delivery plans will ensure that the environmental impact of development is addressed through the delivery of effective, strategic conservation measures. The conservation measures will not only address the impact of development, but go further to provide a positive contribution to overall environmental improvement, delivering the win-win that we have spoken about.

Clause 50 is central to establishing the new approach that I have outlined. It introduces requirements for the environmental delivery plan to identify and set out information on three of the key concepts that it deals with. The first is the environmental features that are likely to be negatively affected: either a specific protected

feature of a protected site, or a protected species. Those protections stem from the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 or the Protection of Badgers Act 1992. I will come back to that point, which is relevant to the amendment tabled by the hon. Member for North Herefordshire.

The second concept is the relevant environmental impact of development, and the third is the conservation measures that will be put in place to address the negative impacts and contribute to an overall improvement in the environmental feature. For example, where an environmental feature is a type of plant that is a notified feature of a protected watercourse, and the environmental impact is nutrient pollution from housing development, the conservation measures will address the nutrient pollution from the housing development but will go further to improve the conservation status of that type of plant in that watercourse.

In designing conservation measures, Natural England will consider the lifespan of the development and the period over which conservation measures need to be secured and managed. EDPs will be able to include back-up conservation measures that could be deployed, if needed, to secure the desired environmental outcomes. That is not only important for nature, but part of ensuring that the Secretary of State can be confident that EDPs will deliver conservation measures that outweigh the impact of development. This shift from the status quo towards active restoration is a key feature of the nature restoration fund.

A draft environmental delivery plan will also contain information on the expected cost of conservation measures to ensure that conservation measures are adequately funded. The cost of the measures will be relevant to making sure that the levy is set at a reasonable level for development, while allowing us to be confident that the conservation measures will be delivered.

As well as setting out further detail as to what an environmental delivery plan will contain, clause 50—with clarification from Government amendment 96—establishes the ability of Natural England to request that a planning condition be imposed on development as a conservation measure. Those pro forma conditions will allow avoidance and reduction measures to be secured up front, alongside wider conservation measures. It could be, for example, that as part of an environmental delivery plan dealing with the impact of water scarcity, a planning condition requires development to achieve a certain standard of water efficiency.

Although it has always been the case that those conservation measures would be maintained, Government amendment 95 introduces a requirement that an environmental delivery plan sets out how they are to be maintained and over what period, such as through conservation covenants or land agreements. I commend the clause and the Government amendments to the Committee.

I turn to the amendments tabled and spoken to by Opposition Members. As the hon. Member for North Herefordshire set out, amendment 18 seeks to prevent irreplaceable habitats, or habitats linked to irreplaceable habitats, from being included in environmental delivery plans. I should first set out clearly that the provisions in the Bill will not reduce protections for irreplaceable habitats.

Existing protections for irreplaceable habitats under the national planning policy framework will continue to apply. Those protections provide that where development results in the loss or deterioration of irreplaceable habitats, development should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. That policy is set out in the NPPF and applies to those particular habitats.

4.30 pm

The focus of the nature restoration fund is to offer an alternative way for developers to discharge existing environmental obligations related to protected sites and species, with those obligations set out clearly in the legislation. Crucially for this amendment, those obligations under the NPPF—protecting irreplaceable habitats—are not environmental obligations that can be discharged through the nature restoration fund.

However, we recognise that some sites may benefit from multiple designations and there are limited circumstances in which an environmental feature in scope of an EDP could also form part of an irreplaceable habitat. When developing environmental delivery plans, Natural England will of course carefully consider whether an EDP could be brought forward in such circumstances.

Although a developer will be able to make a payment to discharge a relevant environmental obligation under an EDP, such as to address the impact of nutrient pollution, the NPPF protections remain in place and will apply. That speaks to the targeted nature of environmental delivery plans: they can be used only to discharge specific environmental obligations, while developers are still required to comply with wider environmental obligations, including those protections that exist in the NPPF as it stands.

With that explanation, and fully appreciating that we may come back to this, I hope that the hon. Lady will withdraw her amendment.

Ellie Chowns *rose—*

Matthew Pennycook: If the hon. Lady wants to intervene, she is more than welcome to.

The Chair: Order. Does the hon. Lady want to intervene, or shall I call her to speak at the end?

Ellie Chowns: I want to say something further, but not specifically as an intervention.

Matthew Pennycook: I will continue then and turn to amendment 148.

The Chair: The shadow Minister would like to speak to that amendment. Can I call him first?

Matthew Pennycook: In that case, I will sit down.

Paul Holmes: I apologise to the Minister and to you, Mrs Hobhouse, because I did not register that amendment 148 was in this group—that is my fault.

The Chair: It is getting late.

Paul Holmes: It is getting late, and I have been thinking about chalk streams all day. I will speak briefly to amendment 148, which is in the name of the shadow Environment Secretary, my right hon. Friend the Member for Louth and Horncastle (Victoria Atkins). Clause 50(4) states:

"Where an identified environmental feature is a protected feature of a protected site, the EDP may, if Natural England considers it appropriate, set out conservation measures that do not directly address the environmental impact of development on that feature at that site but instead seek to improve the conservation status of the same feature elsewhere."

The amendment would add two important carve-outs through an extra subsection (4A), whereby subsection (4) does not apply where an identified environmental feature is a protected feature of a protected site and is a chalk stream or a blanket bog—*[Laughter.]* The Minister was laughing. We have carved out those two things in the amendment—well, the shadow Environment Secretary thought it was very important, obviously, and I have researched what a blanket bog is—because of what we discussed earlier.

In particular, the hon. Member for North Herefordshire outlined perfectly that our chalk streams in this country are exceptionally special, are unique ecosystems and are unique in most ways to the UK, particularly Hampshire and certain other parts of the country. Therefore, we think there is scope to create subsection (4A) to exempt those two specific protected characteristics from subsection (4).

That is the reason why we tabled amendment 148: chalk streams obviously cannot be moved—I am not being facetious; I promise the Minister that we are not at that stage of the day—and they are incredibly rare, so it would not be appropriate to try to create that environmental protection elsewhere. We could do it from one chalk stream to another, but chalk streams are so rare that we would not want to harm, inadvertently or purposefully, the country's chalk streams.

I hope the Minister sees that those very small additions to the text of clause 50 would strengthen the Bill. I commend the amendment, tabled by my right hon. Friend the Member for Louth and Horncastle, to the Committee.

Matthew Pennycook: Just to clarify, for *Hansard* more than anything, I laughed only at the shadow Minister's delivery of the term "blanket bog". I was not in any way questioning the importance of that type of peatland.

David Simmonds: For the edification of the Committee, they are also known as featherbed bogs.

Matthew Pennycook: Indeed. I look forward to seeing how *Hansard* tidies up that exchange.

As the shadow Minister said, amendment 148 would prevent chalk streams and blanket bogs from being an environmental feature for which conservation measures can be put in place that address the harm from development at a different location from the impacted site. Where the feature to which an EDP relates is an irreplaceable habitat, such as a blanket bog, it would not be possible for impacts on that feature to be compensated for elsewhere. That is the nature of their being irreplaceable.

The Bill is clear that impacts must be adequately addressed for an environmental delivery plan to be made by the Secretary of State. Moreover, as I just set out in relation to a previous amendment, both chalk streams and blanket bogs are protected by the national planning policy framework. They are not environmental obligations that can be discharged through the nature restoration fund, so they would not be the focus of an environmental delivery plan.

The NPPF makes it clear that development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Those protections will continue to apply. On that basis, I hope the shadow Minister will not press the amendment.

Due to the slightly muddled way in which we have debated these amendments, I have not had the chance to respond to amendment 13, which is in the name of the hon. Member for Taunton and Wellington, so I will do so now. As he set out, it would require environmental delivery plans to go further than the current requirement to contribute to an "improvement" in the conservation status of an environmental feature to contributing to a "significant improvement". The Government have always been clear that they would legislate only where we could secure better outcomes for nature, and that is what we have secured through these clauses by moving beyond the current system of offsetting to secure an improvement in environmental outcomes.

Clause 50 requires that an environmental delivery plan must set out not only how conservation measures will address the environmental impact of development, but how they will contribute to an overall improvement in the conservation status of the environmental feature in question. That reflects the commitment that EDPs will go beyond neutrality and secure more positive environmental results.

That commitment ties into the crucial safeguard in clause 55(4), which ensures that an EDP can be put in place only where the Secretary of State is satisfied that the delivery of conservation measures will outweigh the negative effects of development. That means that environmental delivery plans will already be going further than simply offsetting the impact of development.

However, requiring environmental delivery plans to go even further, in the way that the amendment proposes, risks placing a disproportionate burden on developers to contribute more than their fair share. In effect, I am arguing that EDPs already go beyond the status quo. With that explanation, I hope that the hon. Member will not press the amendment, not least because we will discuss these issues in more detail in the debate on clause 55.

Ellie Chowns: I thank the Minister and other hon. Members for their comments; I would like to push the amendment to a vote. I agree with the hon. Member for Taunton and Wellington on the importance of including the word "significant", but as the Minister says, we will come on to that later. I recognise the importance of chalk streams and blanket bogs, but they are not the only habitats that should be protected, which is why I think my amendment is clearer and more comprehensive. It incorporates the issues that were raised by the hon. Member.

The Minister argued that my amendment is not required because there are existing protections for irreplaceable habitats, but he indicated that there could be some grey areas, for example where certain features of irreplaceable habitats, such as particular creatures or aspects, are considered as part of EDPs. That creates an unhelpful greyness and is concerning.

The Minister mentioned the advice from the Office for Environmental Protection. That advice has caused me considerable concern. The OEP is worried by several aspects of the Bill and states:

"In our considered view, the bill would have the effect of reducing the level of environmental protection provided for by existing environmental law",

so it would undermine protections that are currently in place. The OEP states:

"As drafted, the provisions are a regression. This is particularly so for England's most important wildlife—those habitats and species protected under the Habitats Regulations."

That says very clearly that changes are urgently needed to part 3 of the Bill. If we cannot amend part 3 to protect irreplaceable habitats, what hope do we have of tackling other issues? This is very important, and I would like to push the amendment to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 3, Noes 9.

Division No. 18]

AYES

Amos, Gideon	Glover, Olly
Chowns, Ellie	

NOES

Caliskan, Nesil	Martin, Amanda
Dickson, Jim	Murphy, Luke
Ferguson, Mark	Pennycook, Matthew
Grady, John	Pitcher, Lee
Kitchen, Gen	

Question accordingly negatived.

Amendment proposed: 148, in clause 50, page 84, line 38, at end insert—

"(4A) Subsection (4) does not apply where an identified environmental feature is a protected feature of a protected site and is—

(a) a chalk stream;

(b) a blanket bog."—*(Paul Holmes.)*

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 10.

Division No. 19]

AYES

Amos, Gideon	Holmes, Paul
Chowns, Ellie	
Glover, Olly	Simmonds, David

NOES

Caliskan, Nesil	Martin, Amanda
Dickson, Jim	Murphy, Luke
Ferguson, Mark	Pennycook, Matthew
Grady, John	Pitcher, Lee
Kitchen, Gen	Taylor, Rachel

Question accordingly negatived.

The Chair: For clarification, there was no further debate on amendment 148 because amendment 18 was the lead amendment in that particular group.

Amendments made: 95, in clause 50, page 85, line 4, leave out from "cost" to "likely" in line 5 and insert ", and

(b) how the conservation measures are to be maintained,

over the period covered by the EDP or, if longer, the period for which the conservation measures are".

This amendment additionally requires an EDP to state how the conservation measures will be maintained, such as through conservation covenants or land agreements.

Amendment 96: in clause 50, page 85, line 7, leave out "requirement for Natural England to request"

and insert "request, by Natural England,".—*(Matthew Pennycook.)*

This amendment makes a minor drafting change to remove the reference to "a requirement for Natural England" which is unnecessary.

Clause 50, as amended, ordered to stand part of the Bill.

Clause 51

NATURE RESTORATION LEVY: CHARGING SCHEDULES

Question proposed, That the clause stand part of the Bill.

4.45 pm

The Chair: With this it will be convenient to discuss the following:

Amendment 3, in clause 52, page 86, line 12, at end insert—

"(10) An EDP must include a schedule setting out the timetable for the implementation of each conservation measure and for the reporting of results.

(11) A schedule included under subsection (10) must ensure that, where the development to which the EDP applies is in Natural England's opinion likely to cause significant environmental damage, the corresponding conservation measures result in an improvement in the conservation status of the identified features prior to the damage being caused.

(12) In preparing a schedule under subsection (10) Natural England must have regard to the principle that enhancements should be delivered in advance of harm."

This amendment would require Environmental Delivery Plans to set out a timetable for, and thereafter report on, conservation measures, and require improvement of the conservation status of specified features before development takes place in areas where Natural England considers development could cause significant environmental damage.

Clause 52 stand part.

Matthew Pennycook: In establishing this new approach, we recognise the need to ensure that developers have clarity around the required levels of contributions to benefit from an environmental delivery plan. This transparency will ensure that developers can factor in the cost of the levy, should they choose to use the EDP.

Clause 51 establishes clear, understandable charging schedules with each environmental delivery plan, including one or more charging schedule. These schedules will set out how much developers will be required to pay to discharge their environmental obligations through the

[Matthew Pennycook]

EDP and will reflect the environmental impact that the EDP is seeking to address. This may vary depending on the nature and size of the development, with the charging schedules being bespoke to each particular environmental delivery plan. In addition, the charging schedule will be regulated in accordance with clauses 62 to 69, which will allow regulations to be made setting out requirements for how these rates will be determined.

I think this is probably the appropriate point to respond to the shadow Minister's previous point. Those regulations would allow for fees to be index-linked to account for inflation, which is part of what he raised, but he mentioned build costs as well. Those regulations allow that scope.

David Simmonds: I am grateful for the Minister's response. There is a combination of indexation, which is always the relevant consideration. For example, we have been through the recent experience of covid, which unleashed a huge wave of construction inflation. If the EDP were to be negotiated at a certain point, the envisaged outcome of that might be a substantial investment in, for example, a chalk stream environment or the creation of a new habitat.

There might be significant construction inflation between the point at which that EDP is first negotiated, the point at which sufficient contributions have been accumulated from the various parties that might have been involved in the development—which gives rise to the need for it—and the point at which that money is available to be spent. How will the level of the EDP be appropriately calculated so that we do not end up with what we already see in the section 106 system, whereby a contribution is secured from a developer, but by the time it comes to be spent, it is insufficient to pay for the mitigations that were necessary when it was negotiated?

Matthew Pennycook: I understand the shadow Minister's point, and I will offer to write to him. His point about the sequencing of an EDP and the conservation measures that it would give rise to is valid. How can we essentially, through the fee and charging schedule process, ensure that those measures can be carried out on the basis of that fee? I will write to the shadow Minister with more detail on how we envisage that particular part of the Bill working. While later clauses set out further detail on the framework governing charging schedules, EDPs cannot function without them, and this clause ensures their inclusion and proper regulation.

Let me turn to clause 52. As well as clear charging schedules, it is important that EDPs include a range of other matters. Clause 52 supplements clauses 50 and 51 in setting out further detail on the information that Natural England must include in an EDP, ensuring that EDPs are transparent and robust.

As with all environmental matters, it is vital to understand the underlying environmental condition, which is why an EDP must describe the current conservation status of each identified environmental feature. This is crucial to set the baseline against which improvements can be measured. Flowing from that baseline, Natural England must set out why it considers the conservation measures to be appropriate, including details of alternatives considered and why they were not pursued, as well as listing the plans and strategies to which Natural England had regard in preparing the EDP in question. Like the assessment of the baseline, the consideration of alternatives is an important step that ensures that the best approach is taken forward and justified.

The EDP must also include an overview of other measures being implemented, or likely to be implemented, by Natural England or another public body to improve the conservation status of the environmental feature. This will provide confidence that the EDP is properly targeted and that the conservation measures are additional to other ongoing actions to support the relevant environmental features.

To ensure clarity in respect of protected species, EDPs must also specify the terms of any licences that will be granted to a developer or to Natural England. A further important element of the clause is that Natural England must set out how the effects of an EDP will be monitored, which will be critical to ensuring that further action can be taken, if necessary, across the life of an EDP. Natural England is under a duty to have regard to guidance issued by the Secretary of State in doing that.

The clause also provides a power for the Secretary of State to stipulate further information that must be included in an EDP. It may be used for various purposes, for example, to require an EDP relating to a protected species to set out how relevant licensing tests are met. For those reasons, I commend both clauses to the Committee.

I would like a chance to respond to amendment 3 if it is spoken to in due course.

Ellie Chowns: I rise to speak to amendment 3, a crucial amendment relating to timing. The current wording in clause 52 opens the door to conservation measures in EDPs coming long after the environmental features that they relate to having been damaged. Such a delay could be fatal to some habitats and species that have already suffered decline, so the mitigation could come too late. That is what the amendment aims to address. The absence of direction on the timing of EDP measures has been highlighted by the Office for Environmental Protection as one of its key concerns about part 3. The OEP's advice to the Secretary of State observed:

> "The bill is silent as to when conservation measures must be implemented and by when they must be effective. This gives rise to the possibility of significant impacts on the conservation status of protected species or sites arising before the successful implementation of conservation measures."

That is the exact concern at the heart of amendment 3.

I want to illustrate the point with the example of the hazel dormouse. This rare, beautiful species has declined in number in England by 70%. Populations have become extinct in Hertfordshire, Staffordshire and Northumberland in the last few years. In places where they are clinging on, EDPs could be the final nail in the coffin. Hazel dormice are reliant on woodlands, travel corridors, established hedgerows and scrub. If an EDP permitted the destruction of those habitats on the basis of replacement habitats being provided some years down the road, it could be too late. It takes seven to eight years for hedgerows and scrub and significantly longer for woodland to become established, but a dormouse's life span is

three to five years, so there are several generations of dormice that could be affected by the destruction of habitat. Without their home, the populations would quickly die off, causing irreversible damage to the species before the replacement habitat came into effect.

Amendment 3 would deliver on the OEP recommendation to rectify that part of clause 52 and prevent such harm before mitigation, which is not intentional, I hope, but could arise accidentally if we do not adopt amendment 3. It would require Natural England, when setting the content of an EDP, to set a timetable for the delivery of conservation measures, guided by the principle that gains for nature should come in advance of harm from development. When Natural England is of the opinion that harms to an environmental feature are irreversible, it would have to ensure through the timetable that a boost to conservation status had been achieved before harm from development occurs.

I stress that the irreversible harm element would likely only apply in a small minority of cases when the most threatened habitats or species populations face possible destruction from harm coming before mitigation. In most cases, the amendment would simply mean that Natural England would be required to show careful consideration of how it would be ecologically best to sequence conservation measures when drawing up an EDP, prioritising up-front environmental gains. In sum, the amendment is a constructive effort to resolve a key threat to nature identified by the OEP itself. I very much hope the Minister will accept it.

Matthew Pennycook: I recognise that the amendment is a constructive attempt to highlight an issue that the OEP highlighted to us. I make the broad point again: we are carefully considering the advice from the Office for Environmental Protection and will continue to work with the sector and parliamentarians to deliver on the intent of the Bill in this area. We have been very clear on the intent of this part.

The amendment seeks, as the hon. Member for North Herefordshire has just outlined, to require Natural England to produce a timetable for the delivery of conservation measures and additional requirements to secure environmental improvement in advance of development coming forward. While recognising the good intentions behind the amendment, the Government are confident that the legislation strikes the right balance in securing sufficient flexibility around the delivery of conservation measures, alongside safeguards that ensure conservation measures deliver an overall improvement for nature.

Ellie Chowns: How can the Government have that confidence when the OEP says that they should not?

Matthew Pennycook: It is worth reading the OEP's letter in full. It broadly welcomes the overall thrust of the Bill in this area. We will reflect on and respond to the concerns it has highlighted. We want to ensure there is confidence that this part of the Bill can deliver on those objectives—that win-win for nature. If the hon. Lady will let me set out how different elements of the Bill might provide reassurance in this area, she is more than welcome to follow up and intervene.

The legislation is clear—we will come on to debate this—that the Secretary of State can make an EDP only when they are satisfied that the conservation measures will outweigh the negative effects of development. That test would not allow irreversible or irreparable impact to a protected site or species. It would allow Natural England, the conservation body for England, to determine what the appropriate measures are for bringing forward an EDP and how best to bring them forward over the period of the delivery plan.

We will come later to Government amendment 97, which in part deals with this issue by introducing a timeframe to the overall improvement test. It would mean that in applying that test, the Secretary of State will need to be satisfied that the negative effects of development will be outweighed by the conservation measures by the end date of the EDP.

Ellie Chowns: The Minister has tabled amendments 95 and 97, but is that the sum total of the Minister's response to the OEP's advice? Those amendments do not, by any means, address the thrust and specifics of that advice. What further response does the Minister intend to make in response to and recognition of the OEP's advice?

Matthew Pennycook: I do not think I could have been any clearer that the Government are reflecting on the OEP's letter and the points it has set out. I will not issue the Government response to that letter today in Committee; I am setting out the Government's position on the Bill as it stands, but we will reflect on those concerns. If we feel that any changes need to be made to the Bill, we will, of course, notify the House at the appropriate point and table any changes. We are reflecting on whether they are needed to ensure that the intent of this part of the Bill, which we have been very clear must deliver both for the environment and for development, is met.

I will finish by making a couple of more points, because there are other provisions of the Bill that pertain to this area. There is already a requirement in clause 57 for Natural England to publish reports at least twice over the environmental delivery plan period, which will ensure transparency on how conservation measures are being delivered. That requirement is a minimum, and it may publish reports at any other time as needed. The reports will ensure that Natural England can monitor the impact of conservation measures to date to ensure that appropriate actions are taken to deliver the improved outcomes.

In establishing an alternative to the existing system, the Bill intentionally provides flexibility to diverge from a restrictive application of the mitigation hierarchy. We will come on to that again in clause 55. That, however, will only be where Natural England considers it to be appropriate and where it would deliver better outcomes for nature over the course of the EDP. The status quo is not working, and we have to find a smarter way to ensure there is that win-win. The alternative is to say that the status quo remains as it is, and we do not get those more positive outcomes for nature, but as I have said, we are reflecting on the OEP's letter.

Luke Murphy: The Committee should hear exactly what the Minister has said: he and the Government are reflecting on what the OEP has said. It is only seven working days since the OEP sent its letter, so to rush

[Luke Murphy]

forward with a full response now would be foolhardy. It is right that the Government reflect on it and we should accept the Minister at his word, given that he has strongly made clear that the Government are reflecting on the OEP's advice.

Matthew Pennycook: I thank my hon. Friend for making that point. It is only seven days. The hon. Member for North Herefordshire might expect Government to move quicker than they do, but they do not. It is right that we take time to reflect properly on whether the Government agree that some of the points the OEP has made are valid—we are allowed to have a difference of opinion—and that we should respond in an appropriate way, or whether the Bill as drafted on the particular points made is sufficient. We are reflecting on those points.

5 pm

I will also make a broader point, which is important. We published a planning reform working paper on this approach, and had huge amounts of feedback. We have taken the sector with us at every point in attempting to produce the clauses that have come forward and to find a solution that works for all. That is why this part of the Bill was so warmly welcomed by a range of external stakeholders at the point of publication—I refer hon. Members back if they did not see that—including by many environmental NGOs.

Ellie Chowns: I have seen comments from a number of environmental NGOs that were upset with how their previous comments had been taken out of context and used to indicate support for the Bill in a part of it that they do not feel so strongly supportive of. I have also heard feedback from environmental and nature protection NGOs that are frustrated with the fact that there was not a huge amount of consultation, or the formality of consultation that there could have been.

I genuinely do not want to get into a "He said, she said" debate or anything like that. I encourage the Minister gently to recognise the seriousness of the critique and the concerns that have been expressed. The Minister has said that the status quo is not working and that we need to change it. Amendment 3 proposes a further improvement; it is not a wholesale chucking out of absolutely everything in the Bill. A genuine attempt to strengthen this particular aspect of the Bill is being proposed in respect of the timing of measures under EDPs, recognising that given how nature works, it is important that the improvement comes before the destruction. That is all the amendment is about.

Matthew Pennycook: I say it once again for the record: I have understood the hon. Lady's point. I will reflect on it, in the spirit of this Committee as a whole. I have sought to take points away when they are well made, and to give them further consideration.

Gideon Amos: The Minister is being characteristically generous with his time; I wish we had more. There are genuine concerns about the timetabling of the measures. I invite him to confirm that the Government are considering how to tackle the issue of ensuring that measures are taken in a timely fashion. That appears to be what he is saying, and I am encouraging him.

Matthew Pennycook: I hope that the hon. Gentleman will forgive me, but I am not going to provide the Committee with a running commentary on the Government's internal deliberations in response to the OEP's letter. I will not do that today. I totally understand why hon. Members are trying to draw me on the point, but I am not going to do that. I have set out the Government's position, and I have made it very clear that we will reflect on the letter and on the points made today.

Question put and agreed to.

Clause 51 accordingly ordered to stand part of the Bill.

Clause 52

OTHER REQUIREMENTS FOR AN EDP

Amendment proposed: 3, in clause 52, page 86, line 12, at end insert—

"(10) An EDP must include a schedule setting out the timetable for the implementation of each conservation measure and for the reporting of results.

(11) A schedule included under subsection (10) must ensure that, where the development to which the EDP applies is in Natural England's opinion likely to cause significant environmental damage, the corresponding conservation measures result in an improvement in the conservation status of the identified features prior to the damage being caused.

(12) In preparing a schedule under subsection (10) Natural England must have regard to the principle that enhancements should be delivered in advance of harm."—*(Ellie Chowns.)*

This amendment would require Environmental Delivery Plans to set out a timetable for, and thereafter report on, conservation measures, and require improvement of the conservation status of specified features before development takes place in areas where Natural England considers development could cause significant environmental damage.

Question put, That the amendment be made.

The Committee divided: Ayes 1, Noes 9.

Division No. 20]

AYES

Chowns, Ellie

NOES

Dickson, Jim
Ferguson, Mark
Grady, John
Kitchen, Gen
Martin, Amanda
Murphy, Luke
Pennycook, Matthew
Pitcher, Lee
Taylor, Rachel

Question accordingly negatived.

The Chair: I am conscious that the Government have asked to extend the sitting beyond 5 o'clock, and we have already reached that point. I am also conscious that there will be votes in the main Chamber. Since you have been sitting here for three hours, I am minded to give you a short break. The votes are coming at about 6.20 pm, so I suggest a 10-minute break. Come back here for 5.15 pm.

5.5 pm

Sitting suspended.

5.19 pm

On resuming—

Clause 52 ordered to stand part of the Bill.

Clause 53

Preparation of EDP by Natural England

Ellie Chowns: I beg to move amendment 52, in clause 53, page 86, line 21, after "strategies," insert—

"(ca) the current Carbon Budget Delivery Plan,

(cb) any reports and strategies produced under the Climate Change Act 2008,"

This amendment would require Natural England to consider the Government's Carbon Budget Delivery Plan and any reports or strategies published under the Climate Change Act when preparing an EDP.

The Chair: With this it will be convenient to discuss clause stand part.

Ellie Chowns: It is widely recognised that the climate and nature crises are deeply interconnected. However, although the Planning and Infrastructure Bill rightly requires Natural England to consult the Environment Agency and the Joint Nature Conservation Committee, it fails to require it to consult the Climate Change Committee or the Office for Environmental Protection. Furthermore, when developing an environmental delivery plan, although there is an obligation to have regard to the current environmental improvement plan and any strategies under the Environment Act 2021, there is no obligation to consider the Climate Change Act 2008 or the Government's carbon budget delivery plan.

In its current form, the Bill fails to provide the integrated approach needed when facing a dual crisis. That omission risks reinforcing our siloed approach, which creates implementation gaps, where some problems are inadequately tackled by both nature and climate plans, and solutions developed to tackle one crisis can inadvertently make the other worse.

The Government pledged a mission-led approach to overcome departmental barriers when they were elected, and yet the ongoing disconnect between climate and nature policy show that they are unfortunately failing to deliver. As the Foreign Secretary acknowledged last year, there remains a tendency for climate and nature policy to end up siloed, and the Bill as currently drafted reflects that tendency. Internationally, the UK supported calls for greater synergy between climate and nature policy at recent conferences of the parties, but without translating that welcome international ambition into domestic action, we only deepen the gap between our words and actions.

The Government claim that the Bill is a step towards a more strategic approach to nature restoration that will "accelerate infrastructure delivery" while boosting nature. But as the Government's own impact assessment reveals, there is little evidence to suggest that nature obligations are a barrier to development, and the claim that this new approach will be "a win-win" for nature is, as we are seeing in this Committee, somewhat contested. Unfortunately, if the strategic approach addresses only one side of the issue—that is, without giving due recognition to the need to be fully integrated with our climate action—we will fail to achieve what we need to.

Amendment 52 to clause 53, and indeed amendment 53 to clause 54, would ensure that Natural England's environmental delivery plans are fully aligned with existing climate and environmental frameworks, helping to avoid duplication, conflicts and oversight. They would also give the OEP—the body established to hold the Government and public authorities to account—a formal advisory role in the EDP process. I believe that they would strengthen the Bill, so I warmly recommend them to the Minister.

Matthew Pennycook: Clause 53 moves us from the content of environmental delivery plans to the procedure and process for how Natural England should approach the preparation of them. The Bill requires that Natural England notify the Secretary of State when it decides to prepare an environmental delivery plan, and must publish that notification. That will ensure that developers and other interested parties are aware of the pipeline of EDPs being developed and are given adequate notice.

In establishing that new approach, we recognise the need to ensure that EDPs learn from and support the delivery of wider environmental strategies and support nature restoration. To drive this join-up and to maximise the opportunities to align with wider strategies, the legislation stipulates that Natural England should have regard to existing plans, such as local nature recovery strategies and protected site strategies. The need for alignment between EDPs and other plans and strategies was raised consistently throughout our engagement ahead of the Bill. That is why the legislation is explicit in that regard.

By aligning environmental delivery plans with existing plans and strategies, Natural England can ensure that environmental delivery plans benefit from existing work carried out to date and amplify rather than duplicate effort. This approach will enhance the effectiveness of EDPs and contribute to a cohesive strategy for nature restoration. The clause also includes the power for the Secretary of State to make further regulations regarding requirements for Natural England when preparing an environmental delivery plan.

Amendment 52 would introduce a requirement for Natural England to have regard to the Government's carbon budget delivery plan and any reports or strategies produced under the Climate Change Act 2008 when preparing an environmental delivery plan. As I have set out, clause 53 is clear that Natural England must have regard to the environmental improvement plan when preparing an environmental delivery plan. As the environmental improvement plan covers net zero, that will ensure that Natural England adequately and appropriately considers those issues when preparing an environmental delivery plan.

Additionally, the Bill gives Natural England the flexibility to have regard to any other strategies or plans it considers relevant. Again, we are trusting Natural England to make judgments that benefit nature; that is the intention of the fund. Furthermore, as environmental delivery plans discharge only environmental obligations relating to specific environmental features, climate change and carbon emissions will still need to be considered by developers at the planning permission stage.

I hope I have reassured the hon. Lady that the requirements of the amendment are already addressed in the Bill, and I kindly ask her to withdraw it.

Ellie Chowns: I take the Minister's points, but if these things are included, why not just put them on the face of the Bill? However, I will not press the issue to a vote. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 53 ordered to stand part of the Bill.

Clause 54

Consultation on draft EDP

Ellie Chowns: I beg to move amendment 53, in clause 54, page 87, line 13, at end insert—

"(fa) the Climate Change Committee,

(fb) the Office for Environmental Protection,"

This amendment would add the Climate Change Committee and the Office for Environmental Protection to the list of parties who must be consulted on a draft EDP by Natural England.

The Chair: With this it will be convenient to discuss the following:

Amendment 125, in clause 54, page 87, line 19, at end insert—

"(j) any impacted landowner,

(k) sea fishing businesses, where the EDP covers an area which is adjacent to their fishing grounds,

(l) the owners of fishing rights, where the EDP includes or otherwise affects rivers or lakes used for fishing."

Clause stand part.

Ellie Chowns: I will not repeat the points I made in my previous speech, which were effectively about the same substance. However, it seems an oversight that the Climate Change Committee and the Office for Environmental Protection are not named in the long list of organisations to be consulted on an EDP. I gently ask the Minister to take that point away and to treat it as a constructive suggestion, to ensure that we have clarity and that the voices of those crucial bodies are included, alongside those of all the other organisations that are to be consulted on a draft EDP.

Paul Holmes: Let me first put on the record how much I appreciate your giving us that break, Mrs Hobhouse. I managed to buy the Minister a double espresso—I hope his officials have noted that and put it in the Register of Members' Financial Interests, so that there is no accusation of collusion across the Chamber.

Gideon Amos: Where's my espresso?

Paul Holmes: I can buy one for the hon. Gentleman tomorrow—coffees for everyone.

I rise to speak to amendment 125, in the name of the shadow agriculture and fisheries Minister, my hon. Friend the Member for Keighley and Ilkley (Robbie Moore). The amendment would tighten up the key statutory bodies outlined in the clause in relation to consultation on draft EDPs. To tease the Minister slightly, I find it slightly ironic that he is happy in this clause to have a very clear set of organisations to consult, whereas in some of the clauses we discussed before, we would just notify, but not outline, organisations. But who are we to disagree?

We welcome the detailed way in which clause 54 outlines the organisations whose views should be sought. Amendment 125 would simply add:

"any impacted landowner…sea fishing businesses, where the EDP covers an area which is adjacent to their fishing grounds"

and

"the owners of fishing rights, where the EDP includes or otherwise affects rivers or lakes used for fishing."

We seek to do that because, where an EDP is in a coastal region or any other area covered by the amendment, those key stakeholders would not be consulted.

As I say, the clause takes a welcome step in requiring Natural England to consult the public and relevant public authorities on draft environmental development plans, ensuring a degree of transparency, and I will always applaud the Minister for that. However, although the inclusion of key statutory bodies such as the Environment Agency and local planning authorities is appropriate, the clause gives Natural England broad discretion to determine which other authorities are "relevant". We do not think that that wording is tight enough, given the unique nature of some of the elements we want to include, and it may risk inconsistent or insufficient consultation across EDP areas, depending on Natural England's interpretation.

Will the Minister tell us how transparency will be ensured in summarising and responding to stakeholder feedback? Additionally, the clause does not specify the form or duration of public consultation, nor how responses will be taken into account in revising the draft EDP, so what guarantees are there that public consultation responses will materially influence the final EDP?

5.30 pm

Amendment 125 is very moderate and minor, but it tightens things up in relation to those who are affected and extends the list to other organisations that need to be consulted. I therefore hope that the Minister will look on it favourably.

Matthew Pennycook: In introducing the nature restoration fund, we have been clear that the new approach will be expert-led and ecologically sound. The Government recognise that environmental delivery plans will play an important role in reframing the relationship between development and the environment. It is therefore essential that the plans benefit from the relevant expertise and oversight.

Clause 54 is central to securing the effective scrutiny of environmental delivery plans, and sets out clear requirements for Natural England to consult relevant bodies and the public. It mandates that Natural England seek the views of specified public bodies, including—as the shadow Minister noted—the Environment Agency and relevant local planning authorities. That could also include, where relevant, any mayoral combined authorities or mayoral combined county authorities.

The clause also includes a power for the Secretary of State to add, via regulations, to the list of bodies that Natural England must consult, as well as to make regulations requiring public authorities to respond to consultations. The consultation process will not only lead to better environmental delivery plans, informed by relevant experts and local communities, but provide the Secretary of State with the assurance needed to approve an environmental delivery plan.

We are making explicit provision for consultation, but we need to ensure that the consultation process is proportionate and does not unnecessarily delay environmental delivery plans coming forward. That is why the clause sets a consultation period of 28 working days from when the draft environmental delivery plan is published, unless regulations specify a longer period, and allows

Natural England discretion over whether a redrafted environmental delivery plan requires re-consultation. In deciding whether to make an amendment, the Secretary of State must apply the overall improvement test. The clause ensures that environmental delivery plans will be appropriately scrutinised, while also being implemented at the pace we need in order to unlock development and make a meaningful contribution to nature recovery.

Amendment 53, tabled by the hon. Member for North Herefordshire, echoes her previous amendment, as she rightly acknowledged. It would add the Climate Change Committee and the Office for Environmental Protection to the list of bodies that Natural England must consult when producing an environmental delivery plan. As set out previously, public consultation gives any organisation or individual an opportunity to provide views, without their being specifically listed in the legislation. The existing drafting would therefore allow the Office for Environmental Protection and the Climate Change Committee to provide comment through the consultation process where they think appropriate, rather than requiring Natural England to seek their views for every environmental delivery plan.

It is important to note that Natural England can seek the views of any other public body, as appropriate, and the Secretary of State can expand the list to include further organisations at a later date. Opposition Members with concerns in this regard could perhaps outline why they think Natural England would not consult those bodies when it was taking forward an environmental delivery plan that it felt needed their input. We are confident that the approach in the Bill will allow any organisation or body that wants to engage with an EDP to have its voice heard. With that explanation, I hope the hon. Member for North Herefordshire will withdraw her amendment.

Finally, amendment 125, tabled by the hon. Member for Keighley and Ilkley (Robbie Moore), would require Natural England to seek the views of impacted landowners, sea fishing businesses and owners of fishing rights when consulting on a draft EDP. Sea fishing is obviously an important industry and we understand the importance of ensuring that the views of sea fishers are heard. We also recognise that the views of landowners will be important when developing environmental delivery plans, and Natural England will of course work with landowners and all affected stakeholders. Similarly, DEFRA maintains good relationships with landowners whose land forms part of our network of protected sites, and will continue to do so following the implementation of the nature restoration fund.

Crucially for amendment 125, clause 54 already ensures that Natural England consults publicly on draft EDPs, which will provide to any landowner or affected business, including sea fishing businesses and those with fishing rights to affected rivers and lakes, the proper opportunity to comment on a draft EDP. That public consultation will allow views to be heard and therefore it is not necessary to require that specified groups be consulted in addition to the consultees listed in clause 54(1).

In addition to the clause already providing sufficient opportunity for consultation, it would not be practical to seek the views of all sea fishing businesses affected by an EDP, given the potential number of commercial sea fishers—particularly in areas with high concentrations of fishers and fishing communities. It would be difficult to identify and contact each one individually, as I think the amendment would make necessary, and a disproportionate layer of bureaucracy would be created that was unnecessary given the underlying requirement to consult publicly on EDPs.

I hope that with that explanation, the shadow Minister will not press his amendment.

Ellie Chowns: I thank the Minister, but just observe that if we can simply trust Natural England to consult anybody that it thinks relevant, there is no need for any list in clause 54(1). We could just keep paragraph (h), which refers to

"any other public authority Natural England considers should be consulted".

The fact that there is a long list of 10 people that it should consult indicates that the Government think it is important that certain parties be consulted. I suggest that the Climate Change Committee and the OEP ought to be in that list. If the Minister is not willing to put this in the Bill, I ask him to consider putting it in the regulations or guidance that he is indicating in paragraph (i). I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: 125, in clause 54, page 87, line 19, at end insert—

"(j) any impacted landowner,

(k) sea fishing businesses, where the EDP covers an area which is adjacent to their fishing grounds,

(l) the owners of fishing rights, where the EDP includes or otherwise affects rivers or lakes used for fishing."—*(Paul Holmes.)*

Question put, That the amendment be made.

The Committee divided: Ayes 2, Noes 11.

Division No. 21]

AYES

Holmes, Paul	Simmonds, David

NOES

Caliskan, Nesil	Martin, Amanda
Chowns, Ellie	Murphy, Luke
Dickson, Jim	Pennycook, Matthew
Ferguson, Mark	Pitcher, Lee
Grady, John	Taylor, Rachel
Kitchen, Gen	

Question accordingly negatived.

Clause 54 ordered to stand part of the Bill.

Clause 55

MAKING OF EDP BY SECRETARY OF STATE

The Chair: Does the shadow Minister wish to move amendment 149?

Paul Holmes: Having assessed some of the Minister's comments this afternoon, not in relation to EDPs but overall, I will not move amendment 149.

Matthew Pennycook: I beg to move amendment 97, in clause 55, page 88, line 6, leave out from "if" to "on" in line 8 and insert—

", by the EDP end date, the conservation measures are likely to be sufficient to outweigh the negative effect of the EDP development".

This amendment makes it clear that the "overall improvement test" (required by clause 55(3)) will be passed only if the conservation measures are likely to be sufficient to outweigh the negative effect of the development on or before the EDP end date. It also makes a drafting change to clause 55(4).

The Chair: With this it will be convenient to discuss the following:

Amendment 119, in clause 55, page 88, line 7, leave out "are likely to" and insert "will".

This amendment would mean that an EDP would only pass the overall improvement test if it is certain that the proposed measures will outweigh any negative environmental effects caused by the development.

Amendment 14, in clause 55, page 88, line 7, after "sufficient to" insert "significantly".

This amendment would require that conservation measures within Environmental Delivery Plans significantly outweigh any negative effects of development.

Amendment 20, in clause 55, page 88, line 9, at end insert—

"(4A) An EDP does not pass the overall improvement test—

(a) where the environmental features affected are qualifying features of a European site, European marine site, European offshore marine site or a Ramsar site, unless—

(i) the Secretary of State is satisfied that there would be no adverse effect on the integrity of the relevant site from the delivery of development to which the EDP applies, either alone or in combination with other plans and projects, with the same standard of confidence as if the EDP were being assessed as a plan or project under Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017;

(ii) it has not been possible for the Secretary of State to be satisfied under sub-paragraph (i) but the provision of measures to offset any unavoidable harm to the relevant features significantly outweighs the negative effect of the development;

(iii) there is an overriding public interest in permitting the EDP to be made and no alternative approaches to meeting the public interest that would result in less harm to the relevant site;

(b) unless the Secretary of State is satisfied that Natural England has demonstrated that all reasonable opportunities to avoid or minimise negative effects caused by development within the scope of the EDP have been taken;

(c) unless Natural England has demonstrated that—

(i) any measures to avoid or mitigate negative effects caused by development will be delivered and functioning prior to any such negative effects occurring, and

(ii) any proposed compensation measures will be delivered to prevent any irreversible harm to the conservation status of relevant ecological features."

This amendment outlines when the Secretary of State must find that an EDP does not pass the overall improvement test.

Government amendment 98.

Clause stand part.

Clause 56 stand part.

Matthew Pennycook: The Government have been consistently clear—from when we published the Bill and beforehand, in consulting on the general approach—that the nature restoration fund is not simply about streamlining how environmental obligations are discharged, but about using funds more effectively to secure better outcomes for the environment.

Clause 55 sets out the process for the Secretary of State when making an environmental delivery plan. The process begins when Natural England sends a draft copy to the Secretary of State along with copies of all consultation responses and Natural England's response to the consultation. The clause requires that the Secretary of State may only approve an environmental delivery plan once satisfied that it passes the overall improvement test.

The test requires the Secretary of State to be satisfied that conservation measures are likely to be sufficient to outweigh the negative effect of the development on the conservation status of each identified environmental feature. That test reflects the shift to a strategic approach, which, when considered alongside the wider package of safeguards, ensures that environmental delivery plans will deliver the better outcomes outlined in the plan itself.

Environmental delivery plans will be evidence-based documents that will be subject to public consultation before the Secretary of State makes the decision to approve the plan. The Secretary of State can request further information from Natural England if needed. The environmental delivery plan will also set out how the conservation measures will contribute to the overall improvement of the conservation status of the relevant environmental feature. The test is therefore not a limit on the ambition of environmental delivery plans, but a safeguard that the conservation measures are sufficient to deliver the desired outcomes.

If the overall improvement test is met, the Secretary of State may make the environmental delivery plan. It is anticipated that the Secretary of State considers wider factors, such as whether the conservation measures that will be maintained beyond the environmental delivery plan end date are properly funded for that duration. Once an environmental delivery plan is approved, Natural England will be able to proceed with delivering the conservation measures identified and take payments from developers that wish to use the environmental delivery plan to discharge relevant environmental obligations.

In considering the overall improvement test, the Government have tabled Government amendment 97, which clarifies that the Secretary of State must be satisfied that the overall improvement test is passed by the time of the end date of the environmental delivery plan. That will ensure that environmental delivery plans are focused on timely delivery of conservation measures and that the Secretary of State can approve an environmental delivery plan only when these measures and the environmental benefit will be secured by the end of the EDP. The amendment is supplemented by Government amendment 98, which clarifies that the negative effect that the Secretary of State must consider relates to the maximum amount of development covered by the environmental delivery plan.

This clause also contains other matters governing the approach that the Secretary of State must take when deciding whether to make an environmental delivery plan, including the ability to request further information from Natural England. There will be times when the

Secretary of State decides that an environmental delivery plan cannot be approved, so the clause ensures transparency if the Secretary of State decides not to approve an EDP.

In concluding my comments on the purpose and effect of this clause, I want to be clear to the Committee that the Government recognise the importance of confidence in the outcomes that the nature restoration fund is designed to deliver. We have designed that model to provide for positive outcomes in all instances; that is the test that an EDP must meet. I recognise, however, that that confidence is an area for concern; we have heard from a number of hon. Members on this Committee and other stakeholders in that respect. It is vital that people have confidence. Although I am clear that that is what the legislation is designed to do, as I have made clear I am also listening to views on how we make sure that the approach is as effective as possible. We will be giving further thought to whether we should do more to underpin people's confidence in that area.

I turn to clause 56. When an environmental delivery plan is made, the clause sets a clear 28-day deadline within which it must be published; it will include the date of implementation. Prompt publication is important not only for transparency but because an environmental delivery plan cannot come into effect until it has been published. With that explanation, I commend the clauses and Government amendments to the Committee.

I turn to amendment 119, tabled by the hon. Member for North Herefordshire. *[Interruption.]* I expect that she will speak to it after the Divisions in the House.

Ordered, That the debate be now adjourned.—*(Gen Kitchen.)*

5.43 pm

Adjourned till Thursday 15 May at half-past Eleven o'clock.

Written evidence reported to the House

PIB122 Colton Parish Council
PIB123 National Housing Federation (NHF)
PIB124 West Midlands Combined Authority
PIB125 Allianz UK
PIB126 Portsmouth City Council
PIB127 National Grid
PIB128 Friends, Families and Travellers