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Research Briefing

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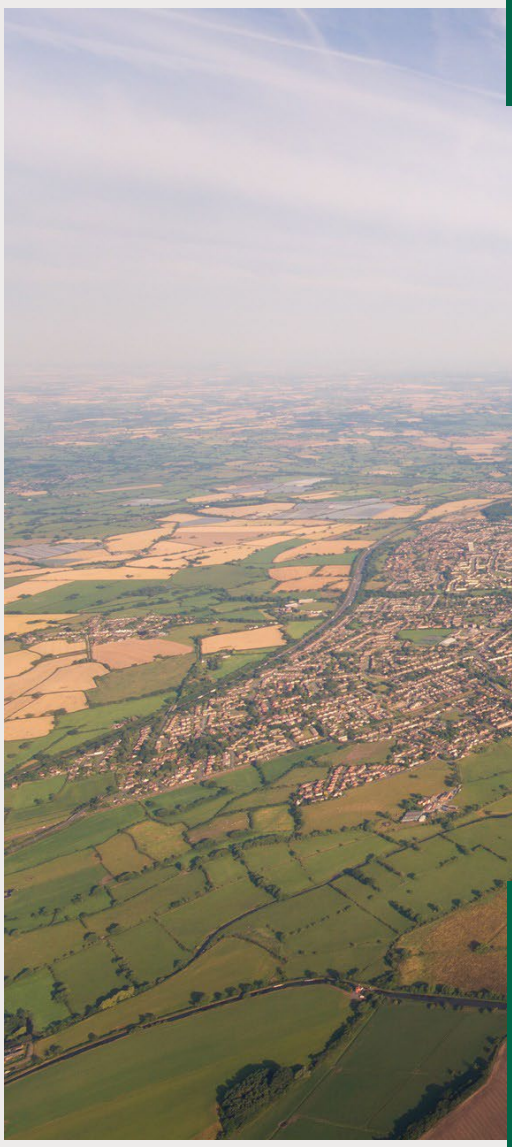
Planning and Infrastructure Bill 2024-25



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Summary

The Planning and Infrastructure Bill 2024-2025 was introduced to the House of Commons and had its first reading on 11 March 2025. Second reading is scheduled for 24 March 2025. The bill, explanatory notes and other documents can be found on the Parliament website.

The government published a guide to the bill and fact sheets on the nature restoration fund, critical infrastructure reforms, planning committees, local fee setting, bill discounts for transmission network infrastructure and strategic planning.

The bill would make changes to the law around planning and infrastructure to support ambitions in the government's Plan for Change. These ambitions include delivering 1.5 million homes and deciding 150 nationally significant infrastructure projects (NSIPs) before the end of the 2024 parliament.

The bill would extend to England and Wales, with some provisions for infrastructure also extending to Scotland.

Nationally significant infrastructure projects

The bill would reform rules around nationally significant infrastructure projects (under the Planning Act 2008). These include requiring regular review of national policy statements and streamlined provision for updates, a more focused consultation process, the ability for the Secretary of State to direct projects out of the development consent process, and a revised procedure for legal challenge such as cases deemed to be "without merit".

Electricity infrastructure

The bill includes measures to speed up the delivery of electricity infrastructure to meet the government's ambition to decarbonise the power sector, as set out in the Clean Power 2030 Action Plan.

This includes provisions to:

- speed up the process of connecting electricity generating facilities to the electricity transmission network
- reform the planning consent process for electricity infrastructure in Scotland

- introduce a ‘cap and floor’ revenue support scheme for long duration energy storage technologies such as pumped storage hydro, compressed air energy storage, liquid air energy storage and flow batteries.
- set up a benefits scheme for households living near new or significantly upgraded electricity transmission infrastructure
- amend the Offshore Transmission Owner regime, and
- use forestry land for generating renewable energy

Transport projects

The bill’s transport measures are intended to streamline and improve planning processes for transport projects consented under the Highways Act 1980 and Transport and Works Act (TWA) 1992 regimes.

This includes new charging arrangements (for cost recovery), revised timescales for consultation and decision-making, and powers to take temporary possession of and use land. The bill would also remove the requirement for secondary legislation to approve some types of highway projects, such as classifying a road as a trunk road or downgrading a road from a trunk road to an ordinary A road, allowing the government to approve them without a parliamentary process.

The bill would remove the model clauses which prescribe the format for orders made under the TWA 1992 and replace them with guidance instead. It would simplify procedures for heritage, marine licensing and local authority resolutions and grant powers to change fees for harbour orders. It would also simplify the procedure for installing electric vehicle charging points.

Stakeholder reaction to the transport infrastructure parts of the bill has been limited. The National Infrastructure Planning Association welcomed the introduction of statutory timescales for decisions made by the Secretary of State and in principle supported the introduction of cost recovery. The Electric Vehicle Association welcomed the changes the bill would make to the processes for installation of electric vehicle charge points. However, some have also argued that these changes could lead to an increase in conflicts over charge point users obstructing pavements.

Planning fees and charges

The bill would enable local authorities to set planning fees and charges locally, and it would allow additional fees to be ring fenced for planning services.

It would establish a national scheme of planning delegation and require mandatory training of planning committee members. It would also introduce new strategic planning boards and clarify the process for spatial development strategies to ensure these are prepared by all types of combined and unitary authorities across England.

Powers for Natural England

The bill would grant new powers for Natural England to produce 'environmental delivery plans' (EDPs). Where in place, these will replace the requirements under the Habitats Regulations for assessing the impact of any project on significant nature protection sites.

EDPs would allow Natural England to plan how to minimise or compensate for a specified environmental impact over an area for a specified type and amount of development. Developers would pay for compensation measures by paying a levy into a Nature Restoration Fund. Project-level environmental assessments would be limited only to those impacts not covered by EDPs.

Development corporations

Provisions in the bill would clarify the role and remit of all types of development corporations, [statutory bodies set up to carry out large-scale development and regeneration projects]. The provisions are intended to ensure a consistent approach to support large-scale housing delivery such as new towns and urban extensions.

Development corporation powers would be extended for infrastructure, with the power to exercise transport functions (as a last resort) to help deliver infrastructure.

Provisions would include ensuring development corporations have regard to sustainable development and climate change.

Compulsory purchase

The bill would bring together and streamline compulsory purchase procedures. It would enable greater flexibility for change and early possession of land, within set legislative parameters. It would modify loss payments for landowners and occupiers to reflect the impact of compulsory purchase on both groups, and exclude housing loss payments where compulsory purchase was initiated due to blight resulting from neglect.

The bill would also enable hope value (the market value of land which takes account of potential planning permission) to be disregarded in certain circumstances such as where parish, town and community councils are seeking to deliver affordable housing. Market value, rather than hope value, would also apply for home loss, basic or occupier loss payments. An organisation seeking compulsory purchase would still need to demonstrate that it was in the public interest, for example because of economic, social or environmental improvements.

1 Background to the bill

The Planning and Infrastructure Bill 2024-25 was announced in the King's Speech 2024. The briefing to the King's Speech said:

> Reforming the planning system is key to unlocking our country's economic growth – enabling us to deliver both the housing and critical infrastructure that communities need. The Bill will speed up and streamline the planning process to build more homes of all tenures and accelerate the delivery of major infrastructure projects in alignment with our industrial, energy, and transport strategies.[1]

The government introduced the bill following its Plan for Change and its ambition to achieve its missions for economic growth, including delivering 1.5 million homes and deciding 150 nationally significant infrastructure projects (NSIPs) within this parliament.[2] The growth mission is one of five national missions the government has set as its mandate for this parliament, and has been described by the Prime Minister as the "defining mission of this government".[3] The government's Clean Power 2030 action plan also forms a critical part of its Plan for Change, with measures in the bill focusing on clean power generation

The Chancellor's speech in January 2025 confirmed plans to increase economic growth and investment. The measures related to infrastructure investment and delivery such as the expansion of Heathrow airport and development of the Oxford to Cambridge growth corridor.[4]

In the months preceding the introduction of the bill to parliament, the government published a revised National Planning Policy Framework (NPPF) (December 2024) and a series of planning reform working papers. [5]

1 Gov.uk, The Kings Speech 2024: background briefing notes (17 July 2024), Page 17

2 Gov.uk, Plan for Change – milestones for mission led government (5 December 2024), Page 6

3 HM Government, Plan for Change: Missions and Foundations, Kickstarting Economic Growth, 5 December 2024 [accessed 18 March 2025]; Keir Starmer, Keir Starmer: We'll cut the weeds of regulation and let growth bloom, The Times, 28 January 2025.

4 HM Treasury press release, Government backs Heathrow expansion to kickstart economic growth, 29 January 2025

5 The NPPF sets out government's planning policies for England and how these are expected to be applied.

1.1 Extent and application

Clause 95 sets out the territorial extent of the bill and the application. The extent differs from the application as the application is about where a bill produces a practical effect rather than where it forms part of law.

Clause 95, sub-section (1) would enable the amendments made by the bill to existing primary legislation to cover the same territorial extent as the primary legislation being amended.

England and Wales

For the majority of the bill, the territorial extent and application is for England and Wales. For Wales, some of the clauses vary in their extent and application as follows:

- Infrastructure
  - Clauses 14 to 19 extend to Wales but apply to Scotland only.
  - Clause 24 extends and applies to Wales. The legislative consent process will be engaged in the Senedd Cymru/Welsh Parliament.
  - Clauses 25 to 29 extend to Wales, clauses 26 to 28 apply to England only and to a limited extent to Wales, with clause 29 applying to Wales. The legislative consent process will be engaged in the Senedd.
  - Clauses 30 to 41 extend and apply to Wales. The legislative consent process will be engaged in the Senedd.
  - Clause 42 extends and applies to Wales. The legislative consent process will be engaged in the Senedd.
  - Clause 43 extends to Wales but applies to England only.
- The clauses on planning extend to Wales but applies to England only.
- The clauses on development and nature recovery extend to Wales but apply to England only.
- The clauses on development corporations extend to Wales but apply to England only.
- The clauses on compulsory purchase extend to England and Wales. The legislative consent process will be engaged in the Senedd.

Scotland

The following clauses would extend and/or apply to Scotland:

- Infrastructure
  - Clauses 1 to 7 to a limited extent to Scotland.
  - Clauses 9 to 13 extend and applies to Scotland.
  - Clauses 14 to 19 would extend to England, Scotland and Wales but apply to Scotland only. The legislative consent process will be engaged in the Scottish Parliament.
  - Clause 20 extends and applies to Scotland only. The legislative consent process will be engaged in the Scottish Parliament.
  - Clauses 21 to 23 extend and applies to Scotland.
  - Clauses 30 to 41 extend to Scotland but have no application.
  - Clause 42 applies to Scotland. The legislative consent process will be engaged in the Scottish Parliament.
- The clauses on development corporations amend provisions which extend to Scotland, but amendments apply to England only.

Annex A of the explanatory notes sets out a summary of the territorial extent and application of the bill.[6]

1.2 Delegated powers

The delegated powers memorandum sets out the justification for the delegation of powers in the bill.[7]

The bill contains a number of delegated powers including new powers to make secondary legislation (and amendments of existing powers to make secondary legislation), new powers to issue statutory guidance and new powers to issue directions.

The bill contains seven Henry VIII clauses. These are clauses in a bill that enable ministers to amend or repeal provisions in an Act of Parliament using secondary legislation. These are:

6 Parliament.uk, Explanatory Notes Bill 196 EN 2024-25 (11 March 2025)
7 Parliament.uk, Memorandum from the Ministry of Housing, Communities and Local Government to the Delegated Powers and Regulatory Reform Committee (11 March 2025).

- Clause 14 on consent for generating stations and overhead lines: applications would have the power to amend schedule 8 of the Environment Act 1989.
- Clause 21 on long duration electricity storage would allow regulations to make limited amendments to the definition 'long duration electricity storage installation' in terms of generating capacity or generating time thresholds.
- Clause 41 would give the Secretary of State the power to amend the Transport and Works Act 1992, through regulations, consequential to clauses 30 to 40 of the bill.
- Clause 47 on spatial development strategies inserts a new section into the Planning and Compulsory Purchase Act 2004, which would provide the Secretary of State with the power to make amendments that are consequential to the provisions relating to spatial development strategies in existing legislation.
- Clause 74 would give the Secretary of State power to designate another person to exercise the functions of Natural England and includes the power to make consequential amendments to primary legislation via regulations, that are consequential on the designation of a new environmental delivery body.
- Clause 76 amendments relating to part 3 would allow an environmental delivery plan (EDP) to disapply various requirements in primary and secondary legislation, where the implementation of the EDP would contribute to an "overall better outcome".
- Clause 89 on home loss payments: exclusions would contain a power to amend the list of notices and orders, non-compliance with which results in an exclusion for home loss payments for compulsory purchase measures.

1.3 Impact assessment

The Planning and Infrastructure Bill impact assessment is being prepared. The Regulatory Policy Committee (RPC), which assesses regulatory proposals, issued a statement which said that it had received impact assessments from the government and would publish an opinion when its scrutiny was completed.[8]

[8] Gov.uk, Planning and Infrastructure Bill RPC Statement of Lateness (12 March 2025)

2 Nationally significant infrastructure projects (NSIPs)

2.1 Background

1 Nationally significant infrastructure projects and development consent

Nationally significant infrastructure projects (NSIPs) were introduced in the Planning Act 2008. This established a new planning regime and national policy statements (NPS) for infrastructure projects of national importance in energy, transport, water, wastewater, and waste.

Sections 15 to 30A of the Planning Act 2008 set thresholds, based on scale and output, to establish which major infrastructure projects would progress through the development consent process, with development consent orders (DCO) determined by the Secretary of State.

The Library briefing on Planning for Nationally Significant Infrastructure Projects (July 2024) sets out the development consent process, rules for decision-making and community engagement.

Infrastructure reforms were announced in the King's Speech with the aim to "accelerate the delivery of high quality infrastructure".[9] In the Plan for Change (December 2024) the government also announced its commitment to decide 150 NSIPs in this parliament.

The National Infrastructure Strategy (November 2020) set an ambition to cut the timescales for large infrastructure projects by up to 50% and established a national infrastructure planning reform programme.[10] The NSIP reforms action plan (February 2023) established five areas for reform including a clear strategic direction for infrastructure planning and operational reform to support a faster consenting process. The previous government's aim was to make the NSIP regime better, faster, greener, fairer and more resilient.

9 Gov.uk, The Kings Speech 2024 (July 2024)

10 Planning Advisory Service, National Infrastructure Planning Reforms (accessed March 2025)

The background briefing on the Kings Speech 2024 set out the current government's objectives for NSIP reform with changes to procedures for national policy statements (NPS) and the development consent process:

> We will simplify the consenting process for major infrastructure projects and enable relevant, new and improved National Policy Statements to come forward, establishing a review process that provides the opportunity for them to be updated every five years, giving increased certainty to developers and communities.[11]

The National Infrastructure Commission, an executive agency of HM Treasury providing impartial expert advice on major long term infrastructure challenges, had highlighted issues with out-of-date NPS in its report on the infrastructure planning system (April 2023). In the absence of regular updates to NPS, older policy positions and aging or obsolete technologies would still apply.

The briefing on the King's Speech 2024 outlined issues with the development consent process and an increase in post-consent legal challenges, pursued through judicial review:

> Decision making timelines have slowed in recent years however, with the average Development Consent Order taking 4.2 years, up from 2.6 across 2012/2021. Legal challenges have also increased since 2021 (4 successful out of 15 legal challenges), prompting 18 actors to increase the scope and volume of their environmental impact assessments to tens of thousands of pages.[12]

The previous government appointed Lord Banner to conduct an independent review on such legal challenges in early 2024. The report: 'Independent review into legal challenges against Nationally Significant Infrastructure Projects' (October 2024) reviewed the causes of legal challenges and made the case for changes to the judicial review process to "reduce delays to NSIPs whilst maintaining access to justice and ensuring that the UK upholds its international obligations".[13]

In January 2025 the Labour government published its 10-year infrastructure strategy (working paper) which sets out the challenges for infrastructure planning and delivery:

> Over recent years uncertainty about infrastructure plans and policy has inhibited investment in programmes and supply chains, pushing up end costs for consumers. Infrastructure investment is essential for delivering the government's missions – growth, housing, clean energy and net zero, and improved public services […] The government must adopt a new approach to delivering infrastructure. Infrastructure in the UK is often too costly and not planned and delivered in a way that meets the country's strategic needs.[14]

11 Gov.uk, The Kings Speech 2024: background briefing note (July 2024)
12 Gov.uk, The Kings Speech 2024: background briefing note (July 2024)
13 Gov.uk, Independent review into legal challenges against nationally significant infrastructure projects (October 2024)
14 Gov.uk, 10 year infrastructure strategy working paper (January 2025)

In addition to the planning reforms contained in this bill, other areas the government said would be covered in the infrastructure strategy include the government's approach to private investment and infrastructure-related regulation, an updated forward-looking pipeline of infrastructure projects and the institutional framework for infrastructure, such as the role of the National Wealth Fund and new National Infrastructure and Service Transformation Authority (NISTA).

Once finalised, the 10-year infrastructure strategy would form the government's response to the National Infrastructure Commission's second National Infrastructure Assessment (October 2023), an independent assessment of the UK's infrastructure long-term infrastructure needs.

The planning reform working paper: streamlining infrastructure planning was published in February 2025 inviting views on how government could reform the process for consenting NSIPs, to streamline the process for critical infrastructure:

> The objective of these reforms is to deliver a faster, more certain, and less costly NSIP regime, thereby ensuring it can deliver high quality infrastructure and drive forward the growth and clean power commitments set out in the government's Plan for Change.[15]

The planning reform working paper outlined the current challenges with the process to consent NSIPs and consequence of these challenges. This includes an increase in the average time to secure development consent to 4.2 years in 2021, development consent orders submitted with extensive technical documentation, and inefficiencies in the system such as a requirement to consult (at the pre-application stage) people who may be able to make a claim under compulsory purchase legislation.[16] The National Infrastructure Commission attributed such issues as drivers of high infrastructure costs.[17]

2.2 The bill

Clause 1: National policy statements – review

Clauses 1 and 2 relate to procedural requirements for national policy statements (NPS).

Clause 1 would require NPS to be "subject to a full review and updated at least every 5 years".[18] It would amend section 6 of the Planning Act 2008 and

15 Ministry of Housing, Communities and Local Government, Gov.uk, Planning reform working paper: streamlining infrastructure planning (February 2025), Summary

16 Ministry of Housing, Communities and Local Government, Gov.uk, Planning reform working paper: streamlining infrastructure planning (February 2025), Paragraph 3

17 National Infrastructure Commission, Cost drivers of major infrastructure projects in the UK (October 2024)

18 Explanatory notes (PDF), paragraph 163

retain the Secretary of State's existing powers to review all or part of an NPS at any time, subject to specified conditions. Clause 1 would also make provisions for the Secretary of State to update an NPS later than required where there are exceptional circumstances which make the delay unavoidable. In this scenario, the Secretary of State would need to make a statement to parliament explaining the reasons for the delay and when an amended NPS would be designated.

Clause 2: National policy statements – parliamentary requirements

Clause 2 would introduce an additional parliamentary procedure for making "material policy amendments to NPS".[19] Material policy amendments would apply where there are:

- Legislative changes or revocations
- Relevant court decisions
- Publication of government policy
- Changes to other documents referred to in the NPS.

Any amendments would still be subject to a sustainability appraisal and a habitats regulations assessment (where this was applicable), as well as publication and consultation requirements.

Clause 2 sub-section 3(a) would remove the requirement for the Secretary of State to respond to resolutions made by parliament or recommendations made by a parliamentary committee, on the proposed "material policy amendments" to the NPS. The required procedure for the "amended NPS to be laid in parliament for 21 sitting days before being designated [would be] retained to preserve parliamentary oversight".[20]

Clause 3: Power to disapply requirement for development consent

Clause 3 would introduce a new power to disapply the requirement for development consent in the Planning Act 2008. Currently the Planning Act 2008 establishes the thresholds at which major infrastructure projects are required to proceed through the development consent process. Section 35 of the Planning Act 2008 also contains provisions for the Secretary of State to direct projects to be treated as NSIPs and pursue the development consent process.

19 Explanatory notes (PDF), paragraph 168
20 Explanatory notes (PDF), paragraph 169

Clause 3 would enable projects to come out of the NSIP process under the direction of the Secretary of State. It sets out conditions where the power to disapply the NSIP process would be directed, such as:

- Where the applicant had not submitted an application for development consent.
- If the Secretary of State considers an alternative consenting regime to be more appropriate such as the Town and Country Planning Act 1990.

Clause 3 would set out conditions and the requirement to justify that an alternative consenting regime would be a local development order, mayoral development order or simplified planning zones scheme under Part 3 of the Town and Country Planning Act 1990 . The clause would also make provisions for any pre-application work, carried out before the direction to disapply is given, to be treated as complying with the alternative requested regime, subject to possible modifications to this work.

The clause would make provisions for procedural and timetable requirements. It would also make consequential amendments to the Electricity Act 1989 and the Marine and Coastal Access Act 2009 to enable consent through an alternative consenting route.

Clause 4: Applications for development consent – consultation

Clauses 4 and 5 relate to consultation and streamlining the consultation process.

Clause 4 would substitute subsection 37(7)of Planning Act 2008 with a new subsection 37(7) defining what a consultation report means. It would require the consultation report to summarise relevant responses and indicate how they relate to the application, including changes made to the application in light of relevant responses. This replaces the current requirement to include and take account of relevant responses and would introduce a more concise and focused approach.

Clause 4 would also introduce a new duty under the Planning Act 2008 on statutory consultees and local authorities to have regard to guidance on their engagement on an application for development consent. This would include having regard to guidance issued by the Secretary of State in relation to an applicant consulting certain bodies and persons, including a duty to consult the local community (section 42 of the Planning Act 2008). There would also be a duty on local authorities to have regard to Secretary of State's guidance when they were invited to submit a local impact report (a report detailing the likely impact of an NSIP proposal on a local authority area). The duty also includes local authorities having regard to guidance on public authorities making representations on applications at examination.

This clause would apply six months after Royal Assent of the bill to allow time for the guidance to be prepared.

Clause 5: Applications for development consent – consultation with category 3 persons

Clause 5 would remove the requirement to consult 'category 3 persons' during the pre-application stage. Category 3 persons are defined in section 44(4) of the Planning Act 2008 and are persons who would or might be entitled to make a relevant claim under compulsory purchase arrangements.

The clause would still require an applicant to notify category 3 persons after an application has been accepted for examination by the Secretary of State. It would also require the Secretary of State to publish guidance to applicants about how to identify and notify category 3 persons. The clause would include a consequential amendment to the Localism Act 2011.

Clause 6: Applications for development consent – acceptance stage

Clauses 6 and 7 would cover procedural aspects of the development consent process.

Clause 6 would apply to the acceptance stage of the development consent process. It would allow for supplementary information to be provided or minor corrections to the made to the application for development consent to enable it to be accepted, instead of the Planning Inspectorate declining the application or requesting it be withdrawn.

Clause 6 would amend terminology for acceptance with the application being "suitable to proceed to examination" rather than being "of a standard that the Secretary of State considers satisfactory".[21] There would also be a requirement for the Secretary of State to consider non-statutory consultation or publicity undertaken as part of the acceptance criteria.

Clause 6 would also require the Secretary of State to provide the applicant with reasons if the decision is made to reject their application.

Clause 7: Applications for development consent – costs

Clause 7 would enable the Examining Authority (the Planning Inspectorate) to make an order for costs incurred by persons in relation to an application for development consent. This can be made any time after they have been appointed, including where an application has been withdrawn before commencement of the examination.

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21 Explanatory notes (PDF), paragraph 198

Clause 8: Planning Act 2008 – legal challenges

Clause 8 would address legal challenges and the judicial review process.

Clause 8 would change the process for judicial review. This would apply to national policy statements and development consent decisions made by the Secretary of State. The clause would require an addition to the Senior Courts Act 1981 which would apply to applications for judicial review of NPS or development consent decisions where the request for judicial review is refused permission at the High Court oral hearing and deemed "totally without merit".

This is a new provision in response to concerns that "unmeritorious legal challenges to DCOs were causing significant undue delay to the delivery of NSIPs" with the added impact of costs to all parties.[22]

Provisions in the clause would mean that the decision could not be taken to the Court of Appeal. Clause 8 would also amend procedure, whereby an application for judicial review of NPS or development consent decisions would be determined at a High Court oral hearing rather than proceeding through a written process in the first instance.

2.3 Stakeholder reaction

The National Infrastructure Commission welcomed the provisions in the bill for nationally significant infrastructure projects and the intention to speed up the process while seeking to deliver sustainable growth. Sir John Armitt, Chair of the National Infrastructure Commission said:

> This bold and broad-ranging package of measures should deliver a planning system optimised to enable the significant amounts of new energy, transport and water infrastructure the country will need to thrive over the long term.
>
> I'm pleased government has heeded our call to provide benefits to individuals and communities hosting new energy infrastructure, and the figures outlined should win over doubters. By adopting a spatial approach to planning decisions, enabling more streamlined decisions on major infrastructure projects and funding better environmental mitigation, the Bill covers all the bases for an infrastructure planning system built for speed, fairness and sustainable growth.[23]

The National Infrastructure Planning Association (NIPA) commented on the bill in its response to the planning reform working paper on streamlining infrastructure planning. NIPA said:

22 Gov.uk, Independent review into legal challenges against nationally significant infrastructure projects (October 2024), paragraph 3

23 National Infrastructure Commission, Armitt: New Planning & Infrastructure Bill "covers all the bases", 11 March 2025

> The NSIP system under the Planning Act 2008 has been a largely successful regime, but it is right to review it, and it is welcomed that MHCLG is seeking views on the proposals to streamline the development of critical infrastructure […]
>
> We agree that while there is 'no silver bullet for improving the system' and that 'decisive action is required on several fronts', it is essential that any changes proposed to address the issues identified are well thought through, and that they align with and complement the work that has been undertaken to date such as the NSIP Action Plan, and the work underway, and subject to separate working papers on, namely, the 10-year Infrastructure Strategy and Development & Nature Recovery; as well as the independent review of judicial review challenges against NSIPs; and wider Government strategies such as the forthcoming sectoral spatial infrastructure plans.[24]

The Royal Institution of Chartered Surveyors (RICS) was also positive about the infrastructure measures in the bill. Justin Young, RICS CEO said" these reforms will be crucial to tackle the bureaucracy that is standing in the way of new homes, buildings, and critical infrastructure".[25]

Tony Mulhall, RICS Senior Specialist, Land & Resources said:

> Getting these reforms right is crucial for achieving the ambitious plans for building that the UK Government set out last summer. Retaining important judicial reviews while limiting the scope for vexatious delays is a proportionate response. This together with an overall reduction in bureaucracy will prove crucial for getting more building projects off the ground. The bill provides a necessary balance between the need to boost building developments, whilst protecting the natural world through a nature restoration fund, driving green initiatives.[26]

24 National Infrastructure Planning Association, Planning Reform Working Paper: Streamlining Infrastructure Planning - Consultation response, 27 February 2025

25 Royal Institute of Chartered Surveyors, RICs comments on governments planning and infrastructure bill (accessed March 2025)

26 Royal Institute of Chartered Surveyors, RICs comments on governments planning and infrastructure bill (accessed March 2025)

3 Electricity infrastructure

3.1 Background

Clean energy superpower

In its 2024 election manifesto, Labour committed to making the UK a "clean energy superpower". This was one of five "missions to rebuild Britain".[27] This included an ambition to decarbonise the power sector by 2030.

In July 2024, the government set up a new Mission Control, led by Chris Stark, the former chief executive of the Climate Change Committee, which was tasked with delivering the aim of cheaper and clean power by 2030. In October 2024, a panel of industry and academic experts was appointed to advise the clean energy mission control.

The government commissioned the National Energy System Operator (NESO), the independent energy system planner and operator, to advise on possible pathways to decarbonise the power sector by 2030.

NESO completed its analysis on achieving clean power by 2030 in November 2024. The final report Clean Power 2030 (PDF, November 2024) concluded that the aim is achievable but will be a huge challenge. The report included recommendations on planning and infrastructure:

- Contract as much offshore wind capacity in the coming one to two years as in the last six combined.
- Deliver first-of-a-kind clean dispatchable technologies, such as carbon capture and storage and hydrogen to power.
- Build all planned transmission network on time, which involves twice as much in the next five years as was built in total over the last decade.
- Reform connection processes in 2025 to align with the clean power goal and future strategic plans.
- Reform planning and consenting processes and improve community engagement. Key decisions on funding, awarding contracts, consenting

[27] Labour Party Manifesto 2024, Mission-driven government, accessed 20 March 2025

> and policy are needed within the next year to ensure construction on key projects starts as soon as possible.[28]

The report also identified 80 electricity transmission system projects that will need to be completed by 2030 to meet the clean power by 2030 target.

Clean power 2030

In response to the NESO study, the government published its Clean Power 2030 Action Plan in December 2024, which sets out the government's planned pathway to a clean power system in 2030.

The Action Plan set out targets for building the electricity generating capacity needed to meet the 2030 ambition, including:

- 43-50 gigawatts (GW) of offshore wind, currently 14.8 GW
- 27-29 GW of onshore wind, currently 14.2 GW
- 45-47 GW of solar power, currently 16.6 GW
- 4-6 GW of long-duration energy storage, currently 2.9 GW.[29]

The Action Plan highlights the need for significant levels of investment in the energy system:

> Growing our clean energy system in this way will see once-in-a-generation levels of energy investment – an estimated £40 billion on average per year between 2025-2030, spreading the economic benefits of clean energy investment throughout the UKwith the collaboration of the Scottish and Welsh Governments.[30]

The Action Plan also sets out that reforms of the planning system, would be required:

> For the planning and environmental reform package to facilitate Clean Power 2030, changes will need to be made that cut across many different areas, involving multiple organisations, including developers, supply chains, and investors.[31]

3.2 Structure of the energy system

The electricity system in the UK is separated into a single, integrated electricity system covering England, Scotland and Wales, and a separate electricity system for the Island of Ireland (including Northern Ireland), both

28 NESO, Clean Power 2030 (PDF), November 2024
29 UK Government, Clean Power 2030 Action Plan (PDF), December 2024, Table 1, p.32
30 UK Government, Clean Power 2030 Action Plan (PDF), December 2024, Table 1, p.11
31 UK Government, Clean Power 2030 Action Plan (PDF), December 2024, Table 1, p.53

of which operate their own wholesale electricity markets. The two systems are linked by high-voltage electricity interconnectors, one from Scotland to Northern Ireland and one from Wales to the Republic of Ireland, but they are operationally independent of each other. The Planning and Infrastructure Bill proposes changes to the GB system only.

The main legislation governing the electricity system in GB is the Electricity Act 1989, which established the structure of the electricity market post-privatisation.

The government department responsible for energy policy is the Department for Energy Security and Net Zero (DESNZ), which leads on policies to maintain energy security and reduce the UK's emissions of greenhouse gases while protecting billpayers and supporting economic growth.[32] The Secretary of State for Energy Security and Net Zero has overall responsibility for DESNZ.

The electricity and gas markets are regulated in GB by the independent regulator, Ofgem. Ofgem is governed by the Gas and Electricity Markets Authority, which is referred to as GEMA, the Authority, or the Ofgem Board. It comprises non-executive and executive members, and a non-executive chair. Members are appointed by the Secretary of State at the Department for Energy Security and Net Zero. Several of the provisions in the bill relate directly to GEMA and its powers.

Ofgem's duties in relation to electricity infrastructure include:

- Industry licensing: Ofgem grants licences to companies to carry out activities in the gas and electricity sector, including transmission and distribution licences. Licensees are obliged to comply with standard licence conditions for their activities that are maintained and monitored by Ofgem.

- Ofgem is responsible for managing the licencing of new grid connections for both offshore transmission and onshore transmission infrastructure.

The National Energy System Operator (NESO) was established as a publicly-owned, independent system planner and operator through provisions in the Energy Act 2023. NESO is responsible for managing the day-to-day operation of the grid, carrying out strategic planning and research on the energy system. NESO is referred to as the Independent System Operator and Planner (ISOP) in the Planning and Infrastructure Bill.

The energy system is underpinned by a number of industry codes and standards. These are live documents that cover various aspects of the operation of the system and the market, including grid connections. The

[32] The Department of Energy Security and Net Zero – About us

codes are administered by different organisations, including NESO, and the electricity trade association, ENA.

The energy market in GB is split into companies that carry out different functions. This includes:

- Developers that build the energy infrastructure to generate electricity or produce primary fuels.
- Operators that own and manage energy infrastructure such as electricity generators or fuel production facilities.
- Network operators that transport electricity or other fuels between where it is produced and where it is used. These are either Transmission Operators (TOs) that are responsible for the high-voltage transmission network that transfers electricity over long distances, and Distribution Network Operators (DNOs) that are responsible for the lower-voltage, regional distribution networks that deliver electricity to homes and businesses.
- Suppliers, or retailers, that buy energy from generators and sell it to end users.
- Finance companies that invest in the development of energy infrastructure.

Many companies within the energy market operate across different functions such as generation, transmission and retail, and are described as 'vertically integrated'.

Central, devolved and local governments are also involved in the energy market through financial support mechanisms, the planning system and policy strategies.

The Library briefing Introduction to the domestic energy market (April 2024) provides an overview of the energy system.

3.3 Electricity network connections reform

Overview

The Clean Power 2030 Action Plan (PDF) highlights the need for 'unprecedented expansion' of GB's electricity network:

> Significant reinforcement and build out of the distribution network will also be required to support the electrification of sectors projected for the decades

> ahead, as well as to accommodate new demand in some locations for growing infrastructure and industrial uses, such as data centres and transport hubs.[33]

The Action Plan outlines reforms to the process of projects getting connected to the electricity system, both for sources of supply such as renewable energy or energy storage, and for sources of demand such as electric vehicles (EVs) chargers and heat pumps.

It notes that over the last five years, "the grid connection queue has grown tenfold, and now contains an equivalent capacity of 739 GW."[34] The queue currently works on a 'first come, first served' basis that does not consider the wider system requirements and has resulted in projects without the necessary funding or planning permission taking up spaces on the queue. The government aim to work with NESO, Ofgem, and network companies to bring in a 'first ready, first connected' process.

The government and Ofgem brought in a Connections action plan in November 2023 and NESO carried out a consultation on Connections Reform that closed on 9 January 2025. Both note that, at the regional level, the reforms will align with strategic energy plans being developed by NESO. These include:

- Strategic Spatial Energy Plan (SSEP): in October 2024, the UK, Scottish and Welsh Government's commissioned NESO to produce an SSEP for Great Britain. The SSEP will identify optimal locations for energy infrastructure and will potentially be used to amend the government's National Planning Statements for Energy. The SSEP will focus on electricity generation and storage but it is also intended that it will enable better planning of the power grid and reduce connection times.

- Regional Energy Strategic Planner (RESP): Ofgem announced in November 2023 its decision to introduce up to 13 RESPs to ensure effective coordination for strategic planning at a sub-national level. The RSEPs will work with local government and network companies to create plans for local energy systems. NESO has been given the role of coordinating the RESPs.

NESO has recently announced a pause in applications for new connections as of 29 January 2025. The pause has been brought in as applications for grid connections has continued to grow, making reform of the connections process impossible to achieve while the existing connection process continues. NESO also adds that "Demand projects directly connecting to the national electricity transmission network (typically large industrial and commercial units), will be allowed to continue through the connections

33 UK Government, Clean Power 2030 Action Plan (PDF), December 2024, Table 1, p.64

34 UK Government, Clean Power 2030 Action Plan (PDF), December 2024, p.65

process, to support the continued delivery of Great Britain's industrial development".[35]

The aim of this part of the bill is to ensure that the reform of the connection process for electricity connections delivers at the pace required to meet the clean power by 2030 ambition.

All the clauses in this part of the bill would apply to England, Scotland and Wales and would come into force upon Royal Assent.

Clause 9: Connections to electricity network: licence and other modifications

This clause would grant the Secretary of State and the Gas and Electricity Markets Authority (GEMA) powers to amend electricity licences, with the purpose of improving the process for managing connections to the transmission or distribution system.

The power would be limited to three years after commencement and must comply with section 3A of the Electricity Act 1989, which sets out the principal objective and general duties of the Secretary of State and GEMA.

Clause 10: Scope of modification power under section 9

This clause sets out the scope for amendments that could be made under section 9. It includes the power to add or remove a person as a party to an agreement. It also includes provisions to make general or specific amendments, and to make incidental, supplemental, consequential or transitional modifications.

Clause 11: Procedure relating to modifications under section 9

This clause sets out the procedural requirements for making amendments under section 9. It would oblige the Secretary of State or GEMA to consult certain named stakeholders and to publish the details of the amendment, unless this could harm the commercial interests of a company or individual.

Clause 12: Directions to modify connection agreements

This clause would empower the Secretary of State or GEMA to direct either NESO or a distribution network operator (DNO) to amend an agreement. It would follow from section 9 if amendments had been made to electricity licences for managing connections to the electricity network but further agreements involving NESO or a DNO were required for these to take effect.

35 NESO, Next steps in grid connections reform, 15 January 2025

Clause 13: Managing connections to the network: strategic plans etc

This clause would require NESO and DNOs to have regard to strategic plans in relation to their activities in managing the connections process and connection applications. The Secretary of State would be empowered to designate one or more strategic plans by regulations. The strategic plan could include the Clean Power 2030 Action Plan, or it could include technical and locational criteria to the connections process. The regulations would be subject to the negative procedure.

Stakeholder views on connection reform

The Environmental Audit Committee (EAC) carried out an inquiry on Enabling sustainable electrification of the UK economy. The final report of the inquiry, published in May 2024, noted that:

> The inability to connect to the electricity grid is hampering energy projects, with a queue that has more than twice the amount of energy generation in the queue than is needed for the 2035 decarbonised energy system target. Recent reforms have been undertaken by Ofgem and the Electricity System Operator, but the impact of these reforms has been questioned and is unlikely to be felt until late 2024 when the first projects will approach their first milestone. We recommend that the Government and the regulator should further prioritise connection reform and the delivery of transmission capacity associated with new connections.[36]

In response, the government said:

> DESNZ and Ofgem agree on the need to actively monitor progress on connections reform. This is done through the Connections Delivery Board, which also provides strategic direction to industry where further action is required. The Department has established a senior stakeholder group convened by the Minister for Energy to monitor actions across the Electricity Networks programme including those on connections reform.[37]

The online energy outlet Current+ published the article Grid connections the foremost barrier to renewables rollout in September 2024. This reported on a poll of energy sector investors, consultants and researchers, carried out by Cornwall Insight. 75% of respondents said that getting a timely connection to the grid was the greatest challenge to the rollout of renewable energy in the UK.

The energy media outlet Recharge published an opinion piece From gridlock to an orderly queue? Positives and pitfalls of Britain's connection reforms

36 Environmental Audit Committee, Enabling sustainable electrification of the economy (PDF), May 2024, p.4

37 House of Commons, Enabling sustainable electrification of the economy: Government Response (PDF), December 2024, p.8

(February 2025). This noted that delays to connect renewables to the grid remains a significant issue, and that:

> Connections reforms have the potential to be a significant contributing factor in [decarbonising the energy system], but it will require strong leadership from NESO to deliver the reforms in a way that removes the slow projects while sustaining momentum in essential new investment.[38]

3.4 Consents for electricity infrastructure in Scotland

Overview

The Scotland Act 1998 (as amended in 2012 and 2016) sets out matters on which the Scottish Parliament cannot legislate. This includes Head D in Schedule 5 - Energy, which means energy policy is reserved to Westminster. However, the delivery of energy infrastructure projects is dependent on receiving planning consents and planning is a devolved matter.

In Scotland, the Scottish Government oversees the building and maintenance of energy infrastructure, as explained in its policy webpage on Energy Infrastructure (accessed on 6 January 2025). Sections 36 and 37 of the Electricity Act 1989 gives Scottish ministers the power to determine planning applications for electricity infrastructure, including applications for electricity generating stations that exceed 50 MW or any overhead electricity lines.

The process of applying for energy consents in Scotland requires making a pre-application to the Energy Consents Unit (ECU) of the Scottish Government. Applications under Section 37 may or may not require an environmental impact assessment (EIA), which is determined by conditions set out in Schedule 1 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

The planning process for electricity infrastructure in Scotland is considered too lengthy and in need of reform. For example, the Electricity Networks Commissioner's report, published in August 2023 stated that:

> The process is viewed as having become outdated, being not well defined and causing delays to obtaining planning approval for critical national infrastructure. Within the process, there is a lack of clarity on expectations for applications and timeframes for responding to consultation.[39]

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38 Recharge, From gridlock to an orderly queue? Positives and pitfalls of Britain's connection reforms, February 2025

39 Energy Systems Catapult, Electricity Networks Commissioner – Companion Report Findings and Recommendations (PDF), June 2023, p.34

In autumn 2024, the UK Government and Scottish Government consulted on Electricity infrastructure consenting in Scotland. In the foreword to the consultation document, the UK Government Minister for Energy said:

> The current system is inefficient and unpredictable, providing no certainty on how long consent will take. For those desperate to bring new energy generating assets onto the grid, it presents a barrier to attracting investment and delivering yet more clean energy to homes and businesses.
>
> […]
>
> We have worked closely with the Scottish Government to develop these reform proposals, and this has been an exemplar of what can be achieved when two governments work together on an issue of shared interest.[40]

The Scottish Government Cabinet Secretary for Net Zero and Energy said:

> We welcome this consultation as an opportunity to seek reforms that can both make an immediate impact, and future-proof our consenting systems, ensuring they remain fit for a modern Scotland. We appreciate our counterparts in the UK Government for their engagement and collaborative approach throughout this process.[41]

The explanatory notes for the bill summarise the proposed changes to the planning process following this consultation:

- pre-application requirements to be established; and for the Scottish government to be able to charge fees for this stage of the process;
- application information requirements to be set;
- management of the pace of key stages of the application phase;
- a new examination process to respond to an objection from a relevant planning authority;
- a prescribed process for variations to consents for overhead lines to be established;
- Scottish Ministers to make variations to consents where necessitated by technological and environmental factors and to correct errors where necessary;
- extending the statutory appeal process which currently applies to offshore consenting decisions to onshore consenting decisions and variation decisions;
- fees for necessary wayleaves to be charged; and

40 DESNZ, Electricity Infrastructure Consenting in Scotland (PDF), October 2024, p.2
41 DESNZ, Electricity Infrastructure Consenting in Scotland (PDF), October 2024, p.3

- a power to enable amendment of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 for limited purposes, to enable delivery of the objectives of the reform package.[42]

The aim of this part of the bill is to make provisions to reform the planning consent process for electricity infrastructure in Scotland according to the results of the UK and Scottish Governments' consultation.

All the clauses in this part of the bill would extend to England, Scotland and Wales but apply to Scotland only.

Clause 14: Consents for generating stations and overhead lines: applications

This clause sets out regulation-making powers for the Secretary of State or Scottish ministers for applications to grant consents in Scotland under section 36 (electricity generating stations) and section 37 (overhead power lines) of the Electricity Act 1989. These regulations would be subject to the negative procedure.

The clause also includes the following provisions:

- Pre-application actions required prior to an application being made, including all information to be supplied, which must be published, and a consultation carried out on the proposed application.

- Powers to make provisions by regulation for a 'reporter'-led process to address objections to applications. In the case where a planning authority objects to an application, Scottish ministers will appoint a reporter to examine the case and submit a final report to the Scottish ministers for their consideration. This would replace the current requirement for a public inquiry. This regulation would be subject to the affirmative procedure.

- Powers to make provisions by regulations to set time limits for key stages of the pre-application and application process and deadlines for statutory consultees and planning authorities to respond to pre-application consultation. This regulation would be subject to the negative procedure.

- Details of fees to be paid to Scottish ministers for an application and for services provided during the pre-application process. Currently the Scottish Government cannot charge for services.

- The power for Scottish ministers to decline an application. Currently Scottish ministers must accept and process all applications.

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[42] Explanatory Notes to the Planning and Infrastructure Bill 196 2024-25 (PDF), para.34

- Amendments to the Electricity Act 1989 to make it clear that consenting of electricity infrastructure in Scotland is carried out by Scottish ministers and not the Secretary of State.

Clause 15: Variation of consents etc

This clause would allow changes to be made to consents for overhead lines after they have been given. Currently changes can be made to consents under section 36 of the Electricity Act 1989 for electricity generating stations but not under section 37 for overhead lines.

The clause would enable Scottish ministers to vary a consent when technological or environmental circumstances changed. The intention is to take account of the extended time it can take to build electricity infrastructure, which means that conditions may change during construction. Allowing variations to a consent would avoid a new application having to be made. The clause would also allow errors to be corrected. The regulations would be subject to the negative procedure.

Clause 16: Proceedings for questioning certain decisions on consents

This clause would extend the right for a statutory appeal to be brought against a decision by Scottish ministers on onshore electricity infrastructure. Currently an appeal can only be made on offshore electricity infrastructure under section 36 of the Electricity Act 1989.

Appeals would need to be made within six weeks of a decision being published. Challenges will be made to the Inner House of the Court of Session with a route to appeal to the Supreme Court of the United Kingdom.

Clause 17: Applications for necessary wayleaves: fees

This clause would empower Scottish ministers to make regulations to charge for necessary wayleaves in Scotland. Necessary wayleaves allow electricity developers access to land owned by others to install electricity infrastructure. Currently, fees for necessary wayleaves are applied in England and Wales but not Scotland. The regulations would be subject to the negative procedure.

Clause 18: Regulations and Clause 19: Sections 14 to 18: Minor and consequential amendments

These clauses would make the necessary procedural and consequential amendments to the Electricity Act 1889.

Clause 20: Environmental Impact Assessment for Electricity Works

This clause would make provision for the Secretary of State or Scottish ministers to make limited procedural amendments to the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (EIA Regulations). The EIA Regulations remained in force as assimilated law after the UK left the EU but without powers for the government to amend them. The regulations would be subject to the negative procedure.

Schedule 1

This schedule makes minor and consequential amendments to the Electricity Act 1989.

Stakeholder views on planning reform in Scotland

The think tank, Reform Scotland published the article Planning Reform Can Unleash Economic Renewal in November 2024. This welcomed the proposed reform of the electricity infrastructure consenting process, stating:

> The existing consenting regime in Scotland is well past its sell-by date, and now presents the biggest risk to the delivery of this programme. Reform is crucial if a decarbonised electricity system by the end of the decade is to be met. Therefore, the UK Government's recent publication of a consultation on Scottish consenting reform for electricity infrastructure was extremely welcome. […] An equally welcome development is that this consultation is in effect a joint initiative of the UK and Scottish governments, with the two administrations working 'as one' in this area.[43]

There has been no further recent commentary available on this proposal from stakeholders.

3.5 Long duration electricity storage cap and floor scheme

Overview

Long duration energy storage (LDES) covers a range of technologies that can store electricity and supply it back to the grid when required. The Parliamentary Office of Science and Technology (POST) briefing on Longer duration energy storage (December 2022) provides further information.

LDES has been defined by government as being able to deliver an 8-hour minimum of power. This mostly excludes standard battery energy storage

[43] Reform Scotland, Planning Reform Can Unleash Economic Renewal, 29 November 2024

systems (BESS) that use lithium-ion batteries, although there is some dispute over this definition with some proposing that LDES should require a longer minimum duration.[44]

Currently, pumped storage hydro is the main technology used in GB as LDES. This uses water stored in a high reservoir that can be used to drive a turbine to generate power when needed and the water is then pumped back up to the reservoir when the power is not needed. Other possible technologies being developed including flow batteries that can store larger amounts of energy than lithium-ion batteries, compressed air, hydrogen, or thermal energy stores.

As noted above, the government's Clean Power 2030 Action Plan estimates that 4-6 GW of LDES will be needed by 2030.

The government carried out a consultation on Long duration electricity storage: proposals to enable investment in 2024, with the final government response published in October 2024. The consultation document stated that:

> There has been a historic lack of investment in LDES assets, with no new assets constructed in Great Britain in approximately 40 years. The government has committed to put in place an appropriate policy framework by 2024 to enable investment in LDES, with the goal of deploying sufficient storage capacity to balance the overall system.[45]

The government response confirmed its intention to introduce a 'cap and floor' scheme for LDES. A cap and floor scheme provides financial support that guarantees a minimum level of revenue (the 'floor') up to a maximum amount (the 'cap'), above which the LDES operator would pay back to the system operator. The aim is to provide a guarantee of revenues for developers in order to provide confidence and encourage investment. A similar system is currently in place for electricity interconnectors and is explained in the Ofgem report Cap and floor regime: unlocking investment in electricity interconnectors (PDF, May 2016).

Ofgem published its Long Duration Electricity Storage technical document (March 2025), which sets out the final details of the scheme, how it will operate, eligibility criteria and potential capacity needed. This sets out that there will be a twin track approach for projects deliverable in 2030 and 2033. The first application window is expected to have a capacity range of 2.7 to 7.7 GW. Eligible LDES projects will need to be capable of delivering 8 hours of continuous power and have a capacity of 100 megawatts (MW) or 50 MW depending on the type of technology. The scheme will have a duration of 25 years.

44 DESNZ, Long duration electricity storage consultation: Government response (PDF), October 2024, p.22

45 DESNZ, Long duration electricity storage consultation (PDF), March 2024, p.11

The aim of this part of the bill is to make provisions to introduce a cap and floor support mechanism for LDES, which will be delivered by Ofgem.

All the clauses in this part of the bill would apply to England, Scotland and Wales and would come into effect two months after Royal Assent.

Clause 21: Long duration electricity storage

This clause would require GEMA to create and implement a cap and floor scheme for LDES. The aim is to encourage deployment of LDES by providing revenue certainty and confidence to invest. The clause would add a new section 10P to the Electricity Act 1989, which would set out the eligibility requirements and mechanics of the scheme.

The new section of the Electricity Act 1989 would define:

- the 'cap': the upper limit of what an LDES operator is paid for suppling power, above which they would pay back some or all of their revenues, and
- the 'floor': the lower limit below which they will be fully or partially compensated for power supplied.

The scheme will be funded by NESO through electricity network charges on energy suppliers.

The new section would provide a definition of LDES and the Secretary of State would have the power to amend the definition via regulations subject to the negative procedure.

Stakeholder views on LDES

The Lords Science and Technology Committee carried out an inquiry on Long-duration energy storage in 2023/24. Its final report, Long-duration energy storage: get on with it (PDF, March 2024) noted that witnesses generally favoured a cap and floor scheme and recommended that:

> The Government should, as a matter of urgency, finalise and set out the details of its business models to support commercial long-duration energy storage. We recommend that cap and floor support mechanisms are designed to support technologies that supply energy across different timescales, recognising the distinction between those that store energy for up to 24 hours and those that can store energy over days and weeks.[46]

A Utility Week article, LDES cap and floor plans risk spooking investors (March 2025), raised concerns that developers would not have certainty

[46] Lords Science and Technology Committee, Long-duration energy storage: get on with it (PDF), March 2024, para.47

over the actual level of the cap and floor. A representative of the energy research organisation, Aurora Energy Research, was quoted as saying:

> Given that the whole idea of this is to provide revenue certainty for major infrastructure financing, the fact that they won't even know what those final revenue floors and revenue caps are set at until the project is actually fully built raises my eyebrows for sure.[47]

3.6 Consumer benefits for homes near electricity transmission infrastructure

Overview

The previous government consulted on a proposal to introduce Community benefits for electricity transmission network infrastructure. The consultation ran from March to June 2023 and the government published its response in November 2023.

The proposal set out in the consultation was for guidance on a community benefits package to be agreed between developers of electricity transmission network infrastructure and the communities affected. The government recommended a mandatory approach that would provide an electricity bill discount for properties located closest to transmission network infrastructure, and wider benefits for the local community of around:

Initial voluntary guidance was expected in 2024 along with further information on the mandatory policy approach. Further research was published in March 2024 on the social and technical aspects of the proposal but the scheme was not implemented before the general election in July 2024.

In July 2024, in answer to a Parliamentary question on Electric Cables: Infrastructure (UIN 504), the Parliamentary Under Secretary of State for Energy Security and Net Zero, Michael Shanks, said:

> It is important for this Government that where communities host clean energy infrastructure, they should directly benefit from it. We are currently considering how to ensure communities benefit from living near new onshore electricity transmission infrastructure.[48]

Similarly, during a debate on Renewable Energy Projects: Community Benefits in Westminster Hall on 15 October, Micheal Shanks said:

> On community benefits in particular, we are continuing—at pace—the work started by the previous Government to review how we can effectively deliver

47 Utility Week, LDES cap and floor plans risk spooking investors, 12 March 2025

48 PQ 504 [on Electric Cables: Infrastructure], 26 July 2024

> benefits for communities living near this infrastructure. We are looking at examples across Europe—we are not on this journey on our own; there are other countries that have been doing this for a very long time, and we are learning from that—and developing clear guidance on community benefits for both the infrastructure and the transmission networks. We will publish that in due course.[49]

On 10 March 2025, the government announced commitments to ensure that households near new or upgraded electricity pylons will get money off their electricity bills and local communities will receive benefits packages to support local projects.

Details on the government's proposed bill discount scheme were set out in the policy paper Electricity transmission infrastructure: proposed bill discount scheme (March 2025). This states that the government's 'minded to' position is "to offer bill discounts of up to £2,500 over 10 years for those living up to 500 [metres] from new and significantly upgraded electricity transmission infrastructure."[50]

The majority of those eligible for the payments would receive the benefit automatically through their electricity bills and a small number of 'hard-to-reach' households would be offered alternative arrangements. The current proposal is for the scheme to be paid for by an obligation on electricity suppliers, although this has not been finalised.

The aim of this part of the bill is to enable the creation of a financial support scheme for people living near to new or significantly upgraded electricity transmission infrastructure.

The clause in this part of the bill would apply to England, Scotland and Wales and would come into force upon Royal Assent.

Clause 22: Benefits for homes near electricity transmission projects

This clause would enable the Secretary of State to create a financial support scheme, through regulations, for people living close to new or significantly upgraded electricity transmission infrastructure. The clause would amend the Electricity Act 1989 by adding a new section 38A. The Secretary of State would set out details of the design of the scheme through secondary legislation, including amendments to supplier licences to account for the scheme.

Works that qualify for the scheme "must involve the construction, erection, expansion or improvement of an electrical plant, or an electric line that is either wholly or partly above the ground and intended to form part of a

49 HC Deb 15 October 2024 c276WH

50 Department for Energy Security and Net Zero, Electricity Bill Discount Scheme for transmission network infrastructure (PDF), March 2025, p.7

transmission system".[51] Works may also qualify that took place prior to regulations being made.

People that qualify for the scheme will be paid directly by the electricity supplier to the person's electricity bill, or through an opt-in process for those without a direct relationship with a supplier. Pass-through provisions will also be made to allow payments through a third-party intermediary in situations where the end-user requires support. The regulations would make provisions to restrict access to the scheme or enforce recoveries in the event of fraud.

The Secretary of State may provide funding from Parliament to those administering the scheme.

Provisions would also be made for complaints procedures, appeals or dispute resolution related to the scheme.

The regulations would be subject to the affirmative procedure.

The clause would apply to England, Scotland and Wales and come into force upon Royal Assent.

Stakeholder views on consumer benefits for homes near electricity transmission infrastructure

The government's plans to introduce payments for households living near new electricity infrastructure has been widely reported. For example:

- Sky News, People living near new pylons could get £250-a-year off their energy bills, minister says | Politics News (March 2025).
- The Guardian, People living near new pylons in Great Britain could get £250 a year off energy bills | Energy industry (March 2025).
- BBC, Energy bills to rise by 80p to fund discounts for homes near pylons (March 2025). This article reported that the plans for bills discounts had been welcomed by the trade body, RenewableUK, as a means to help speed up the roll-out of renewable energy.
- The Telegraph, People living near new pylons to be given £250 off electricity bills (March 2025).
- The Times, Energy bills could fall by £250 a year if you live near new pylon project (March 2025). This article reported on a poll by Boston Consulting Group that found that a majority of households would tolerate living near pylons if offered reductions on their bills, while a

[51] Explanatory Notes to the Planning and Infrastructure Bill 196 2024-25 (PDF), para.301

minority said they would not support pylons near them regardless of benefits.

The countryside charity, the CPRE, in its response to the Planning and Infrastructure Bill (March 2025) said:

> CPRE believes investing in local green spaces or improving community infrastructure is the best way to compensate communities for nearby energy infrastructure. Direct payments to individuals raise issues of fairness, potential legal challenges, and the difficulty of pricing the loss of a landscape.[52]

The BBC article Pylon compensation is a joke, say residents (March 2025) reported that some residents living near a proposed gris project in Derbyshire did not support the benefits scheme, with one resident saying:

> Any compensation is a joke because once the countryside has been spoilt, it's gone forever.[53]

3.7 Extension of the commissioning period for offshore electricity transmission system

Overview

The Offshore Transmission Owner (OFTO) regime was launched in 2009 and underpins the connection of offshore wind farms to the electricity grid. It allowed offshore wind farm developers to deliver and operate the transmission connection as part of an overall project without the need to obtain a transmission licence for 18 months. After that, the operation of the transmission connection would need to be transferred to licenced offshore transmission owner. This gave the developer time to build and demonstrate the viability of the project.

Following a government consultation on the Offshore Transmission Owner (OFTO) regime, which concluded in January 2024, the government concluded that the increase in the size and complexity of offshore windfarms requires extending the period the developer can operate the transmission connection from 18 to 27 months.

The aim of this part of the bill is to make provisions for this time extension. The clauses would apply to England, Scotland and Wales and would come into effect two months after Royal Assent.

52 CPRE, Our response to the new Planning and Infrastructure Bill, March 2025
53 BBC, Pylon compensation is a joke, say residents, 20 March 2025

Clause 23: Electricity transmission systems: extension of commissioning period

This clause would extend the time offshore wind farm developers have to transfer transmission assets that they build to a third-party offshore transmission owner (OFTO), from 18 months to 27 months, following the wind farm completion notice.

There has been no commentary available on this proposal from stakeholders.

3.8 Electricity generation on forestry land

Clause 24: use of forestry estate for renewable electricity

Clause 24 would amend Section 3 of the Forestry Act 1967 to allow renewable energy projects on forestry land by allowing the Forestry Commission in England or Natural Resources Body of Wales to "enter into arrangements in connection with the use of forestry land for the generation, storage, transmission or supply of renewable electricity".

The explanatory notes provide the rationale for the proposal, which relates to the government's long-term mission to deliver clean power set out in the Plan for Change:

> In alignment with these aims, the Bill grants powers to the "appropriate forestry authorities" (Forestry Commissioners in England and the Natural Resources Body for Wales), to enable renewable electricity projects on forestry land, increasing the amount of electricity produced from renewable sources with the aim of contributing towards the government's energy and climate change targets. This measure will also benefit the longer-term funding of the appropriate forestry authorities.[54]

There has been no commentary available on this proposal from stakeholders.

[54] Explanatory Notes to the Planning and Infrastructure Bill 196 2024-25 (PDF), para.52

4 Transport infrastructure

The bill includes measures intended to streamline and improve planning processes for transport projects consented under the Highways Act 1980 and Transport and Works Act 1992 regimes. As outlined in a February 2025 policy paper, these measures aim to complement the reforms to the NSIP regime set out elsewhere in the bill.[55]

4.1 Highways Act 1980

Background

The Highways Act 1980 deals with the management and operation of the strategic road network and major roads in England and Wales. It sets out a wide variety of powers that project promoters may require when implementing a project. These include:

- Powers to construct and alter a highway
- Powers to restrict the type of traffic which can use a highway
- Powers to make roads trunk roads, or downgrade them to A roads
- Powers to acquire land for highway works

The 1980 Act also sets out various requirements relating to consultation, procedures for objecting to proposed schemes, and financial provisions.

Major transport infrastructure projects may be classified as "nationally significant infrastructure projects" (NSIPs) if they exceed certain thresholds. These are set out in part 3 of the Planning Act 2008.[56] As set out the NSIP section of this bill briefing, NSIPs require development consent from the relevant Secretary of State.

In February 2024 the Ministry of Housing, Communities & Local Government published its working paper Streamlining Infrastructure Planning. This set out the government's plan to introduce legislation to streamline and improve the efficiency of delivering road infrastructure projects, including its

55 Ministry of Housing, Communities & Local Government Policy paper, Planning Reform Working Paper: Streamlining Infrastructure Planning, 13 February 2025

56 Planning Act 2008, Part 3

proposed changes to the Highways Act 1980.[57] This did not propose any changes to the scope of projects which would fall under the Highways Act 1980.

In March 2024, the government published a call for evidence on the thresholds at which roads and railways are classified as NSIPs. This set out that the government supports "proportionate processes" for road and rail projects to be approved, and asked for views on whether a greater number of highways projects could be progressed under legislation in the Highways Act 1980, rather than being classified as NSIPs.[58] While the scope of this call for evidence was wider than just the Highways Act 1980, it did ask respondents for their views on what amendments would be required to the Highways Act 1980 if changes were proposed that led to a greater number of highways projects being progressed under this legislation.[59] The government has not yet published a response to this call for evidence.

Further information on NSIPs is given in the Library briefing Planning for nationally significant infrastructure projects.[60]

Clause 25: Fees for certain services

Clause 25 would amend the Highways Act 1980 by inserting a new clause 281B. This new clause would enable defined statutory consultees and local authorities (to be specified in regulations) to charge applicants when providing advice or services relating to:

- powers to designate or de-designate roads as trunk roads, classified roads, metropolitan roads and special roads (part 2 of the Highways Act 1980)
- the construction of bridges over and tunnels under navigable waters, and diversion of any part of a navigable watercourse for the construction, improvement or alteration of a highway (part 6 of the Highways Act 1980)
- the acquisition, vesting and transfer of land for highways (part 12 of the Highways Act 1980)

57 Ministry of Housing, Communities & Local Government, Planning Reform Working Paper: Streamlining Infrastructure Planning, 13 February 2025

58 Department for Transport, Review of transport infrastructure legislation: definitions for highway and railway Nationally Significant Infrastructure Projects in the Planning Act 2008, 7 March 2024

59 Department for Transport, Review of transport infrastructure legislation: definitions for highway and railway Nationally Significant Infrastructure Projects in the Planning Act 2008, 7 March 2024

60 Commons Library research briefing SN-06881, Planning for nationally significant infrastructure projects

Clause 26: Power of strategic highways company in relation to trunk roads

Trunk roads are major strategic roads. Currently, for a road to be classified as a trunk road, a statutory instrument must be made by the Secretary of State.[61] This is known as a section 10 order. Similarly, for a road to be downgraded from a trunk road to an ordinary A road a statutory instrument known as a "Detrunking Order" must be made by the Secretary of State.[62]

Clause 26 would amend section 10 of the Highways Act 1980. It would enable a strategic highway authority to initiate the making or detrunking of trunk roads. Any such order would need to be confirmed by the Secretary of State.

Clause 27: Deadlines for consultation and decisions on certain orders and schemes

Clause 27 would amend schedule 1 to the Highways Act 1980. It would reduce the objection period for specified orders made using powers in the Highways Act 1980 from six weeks to 30 days in England. In Wales this would remain at six weeks. The specified orders are:

- for any highway (or any highway under construction) to become or cease to be a trunk road (section 10 of the Highways Act 1980)
- for roads that cross or join trunk or classified roads to be altered, and for the construction and subsequent closure of temporary roads (section 14 of the Highways Act 1980)
- supplementary powers for special roads (roads where the type of traffic that can use them is restricted) to be altered, and for the construction and subsequent closure of temporary roads (section 18 of the Highways Act 1980)
- for a highway to be constructed by means of a bridge over or a tunnel under any navigable waters (section 106 of the Highways Act 1980)
- for a highway authority to be able to divert any part of a navigable watercourse for the construction, improvement or alteration of a highway; the provision of a new means of access to any premises from a highway; or the provision of a maintenance compound or of a service area on a special road (section 108 of the Highways Act 1980)

This clause would also introduce a 10-week statutory deadline by which the Secretary of State must make a decision on specified orders made using

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61 See, for example, The A452 Chester Road and A446 Stonebridge Road (High Speed Two (Phase One)) (Trunking) Order 2024, SI 2024/39

62 See, for example, The A500 Trunk Road (Wolstanton Junction Improvement Scheme) (Detrunking) Order 2023, SI 2023/84

powers in the Highways Act 1980. This deadline can be extended by the Secretary of State, in which case they must notify the parties involved.

Clause 28: Procedure for certain orders and schemes

Clause 28 would amend sections 325 and 326 and schedule 1 of the Highways Act 1980. It would simplify the specified processes made or confirmed under the Highways Act 1980, so that statutory instruments are no longer required. These include the following processes:

- for any highway (or any highway under construction) to become or cease to be a trunk road (section 10 of the Highways Act 1980)
- for restrictions to be imposed on the type of traffic that can use a road (such as restricting the type of vehicles that can use a motorway) (section 16 of the Highways Act 1980)
- for a highway to be constructed by means of a bridge over or a tunnel under any navigable waters (section 106 of the Highways Act 1980)

Clause 29: Compulsory acquisition powers to include taking of temporary possession

Clause 29 would amend section 250 of the Highways Act 1980. It would clarify that project promoters undertaking projects using powers in the Highways Act 1980 can temporarily take possession of and use land. For example, for use as temporary construction compounds and for storage of equipment and materials. If such land is temporarily possessed, then compensation provisions would be the same as those for compulsory purchase of land.

4.2 Amendments to Transport and Works Act 1992

Background

Orders made under the Transport and Works Act 1992 (the TWA 92), referred to in this briefing as "TWA orders" are the usual way to authorise new railways, tramways, guided transport schemes and inland waterways, in England and Wales.[63]

The government said in a February 2025 policy paper that it intended to use this bill to amend parts of the TWA 92, to "improve the efficiency of

[63] DfT Guidance, Transport and Works Act orders: a brief guide, updated 14 July 2023

delivering new transport schemes" through a range of measures which the following clauses would give effect to.[64]

Clause 30: Replacement of model clauses with guidance

Clause 30 would amend section 8 of the TWA 92, removing a requirement for 'model clauses' to be included in TWA orders.[65] Instead, new section 8(1) would enable the Secretary of State to publish guidance on how to draft TWA orders. New section 8(2) would provide the same power to Welsh Ministers.

When deciding whether to grant or refuse a TWA order, the Secretary of State (or Welsh Ministers) would be required to have regard whether it departs from that guidance, and if it does, the reasons for that departure. The government has said that replacing model clauses with guidance should mean that it can be better kept up to date.[66]

Clause 31: Removal of special procedure for projects of national significance

Clause 31 would delete section 9 from the TWA 92. Section 9 is concerned with a special procedure for projects of national significance. The bill's explanatory notes say that the Planning Act 2008, with its definitions and procedures for nationally significant infrastructure projects (NSIPs), has effectively made this section redundant and unnecessary.[67]

Clauses 32 to 33: Duty to hold inquiries or hearing and cost of inquiries

Clause 32 would amend section 11 of the TWA 92, which deals with the criteria for an inquiry or hearing to be held if a local authority, or any person who might be subject to compulsory purchase of their land, objects to a proposed TWA order.[68] Subsection 11(3) would be amended to include an additional criterion, requiring that the Secretary of State consider that an objection is serious enough to merit such treatment, before holding an inquiry or hearing. This additional criterion would also apply to Welsh Ministers where they are the determining authority.

Clause 33 would also amend section 11 of the TWA 92 so that the decisions on who would pay the costs of any inquiry would be made by the inquiry

64 Ministry of Housing, Communities & Local Government Policy paper, Planning Reform Working Paper: Streamlining Infrastructure Planning, 13 February 2025

65 Transport and Works Act 1992, s8; These model clauses are currently outlined in The Transport and Works (Model Clauses for Railways and Tramways) Order 2006

66 Ministry of Housing, Communities & Local Government Policy paper, Planning Reform Working Paper: Streamlining Infrastructure Planning, 13 February 2025

67 Explanatory notes (PDF), para 376-380

68 Transport and Works Act 1992, s11

inspector (unless they are otherwise directed by the Secretary of State or the Welsh Ministers). The clause also specifies the inspector would require the applicant for the TWA92 order to pay those costs, unless the inspector thinks there is a good reason not to. Inquiry inspectors are appointed by the Secretary of State.[69]

Clauses 32 and 33 allow for transitional arrangements so that applications which have already been submitted before this clause came into force would be unaffected by it.

Clauses 34 to 36: Deadlines, challenges and fees for TWA orders

Clause 34 would amend section 13 of the TWA 92 to allow the Secretary of State or Welsh Ministers to introduce rules for statutory deadlines for the making of decisions on TWA 92 order applications.[70] Different deadlines could be permitted for different cases. Currently, there are no such deadlines under the TWA 92 regime. Such rules would be made by statutory instrument made under the negative procedure.[71]

Clause 35 would amend section 14 of the TWA 92, which requires the Secretary of State (or Welsh Ministers) to issue notices of the making or refusal of a TWA 92 order.[72] It would remove the requirement to publish such notices in the London Gazette and replace it with a requirement for notices to be published only on a government website.

Clause 36 would insert a new section 23A into the TWA 92 to allow the Secretary of State or Welsh Ministers to make regulations governing fees which can be charged by local authorities and other bodies for services associated with TWA92 orders.

Clause 34(3), which makes consequential amendments, would come into force through regulations.

Clause 37 and schedule 2: Disapplication of heritage regimes

Clause 37 would replace section 17 of the TWA 92 with a new section 17. This would provide the Secretary of State (or Welsh Ministers), when making TWA orders, with the power to disapply the need for separate authorisations under heritage regimes, such as for listed buildings and scheduled

69 Transport and Works (Inquiries Procedure) Rules 2004, regulation 2
70 Transport and Works Act 1992, s13
71 UK Parliament glossary, Negative procedure
72 Transport and Works Act 1992, s14

monuments. The existing requirement that the Secretary of State (or Welsh Minister) must authorise a listed building consent would remain.[73]

Clause 37(2) incorporates schedule 2, which would make consequential amendments to the relevant heritage regimes in England.

Clause 38: Deemed consent under marine licence

Clause 38 would insert a new section 19A into the TWA 92, to enable TWA orders which involve activity within the UK marine area to include a deemed marine licence. If the Secretary of State (or Welsh Ministers) were to include such a deemed marine licence in a TWA order, that would remove the requirement for the applicant to apply for such a licence separately to the Marine Management Organisation (MMO), a non-departmental public body sponsored by the Department for Environment Food and Rural Affairs.[74]

The explanatory notes say that breaches of marine licences will continue to be dealt with by the MMO using its statutory powers.[75]

Clause 39: Authorisation of applications by local authorities

Local authorities can sponsor TWA orders. In such cases, clause 39 would amend section 20 of the TWA 92, removing the need for a second, confirmatory resolution by local authority members to approve a TWA order after it has been submitted.[76]

This clause would mean there would only need to be one resolution (requiring a majority vote by members) prior to submission of a TWA order.

Clause 40: Extension to Scotland of certain amendments

Amendments were made to the TWA 92 by the following legislation:

- Regulation 4(3) and (4) of the Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2019, and

[73] These are required under the Planning (Listed Buildings and Conservation Areas) Act 1990, s12(3A) and the Historic Environment (Wales) Act 2023, s94(4)

[74] The MMO has published a blog article giving examples of the development purposes for which a marine licence might be require: MMO, Marine Licensing in the MMO, 11 October 2022

[75] Explanatory notes (PDF), para 425. The MMO's enforcement powers for marine licences are given in the Marine and Coastal Access Act 2009, Chapter 3, Part 4.

[76] Transport and Works Act 1992, s20

- Schedule 3 of Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017[77]

Clause 40 would extend the territorial extent of these amendments, so that they extend to Scotland.

The explanatory notes explain these pieces of legislation have resulted in dual texts for various provisions in the TWA92, one extending to England and Wales and the other to Scotland. Clause 40 would remove these dual texts.[78]

4.3 Harbour orders: Marine Management Organisation charging

Background on harbour orders

Harbour authorities are statutory bodies responsible for the management and running of a harbour. A harbour authority's powers and duties are set out in either local Acts of Parliament, or a harbour order made under the Harbours Act 1964 (the 1964 act), which applies across Great Britain.[79]

Harbour orders are a form of delegated legislation which can be used to create a new statutory harbour area, amend an existing one, or to reorganise or join together multiple harbours. Harbour orders are drafted by an applicant harbour authority, often with specialist legal advice.[80]

Ports and harbours are, with some small exceptions, devolved matters.[81] The Marine Management Organisation (MMO) processes harbour orders for all harbours in England as well as for Milford Haven in Wales, the only non-England harbour for which the UK Government retains responsibility.[82] The MMO is a non-departmental public body sponsored by the Department for Environment Food and Rural Affairs. In Wales and Scotland, harbour orders

77 Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2019, regulation 4; Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017, Schedule 3

78 Explanatory notes (PDF), para 439

79 Harbours Act 1964

80 For examples, see Ashfords Law Firm, Harbour Revision, Empowerment & Closure Orders, [Accessed 14 March 2025]

81 Scotland Act 1998, Schedule 5, Section E3; Government of Wales Act 2006, Schedule 7A; Section E3, Northern Ireland Act 1998 Schedule 3

82 Section 30 of the Wales Act 2017 means that all ports wholly in Wales are now the responsibility of the Welsh Government. The one exception is 'reserved trust ports' in Wales, of which Milford Haven is the only one for which the UK government retains responsibility. See Statement UIN HCWS639 [Transport Infrastructure for our global future: A Study of England's Port Connectivity], 24 April 2018

under the 1964 Act are processed by the devolved executives.[83] In Northern Ireland, the Department for Infrastructure deals with harbour orders under separate legislation which would not be affected by this bill.[84]

While the MMO is responsible for processing harbour orders on behalf of the Department for Transport (DfT), the DfT still leads on ports policy and arranges for harbour orders, once processed, to be laid in Parliament.[85]

Need to reform harbour order fees

The MMO charge fees for processing harbour orders. In 2019 the MMO and DfT consulted on changing its fee structure, so it better reflected "the actual costs to the MMO in determining harbour order applications".[86] This was in the context of MMO data which showed that "between 2010 and 2019 only 37% of costs have been recovered from applicants, with the remainder being funded by the taxpayer."[87] The MMO also said:

> it is difficult for the MMO to sustain the current level of service provided or pursue any further improvements to the harbour order service at the current level of cost recovery.[88]

The consultation noted that the way the 1964 act is interpreted means that the MMO can only charge a fixed fee for a single harbour order application, which must be stated at the point of application. It proposed changing its charging formula including moving towards an hourly charge rather than a fixed fee and increasing the number of fee bands for different types of application.[89]

In its response to the consultation, the government confirmed its preference for this approach but stated this would require amending primary legislation.[90]

Clause 42: Fees for applications for harbour orders

Clause 42 would give the UK, Welsh and Scottish governments regulation-making powers to set fees to cover the cost of processing harbour orders.

Clause 42 would amend schedule 3 to the Harbours Act 1964. It would provide the Secretary of State with the power to make regulations to set fees. Regulations could determine the method for setting fees, permit an

83 Transport Scotland, Harbour Orders, [Accessed 14 March 2025]; Welsh Government Guidance, Apply for a harbour order, 5 April 2018
84 The Harbours Act (Northern Ireland) 1970
85 MMO guidance, Harbour Orders, updated 28 November 2024
86 MMO & DfT, Consultation on revision to Harbour Order fees, 16 July 2019
87 MMO & DfT, Harbour Orders Consultation Document, 16 July 2019, p5
88 MMO & DfT Press release, Consultation on a revision to Harbour Order application fees, 16 July 2019
89 MMO & DfT, Consultation on revision to Harbour Order fees, 16 July 2019, para 7.4
90 MMO & DfT, Harbour Order Fees - Consultation Response Document, 21 February 2020, p12

application to be paused if fees remain unpaid, and provide for a fee deposit scheme. Any such regulations made by the Secretary of State would be made by a statutory instrument subject to the negative procedure (clause 42(5)).

Clause 42(5) would amend section 54 of the 1964 act and would give the same regulation-making powers to the Scottish and Welsh governments.

4.4 Electric vehicle charge points

Background

Currently, to carry out street works, a company must have one of:

- a statutory right to undertake street works (as is the case for utility companies)[91]
- a street works permit (for those with a statutory right to carry out works on the highway)[92]
- a section 50 street works licence.[93]

Most electric vehicle charge point operators do not have a statutory right to undertake street works, and so must apply for a section 50 street works licence.[94]

In 2024 the Lords Environment and Climate Change Committee undertook an inquiry on electric vehicles (EVs). It published its report, EV strategy: rapid recharge needed in February 2024. This called for the government to review "outdated and disproportionate planning regulations which are a major block to the rollout" of electric vehicle charge points.[95]

In its April 2024 response, the government said it was consulting on proposals to accelerate the rollout of charge points by giving EV charge point operators the right to carry out street works using a street works permit,

91 Street works are carried out by utility companies by virtue of a statutory right or a licence granted under the New Roads and Street Works Act 1991, as amended by the Traffic Management Act 2004.

92 Street works permits were introduced by Part 3 of the Traffic Management Act 2004 and are regulated in England by the Traffic Management Permit Scheme (England) Regulations 2007, as amended.

93 Section 50 street works licences are issued by the relevant highway authority under section 50 of the New Roads and Street Works Act 1991.

94 Department for Transport and Office for Zero Emission Vehicles, Consultation outcome: Street works access: electric vehicle chargepoint operators, 24 December 2024

95 Lords Environment and Climate Change Committee, EV strategy: rapid recharge needed, 6 February 2024, HL Paper 51 2023-24, summary

rather than a section 50 licence.[96] Between 5 February and 12 April 2024, it consulted on changing the process for giving electric vehicle charge point operators legal access to carry out street works.[97] The government's response to the consultation noted that applying for a section 50 licence can be a "lengthy and costly process".[98]

Street works permits must be applied for using Street Manager, an online service.[99] The government's consultation response said it believed it would be cheaper and quicker for EV charge point operators to be able to obtain a permit compared to a section 50 licence, and Street Manager would allow better coordination of works. It also stated that it expected that Street Manager charges and permit fees would be cheaper than the costs of section 50 licences.[100]

Further information on electric vehicle charging infrastructure is given in section 2.4 of the Library briefing Electric vehicles and infrastructure.[101]

Clause 43: Installation of electric vehicle charge points

Clause 43 would remove the requirement for electric vehicle charge point operators to obtain a section 50 street works licence to install electric vehicle charging equipment.

Clause 43 would amend the relevant sections of the New Roads and Street Works Act 1991. It would:

- expand the definition of street works in section 48 of the New Roads and Street Works Act 1991 to cover works related to installing, inspecting, maintaining and removing an EV charge point.

- amend the definition of undertaker in section 48 of the New Roads and Street Works Act 1991 to include a person who is permitted to carry out works to install an EV charge point

Clause 43 would also prohibit councils in England from granting permission for charge points to be installed under section 115E of the Highways Act 1980 (which allows a council to grant someone permission to place an object on, in or above a highway) where such permission could be authorised by either a section 50 licence or a street work permit.

96 Lords Environment and Climate Change Committee, Lords Environment and Climate Change Committee Report 2024 Government Response [PDF], 19 April 2024, pp2-3

97 Department for Transport and Office for Zero Emission Vehicles, Street works access: electric vehicle chargepoint operators, 5 February 2024

98 Department for Transport and Office for Zero Emission Vehicles, Consultation outcome: Street works access: electric vehicle chargepoint operators, 24 December 2024

99 Department for Transport, Plan and manage roadworks, 1 November 2019

100 Department for Transport and Office for Zero Emission Vehicles, Consultation outcome: Street works access: electric vehicle chargepoint operators, 24 December 2024

101 Commons Library research briefing CBP-7480, Electric vehicles and infrastructure

4.5 Stakeholder reaction

Stakeholder reaction to the transport infrastructure parts of the bill has been limited.

In response to the Ministry of Housing, Communities and Local Government (MHCLG) Working Paper 'Streamlining Infrastructure Planning', the National Infrastructure Planning Association (NIPA) welcomed the introduction of statutory timescales for the Secretary of State to make decisions on specified orders made using powers in the Highways Act 1980. They noted that this will provide clarity for those considering the appropriate and expedient consenting route and delivery programme for transport infrastructure projects.[102]

NIPA also supported in principle proportionate cost recovery, to support the delivery of transport infrastructure using the powers in the Highways Act 1980 and Transport and Works Act 1992. However, it also noted that there would need to be a commensurate level of support from the agencies and other bodies who would be able to charge fees for their services.[103]

The Electric Vehicle Association (EVA) England, a member association representing current and prospective EV drivers, welcomed the changes the bill would make to allow EV charge point operators to be issued street works permits:

> "Making it easier, cheaper and faster to install public chargers is essential to accelerate the EV transition […] High public charging costs remain a major barrier, with three in four drivers from our recent survey identifying this as the biggest challenge, so we welcome efforts to cut costs and speed up grid connections."[104]

However, an article in Local Transport Today noted that these changes could be seen as deregulatory, potentially leading to conflicts over the use of chargers obstructing pavements and kerbsides.[105]

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102 National Infrastructure Planning Association, Planning Reform Working Paper: Streamlining Infrastructure Planning – Consultation response, 27 February 2025, p2

103 National Infrastructure Planning Association, Planning Reform Working Paper: Streamlining Infrastructure Planning – Consultation response, 27 February 2025, p2

104 TransportXtra, Installing of charge points to be made easier, quicker and cheaper, 20 March 2025

105 TransportXtra, Transport impacts spelt out in Planning and Infrastructure Bill, 20 March 2025

5 Planning

Local planning authority (LPA) planning services face ongoing challenges with budget and resource constrains; delays in decision-making and backlogs in determining planning applications; and the ability to plan strategically in collaboration with neighbouring LPAs and other stakeholders. The Royal Town Planning Institute (RTPI) state of the profession report (2023) found:

> The planning system faces challenges across the UK. The cost of living and housing crises coincide with the rise of planning backlogs, the underfunding of local authority planning departments, and persistent labour shortages of planning professionals. In England, this is compounded by political uncertainty around "planning reform" on both sides of the aisle. These issues manifest as foregone construction of homes and infrastructure. Frustration with the state of the planning system also results in personal attacks on professionals in public and social media.[106]

The Town and Country Planning Association (TCPA) set out the challenges for planning and housing delivery when making a case for change in its White Paper for Homes and Communities (January 2024):

> The housing crisis is driven by two key factors: The collapse in investment in socially rented homes; and the government's continued focus on planning consents and planning de-regulation over practical delivery mechanisms. As a nation we have ignored that fact that democratic planning and its ability to coordinate infrastructure, de-risk development and set the right standards of design is the critical solution to housing the nation. Deregulating and defunding planning has made it much harder to build the homes we need.[107]

The government recognised these challenges and set its intention for planning reform in the written ministerial statement Building the homes we need (30 July 2024). This set out reforms in relation to housing need, building in the right places, moving to strategic planning, delivering more affordable homes, building infrastructure to support the economy and supporting local plans.[108] Some of these reform areas are addressed in this bill.

106 RTPI, State of the Profession (6 November 2023), Executive Summary

107 Town and Country Planning Association, Our shared future: a TCPA white paper for homes and communities (January 2024), Executive Summary

108 Angela Rayner, Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government, Building the homes we need (30 July 2024)

5.1 Planning Fees

Background

Planning fees in England are set by the government and are detailed in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, as amended. Planning fees and charges are intended to cover the costs of an LPA processing and determining planning applications. Nationally set fees (in England) do not allow for full cost recovery and may result in a shortfall for LPA planning services. There are also cost variations between LPAs which means shortfalls are greater in some areas than others.[109] The Planning Advisory Service explains that:

> many of the fees charged have little to do with the real cost of dealing with that type of application. Some fees are tiny; they do not even cover the cost of maintaining a proper record of the application. Others are very high and large-scale developments fees cross subsidise other types of development.[110]

The gap between fees and costs has placed pressure on LPA planning service budgets. The guide to the planning and infrastructure bill states:

> There is an estimated annual funding shortfall for LPA development management services of £362 million, based on most recent local government spending data for 2023-24.[111]

The RTPI's report on the state of the profession highlighted the issues and consequences facing planning services:

> the administration of planning services at the local authority level became more difficult over the last decade. This is caused by a combination of lower levels of funding for planning services and an expansion of the range of duties for the planning system. These difficulties have worsened the performance of the planning system.[112]

The government's fact sheet on planning fees that accompanies the bill states that without more flexibility in local fee setting, "LPAs will continue to experience funding shortfalls amid ongoing local government funding pressures, and capacity issues in the planning system would not be addressed".[113]

There are also issues around how planning fees are used and whether they are retained within LPA planning services. This issue was explored in a

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109 Gov.uk, Guide to the planning and infrastructure bill (11 March 2025), Part 2 Planning

110 Planning Advisory Service, Explaining the PAS model for local planning fees (draft) (PDF), (accessed March 2025).

111 Gov.uk, Guide to the planning and infrastructure bill (11 March 2025), Part 2 Planning

112 RTPI, State of the profession (6 November 2023)

113 Ministry of Housing, Communities and Local Government, Gov.uk, Factsheet: Local fee setting (11 March 2025)

government consultation on 'Stronger performance of local planning authorities supported by an increase in planning fees' in 2023. The reaction to provisions in the consultation to ring fence additional fees income was:

> Respondents considered that ringfencing was needed to justify the increase in fees and to ensure the additional resources directly lead to improvements in performance. The extra income could be used to expand planning teams (by providing higher salaries to attract planners from private sector, training and development of planners) and improve IT systems.
>
> […]
>
> Some considered that local planning authorities may not end up with more resources if the projected additional fee increase was netted off the baseline budget.[114]

The proposal to ringfence additional fee income was not progressed at this time:

> as this would impose a restriction on local authorities when they are best placed to make decisions about funding local services, including planning departments. However, we would expect local planning authorities to protect at least the income from the planning fee increase for direct investment in planning services.[115]

The Planning and Infrastructure Bill would make provisions for local fee setting and ring fencing of additional fees. Prior to this, as part of the government's ongoing review of planning fees, secondary legislation was laid on 12 March 2025. The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment and Transitional Provision) Regulations 2025 is due to come into force on 1 April 2025 and will increase planning fees and charges.

Clause 44: Fees for planning applications etc

Clause 44 subsection (1) would allow section 303 of the Town and Country Planning Act (TCPA) 1990 to be amended by subsections (2) to (6).

Subsection (2) would allow for regulations to authorise or require a local planning authority in England or the Mayor of London (or a specified person) to set planning fees or charges. Local fee setting would be subject to consultation. It would also be subject to certain criteria for setting fees or charges, require local planning authority publication of information or reports on fees, and make provisions for local planning authority review and

[114] Department for Levelling Up, Housing and Communities (now MHCLG), Technical consultation: Stronger performance of local planning authorities supported through an increase in planning fees: government response (25 July 2023), Question 7

[115] Department for Levelling Up, Housing and Communities (now MHCLG), Technical consultation: Stronger performance of local planning authorities supported through an increase in planning fees: government response (25 July 2023), Government response to question 7

update of fees. Subsection (2) would also require the Secretary of State to be notified.

Subsection (3) would make provisions for calculating fees or charges, ensuring the level set aligns with cost recovery. Subsection (3) would insert a new subsection 8C to the TCPA, which would make provision for ringfencing of income from planning fees or charges with a new sub-section 8D to the TCPA to specify the functions which would benefit from the ringfenced income.

Subsection (6) would apply where the Secretary of State considered the planning fees or charge set by the local planning authority, Mayor of London (or a specified person) was not appropriate. The Secretary of State would be able to direct a review and specify changes to planning fees and charges if the review was not undertaken by the local planning authority or if the Secretary of State considered the fee was not appropriate following the review.

5.2 Planning committees

Background

In England planning applications are determined either by LPA planning committees or officers in their planning service. Planning committee members may call-in planning applications for debate and decision-making at planning committee, rather than delegate the decision to planning officers.

Every LPA has a planning scheme of delegation. The scheme of delegation sets the rules for planning committee arrangements, conduct of planning committee members and decision-making, including when decisions on certain types of planning applications will be deferred to planning officers.

The Planning Advisory Service (PAS) indicates that in most LPAs 90 to 95% of decisions are deferred to planning officers.[116] PAS also outlines matters that influence which decisions may be taken to planning committee such as the level of interest from local residents, the impact development will have on a local community and the extent that proposals accord with LPA policies.

The government considers that "planning committees are a critical part of the planning system but are not operating as effectively as possible". The government's fact sheet on planning committees which accompanies the bill outlines the following issues:

[116] Planning Advisory Service, Planning Committee scheme of delegation (accessed March 2025)

- Schemes of delegation are not sufficiently clear and are subject to huge variation between local authorities.
- Too much time is spent considering applications which are compliant with the local plan (including sites allocated for development in the local plan).
- Planning applications rejected against officer advice are overturned at appeal, delaying development and wasting taxpayer's money.
- The level of understanding of some committee members about planning principles and law makes decisions more vulnerable to being overturned at appeal.
- There is a lack of transparency about the consequences of committee decisions.[117]

The Ministry for Housing, Communities and Local Government (MHCLG) publishes statistics on LPA performance. At time of writing, the latest available data is for the year up to the end of September 2024.

During this period, 96% of district-level planning decisions were delegated to planning officers. The proportion was below 90% in 25 out of 311 local planning authorities (LPAs).

41% of applications decided on were subject to an 'extension of time agreement', meaning that they could be decided over a longer period than the statutory time limit. The table below shows the proportion of decisions on developments of different types that were taken within the agreed time period, and within the statutory period.

How many planning applications are decided on time?
Developments in England, 12 months to end of September 2024

Development type	Statutory time period	% of decisions within statutory period	% of decisions within statutory **or** agreed time period
Major	13 weeks	20%	91%
Householder	8 weeks	62%	92%
Other non-major	8 weeks	39%	87%

Source: MHCLG, Live tables on planning application statistics, Planning performance dashboard year ending September 2024

Note: Figures are for district-level decisions. 'Major' residential developments have 10 or more homes, or a site of 0.5 hectares or more. 'Major' non-residential developments have a floorspace of 1 km2 or more, or a site area of 1 hectare or more.

[117] Ministry of Housing, Communities and Local Government, Gov.uk, Factsheet: Planning committees (11 March 2025)

Data for individual LPAs is available from the planning performance dashboard Excel download published as part of MHCLG's live tables on planning application statistics.

MHCLG also publishes statistics on the 'quality' of decisions made by LPAs, measured by looking at the proportion of decisions that are overturned at appeal. Over the two years to the end of December 2023, around 3% of decisions on major developments were overturned at appeal, and around 1% of decisions on non-major developments were. There was considerable range in performance levels across LPAs. In thirteen LPAs, more than 10% of major decisions were overturned at appeal.[118]

Clause 45: Training for local planning authorities in England

Clause 45 would insert a new clause after section 319 of the Town and Country Planning Act (TCPA) 1990 requiring training for planning committee members on matters relevant to their prescribed planning functions. This includes functions under the Planning (Listed Building and Conservation Areas) Act 1990 and the Land Compensation Act 1961. This would apply to local planning authorities and mayoral authorities with planning functions.

Completion of training would be evidenced by a certificate for a prescribed period with local planning authorities required to publish details of planning committee members who hold valid certificates of completion. Clause 45 would prohibit members who do not hold valid certificates from exercising or being involved in exercising prescribed planning functions.

The regulations would make provisions for the Secretary of State to accredit training courses and training providers.

Clause 46: Delegation of planning decisions in England

Clause 46 would require delegation of planning decisions in England through the introduction of new sections in the TCPA 1990:

- A requirement for functions to be discharged by committee, sub-committee or officer.
- Introduction, through regulations by the Secretary of State, of a national scheme of delegation which would include discharging decision making, prescribing arrangements and exceptions and conferring discretions on persons with a delegated function.

[118] MHCLG, Live tables on planning application statistics, Table P152: quality of major decisions January 2022 to December 2023 and Table P154: quality of non-major decisions January 2022 to December 2023. All figures quoted are for district-level decisions.

- Specification, through regulations by the Secretary of State, of the size and composition of the planning committee or sub-committee discharging planning functions. This subsection would also restrict a local planning authority from making arrangements for delegation which do not satisfy the requirements of the regulations.

- Provisions which would take account of joint planning functions between local planning authorities and the obligation for local planning authorities to have regard to related guidance issued by the Secretary of State.

- The interpretation of the above sub-sections defines which local planning authorities the legislation applies to and excludes Development Corporations, the Homes and Communities Agency, National Park Authorities and the Broads Authority.

5.3 Spatial development strategies (SDS)

Background

Spatial development strategies (SDS) were introduced in the Combined Authorities (Spatial Development Strategy) Regulations 2018. This enabled Liverpool City Region, Manchester and the West of England combined authorities to prepare a spatial development strategy. The Levelling Up and Regeneration Act 2023 extended provisions to allow other LPAs (that are not part of combined authorities, mayoral combined authorities or in Greater London) to prepare a joint SDS. Use of this power is optional at the discretion of LPAs.[119]

The progression of spatial development strategies has been limited:

- Liverpool City Region Combined Authority is currently preparing its first Spatial development strategy.

- Strategic planning arrangements in London are different as the Greater London Authority Act 1999 (as amended) applies with The London Plan 2021 reviewed every 5 years.

- In Greater Manchester, the combined authority decided to progress a joint plan (under the Town and Country Planning Act 1990) rather than a spatial development strategy. The Places for Everyone (2022 to 2039) plan is part of the approved planning policy framework for the Greater Manchester region.

[119] House of Commons Library, Planning reforms in England: Levelling Up and Regeneration Act 2023 and further changes (December 2023)

Outside of combined authority areas, groupings of local authorities have come together to collaborate on strategic planning matters. This has resulted in preparation of joint evidence documents to inform local plans, or preparation of a joint local plan. According to data published by MHCLG alongside the new National Planning Policy Framework in December 2024, there were nine joint local plans in place in England at that time.[120]

The government's strategic planning fact sheet that accompanies the bill outlines the impact of not having mechanisms for strategic planning across local authority boundaries:

> The result is that as a country over at least the past 15 years, we have failed to deliver the required amount of development, notably housing, and supporting infrastructure. Measures to address the lack of strategic planning, including the Duty to Cooperate, have either failed or only been successful in parts of England.[121]

The RPTI outlined issues and opportunities for SDS in its response to the consultation on the National Planning Policy Framework and other changes to the planning system:

> There is a clear unmet need for a more effective approach to strategic planning between the national and local levels. Strategic planning is widely regarded as vital for the management of key issues that cannot be addressed properly at the local scale; for building economic, climate and nature resilience; and for articulating long-term development and infrastructure needs.[122]

The RTPI response is based on research commissioned on strategic planning in England which recommended that: strategic planning should be a statutory document with a sub-regional focus; it should provide a sustainable growth led framework for prioritising and co-ordinating investment in infrastructure; and it should have clear governance arrangements.[123]

Government guidance on the Planning and Infrastructure Bill recognises the need for strategic planning:

> The government's view is that housing need in England cannot be met without planning for growth on a larger than local scale, and that reform is

120 MHCLG, Consultation outcome: Proposed reforms to the National Planning Policy Framework and other changes to the planning system, Indicative local housing need (December 2024 – new standard method) data download, 12 December 2024

121 Ministry of Housing, Communities and Local Government, Gov.uk, Factsheet: strategic planning (11 March 2025)

122 Royal Town Planning Institute (RTPI), RTPI response to proposed reforms to the NPPF and other changes to the planning system (September 2024)

123 Centre for Sustainable Planning and Environments (UWE), Catriona Riddell Associates and Richard Wood Associates, RTPI, Strategic Planning in England: current practice and future decisions (16 August 2024)

needed to introduce effective new mechanisms for cross-boundary strategic planning.[124]

Clause 47: spatial development strategies

Clause 47 would introduce a new section on strategic plan-making before section 13 of the Planning and Compulsory Purchase Act 2004. Provisions for the spatial development strategy for London are covered under section 334 and 343 of the Greater London Authority Act 1999.

Strategic planning authorities and strategic planning boards

Clause 47 would apply to strategic planning authorities and newly introduced strategic planning boards. It would specify the scope of a spatial development strategy and procedure for preparation, amendment, adoption, and replacement. It would also set out the Secretary of State's powers of intervention.

Clause 47 would require strategic planning authorities in England, defined as combined authorities (CA), combined county authorities (CCA), upper tier county councils, and unitary authorities, to prepare a spatial development strategy.

Strategic planning boards, to be introduced via regulations, would also have the status of strategic planning and be required to prepare a spatial development strategy. The formation of strategic planning boards would occur where the Secretary of State "considers it desirable" for a spatial development strategy to relate to two or more principal authorities, as defined in the bill. Formation of strategic planning boards would be subject to consultation with principal and neighbouring authorities.

Provisions would also be made for annulment of a strategic planning board due to resolution of either house of parliament and amendment or revocation of strategic planning board regulations by the Secretary of State.

Contents of a spatial development strategy

Clause 47 would make provision for aspects of the spatial development strategy which must be included such as: a statement of policies on development and land use which is of strategic importance to the area; reasoned justification for the policies; contribution to the mitigation of and adaptation to climate change; and a strategy which takes account of local nature recovery strategies (LNRS).

The clause also makes provisions for aspects which may be included such as infrastructure to support or facilitate development, and the amount or distribution of housing including affordable and social housing.

[124] Gov.uk, Guide to the Planning and Infrastructure Bill (11 March 2025)

The clause would also specify exclusions so that a spatial development strategy would not include development sites or be inconsistent with or repeat national development management policies (NMDP) when these are published by government.

Preparation and adoption of a spatial development strategy

A draft spatial development strategy would need to have regard to strategies, plans or policies it considers relevant, which have been published by a constituent authority of a strategic planning board. It would also have to take account of health, health inequalities and sustainable development.

The subsection 12G would make provisions for consultation on the draft spatial development strategy including who should be notified and where the draft should be made available.

The subsection 12G would also make provisions for procedures relating to examination and adoption of the spatial development strategy including specifying the examining authority, which would be appointed by the Secretary of State, and participants in the examination. The adoption process would require a strategic planning authority to hold a vote on a resolution to adopt, with the mayor of the authority having a casting vote in circumstances where the vote is tied.

Review, alteration and replacement of a spatial development strategy

The provisions under this subsection would ensure the spatial development strategy is kept under review, with a review carried out from time to time or as directed by the Secretary of State. The subsection would also require monitoring and would make provisions for alteration or replacement of the spatial development strategy.

Secretary of State's intervention powers in relation to a spatial development strategy

The subsection would grant powers of intervention to the Secretary of State where a spatial development strategy is failing and would cover the preparation, adoption, alteration, replacement or review of a spatial development strategy. It would also apply where there is or may be inconsistencies with national policies or where the strategy would be detrimental to the interests of an area outside of the strategy area.

The powers would enable the Secretary of State to modify and approve the spatial development strategy where an adoption resolution was not passed by a strategic planning authority. This would be initiated by the Secretary of State or at the request of the mayor of a CA or CCA. The provisions in this subsection would include liability for costs incurred by the Secretary of State as a result of intervention.

5.4 Stakeholder reaction to planning provisions

The Planning and Infrastructure Bill has generally been well received by stakeholders. Melanie Leech, chief executive of lobby group the British Property Federation (BPF), said:

> There's a lot to welcome in the latest stage of the government's planning reforms […] Planning at the 'larger-than-local' level should mean that housing targets are allocated more sensibly, and that there's better planning for employment uses. However, it is vital that all of this is adequately resourced in the forthcoming spending review if it is to deliver.[125]

The Royal Town Planning Institute (RTPI), a professional body whose members are accredited town planners working in the private and public sectors was also supportive of the bill. Victoria Hills, chief executive of the RTPI, said:

> Planners will be pleased to see many of the points we have long advocated for make it into the bill […] We believe that a clear statement of the 'purpose of planning' in the legislation would show the public the important work planning does to improving their communities.[126]

Reflecting on the potential outcome of the bill, Kate Henderson, interim chief executive of housing association umbrella group the National Housing Federation, said:

> At a time when the housing crisis continues to blight lives across the country, it's welcome to see the introduction of this bill. With more than 160,000 children in temporary accommodation, it's never been more urgent. A focus on certainty and enabling local areas to work together to plan for the homes… will ensure every area benefits from growth.[127]

Bidwells, a real estate advisor, is waiting to see if the bill goes far enough and achieves the outcomes needed in the secondary legislation which follows the bill. They reflected on the Planning and Infrastructure Bill and what it means for infrastructure:

> In areas like the Oxford-Cambridge growth corridor, where planning involves 10 district authorities, eight unitary authorities, two county councils, and a combined authority, strategic plans could reduce policy layers, consolidating them into just three or four. This has the potential to streamline decision-making and improve coordination.
>
> However, much of the implementation relies on secondary legislation, so the detail will be key to the Bill's success. There is also the ongoing challenge of significant discretion in decision-making, which remains a major source of

125 British Property Federation, BPF response to the planning and infrastructure bill (accessed March 2025)

126 Royal Town Planning Institute (RTPI), Government reinvests in planning recognising resource strain on system (accessed March 2025)

127 Chartered Institute of Housing, CIH response to planning and infrastructure bill launch (accessed March 2025)

> delays and frustration. Regardless of the reforms introduced, if policy and guidance continue to be widely open to interpretation and therefore contested, the same bottlenecks will persist.[128]

There are mixed views on local authorities setting their own planning fees. John Dickie, chief executive at lobby group Business LDN, said allowing "cash-strapped local authorities to increase planning fees" was "another welcome step", and said it was important that the money is ring-fenced "to ensure a more reliable and efficient service that will encourage additional private investment".[129]

The RTPI has welcomed localised setting of planning fees:

> By deciding to invest planning fees into planning services, the government not only addresses a key request long advocated for by the RTPI, but demonstrates that it has listened to our repeated concerns about the chronic underfunding of the planning system and the resulting impact on day-to-day delivery.[130]

However, concerns about local setting of planning fees have been raised by the National Federation of Builders. Rico Wojtulewicz, head of policy and market insight at trade body the National Federation of Builders, said that while he welcomed the reform package as a whole, he was opposed to allowing LPAs to increase fees. He said:

> Planning fees have already risen twice in the last five years, with no service improvement. An 'Ofsted for planning' is essential and application fees should not rise when more than 10 per cent of statutory determination periods are breached. Planning departments should not be able to set their own fees. Growth is impossible in an environment where inefficiency and unaccountability is subsidised.[131]

Concerns have also been expressed that planning committee reforms might diminish the role of councillors in planning decisions. Councillor Richard Clewer, Housing and Planning Spokesperson for the County Councils Network, said:

> we are concerned about efforts to dilute and bypass the role of councillors on planning committees, particularly in rural areas where significant developments could only constitute a few dozen homes. By only allowing councillors to debate and discuss only the proposals that the government defines as a large development, this will erode local people's voice within the planning system. It will also take away the discretion that can be used by planning committees to resolve small applications that come down to very nuanced decisions.[132]

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128 Bidwells, Our response to the planning and infrastructure bill (12 March 2025)

129 Business LDN, New planning legislation will help lay foundations for delivery (11 March 2025)

130 Theplanner.co.uk, Reaction to the planning and infrastructure bill (accessed March 2025)

131 National Federation of Builders, Planning bill is a huge opportunity to save British construction (11 March 2025)

132 County Councils Network, CCN response to the planning and infrastructure bill (accessed March 2025)

Councillor Adam Hug, Housing and Planning spokesperson for the LGA has raised similar concerns:

> there [remain] concerns around how [the bill] will ensure that councils, who know their areas best and what they need, remain at the heart of the planning process. The democratic role of councillors in decision-making is the backbone of the English planning system, and this should not be diminished.[133]

These concerns are reiterated in The Telegraph View which says that the bill aims to speed up delivery by "freez[ing] out local debate over the siting of housing developments". Although some statutory consultees will be removed and the scope of others narrowed, the government is "still being too timid" in stopping consultees' ability to "forestall decisions", the paper says. But efforts to remove blockers and speed up delivery "must not be at the expense of local democracy", it warns.[134]

Reforms to and new provisions for spatial development strategies have largely been welcomed. Councillor Richard Clewer, Housing and Planning Spokesperson for the County Councils Network, said the reintroduction of strategic planning was long overdue:

> The Planning and Infrastructure Bill is an important step in the re-introduction of strategic planning. Its return is long overdue and if implemented effectively and correctly, strategic planning will help deliver more homes. It will allow areas to pinpoint the right homes in the right places and will enable councils and their partners to plan more effectively for infrastructure in order to make development sustainable.[135]

The Chartered Institute of Housing's interim director of policy, communications and external affairs, Rachael Williamson, stated that a strategic approach was needed to deliver more homes:

> We welcome today's announcement of further planning reforms through the Planning and Infrastructure Bill and the government's clear commitment to boosting housebuilding […] A strategic, joined-up approach to planning and infrastructure is essential to delivering the homes that communities need and ensuring that development keeps pace with demand, particularly for the thousands of people struggling to access affordable housing.[136]

The Conservative think tank Centre for Cities set out its observations about spatial development strategies:

> More powers to plan between different authorities will be introduced, with a bigger role for the mayors and a closer match between planning and

133 Local government association, LGA statement on the planning and infrastructure bill (accessed March 2025)

134 Telegraph View, Planning reform must not be at the expense of local democracy (11 March 2025)

135 County Councils Network, CNN response to the planning and infrastructure bill (accessed March 2025)

136 Chartered Institute of Housing, CIH response to planning and infrastructure bill launch (accessed March 2025)

> economic geography. These are both positive, although there are two things to watch out for.
>
> The Government wants to manage this by changing the voting thresholds required to strengthen the mayors and get strategic plans through, but this risks papering over political tensions rather than resolving them.
>
> Second, the political tensions of strategic planning will be even bigger in the shires outside the big cities, where the distinction between town and country is much greater. Trying to force rural authorities to absorb urban housing need has always generated huge resistance but is necessary for the current planning system to function.[137]

Matthew Evans, counsel at Forsters, reflected on the value of strategic planning. He said:

> Larger-than-local planning is much needed to remove the political heat at a local level and unlock land for employment and logistics, as well as new homes. Insular, boundary-led thinking has restricted the delivery of vital infrastructure and regional spatial strategies should remedy this.[138]

[137] Centre for Cities, Centre for Cities reacts to the planning and infrastructure bill (accessed March 2025)

[138] Forsters, New landmark planning and infrastructure bill (accessed March 2025)

6 Development and nature recovery

Part 3 of the Bill creates a regime for Environmental Delivery Plans (EDPs) to be managed by Natural England, the nature regulator for England.

This is the government's intended approach to implement its commitment to building 1.5 million homes the next five years by speeding up delivery, while also delivering for nature and taking action to meet England's Environment Act 2021 biodiversity targets. These targets include protecting 30% of land and sea by 2030, increasing overall species abundance by 2030 and creating or restoring 500,000 hectares of wildlife-rich habitats by 2042.

6.1 Background

There are existing environmental considerations that planning applications for new housing and infrastructure developments have to take into account during the planning process. These include the assessments of their wider environmental impact, and more specifically their impact on protected species and habitats:

- Individual projects may be required to complete and submit Environmental Impact Assessments (EIA), which sets out the likely significant environmental impacts of a project, and which planning authorities must take into account when making any decisions.
- Any significant plans and strategies are assessed via a Strategic Environmental Assessment (SEA) to determine if they are effective in helping achieve relevant environmental, economic and social objectives.
- Any plans and projects which are not directly connected with or necessary for the conservation management of a protected site require consideration of the impacts of the plan or project on that site through the habitats regulations assessment. The legislation governing this process of assessment and mitigation is the Conservation of Species and Habitats Regulations 2017 (often referred to as the Habitats Regulations) which are assimilated EU legislation.
- Under the Environment Act 2021 the government has introduced a Biodiversity Net Gain (BNG) requirement for developers. This requires a 10% net gain of biodiversity, as assessed using the biodiversity metric. This increase should be delivered onsite, if possible, but can be offsite or through the purchase of BNG credits. The act also strengthened the

duty of local authorities from conserving biodiversity to "conserving and enhancing biodiversity".

2 Conservation of Habitats and Species Regulations 2017

Under the Conservation of Habitats and Species Regulations 2017, known as the Habitats Regulations, a habitats regulations assessment (HRA) is required if a plan or project proposal could significantly harm the designated features of a European site. The regulations were introduced to implement a range of EU legislation protecting conservation sites of importance. These include the following, as set out in Government guidance:

- Special Areas of Conservation (SACs) which protect sites of significance to wildlife other than birds
- Special Protection Areas (SPAs) which protect sites of significance to birds.

Any proposals affecting the following sites would also require an HRA because these are protected by government policy:

- Proposed SACs
- Potential SPAs
- Ramsar sites - wetlands of international importance (both listed and proposed)
- areas secured as sites compensating for damage to a European site.

In practice, European protected sites are also designated as Sites of Special Scientific Interest under the Wildlife and Conservation Act 1981.

EDPs would replace the current regime where developers of a project that may impact a European protected site are required to carry out a baseline survey to determine the potential impact on any protected species, habitats and other features. This is as part of a habitats regulations assessment carried out by the planning authority or other competent authority . Planning consent can only be granted if there is no likely damage to a protected feature unless there is no alternative or overriding public interest, and compensation measures are put in place. If planning permission is granted, developers must agree how to compensate for any damage caused by the development before gaining planning approval.

Under the Levelling Up and Regeneration Act 2023, significant plans and major projects will in future require Environmental Outcomes Reports (EORs).The aim of the new EORs is to "allow the government to replace the EU-derived Strategic Environmental Assessment and Environmental Impact Assessment processes with a streamlined system", addressing the impacts of

major projects at a more strategic level and allowing mitigation of the environmental imapcts of a number of projects to be address together. The previous government consulted on EORs, but did not issue any formal guidance. The current government has said that in due course, the proposals in the Planning and Infrastructure Bill for EDPs will be supported by the new framework of EORs.

Working Paper: Development and Nature Recovery

The proposals in the Planning and Infrastructure Bill are specifically aimed at reforming the application of the Habitats Regulations and were first set out in a Planning Reform Working Paper: Development and Nature Recovery in January 2025.

The current approach to addressing the impact of development under the Habitats Regulations is based on the mitigation hierarchy, which prioritises avoidance of damage to biodiversity on site, then measures to minimise damage, or if not possible other improvements on site to mitigate damage, with offsite compensation for any damage as a last resort.

The government considers the application of the Habitats Regulations to be a barrier to house building and meeting its commitment to build 1.5 million new homes. It explained its position in the Working Paper:

> 1. The government is committed to getting Britain building again, at the same time as supporting nature recovery and delivering on the Environment Act. We know we can do better than the status quo, which too often sees housing development and nature restoration stall. Instead of environmental protections being seen as a barrier to growth, unnecessarily deterring planning applications and hindering the pace at which homes can be delivered, we want to unlock a win-win for the economy and for nature.
>
> 2. The government's plan for change committed to the hugely ambitious milestone of building 1.5 million safe and decent homes in England and delivering the infrastructure the country needs by deciding 150 planning applications for major infrastructure this Parliament. This will require a rate of housebuilding not seen in over 50 years. But the sheer scale of the housing crisis demands a radical response, which is why the government has committed to use the Planning and Infrastructure Bill to reform the failing status quo to create a win-win for development and nature.[139]

The Working Paper set out the government's proposed approach, which would mean:

- Developers will no longer be required to assess their site for protected species, habitats or geological features under the Habitats Regulations as part of the planning process. There would be a move from "identifying actions to address environmental impacts away from

[139] Defra, HCLG Planning Reform Working Paper: Development and Nature Recovery , January 2025, para 1-2

multiple project-specific assessments in an area to a single strategic assessment and delivery plan".

- Instead, responsibility for planning and implementing these strategic actions would move to Natural England, who would produce Environmental Delivery Plans (EDPs) for an area.

- Where an EDP was in place to address a specified impact from development, developers would not have any obligations to assess or mitigate for this impact under planning requirements, other than to contribute as required into a new Nature Recovery Fund managed by Natural England.[140]

As a result, project-level environmental assessments would be "limited only to those harms not dealt with strategically".[141]

The Working Paper gave examples of where this approach has been implemented such as the district level licencing for great crested newts. This allows developers which may impact newts to pay to join a district level licensing scheme. This means they do not need to carry out their own surveys of great crested newts or carry out mitigation work to move any newts to safety. The payment goes towards improving habitat for great crested newts in the area.

Another example are Special Suitable Alternative Natural Greenspaces (SANGs) which are an area of land designated for recreational purposes with the aim of offsetting disturbance and pressures on sites that are protected for their habitat value. This approach has been used to protect the Thames Basin Heaths SPA.

Responses to the Working Paper

The Local Government Association (LGA) view was that in principle the proposals "could lead to better outcomes than the current system, which places the responsibility on individual local planning authorities" and that a strategic approach could tackle the short supply of the technical expertise needed.[142]

The Royal Town Planning Institute (RTPI) had mixed views. It welcomed "a strategic approach towards nature recovery". It was positive about a stronger emphasis on environmental outcomes over a broader geographical scale, but raised questions about how the proposals would link in with other strategies, had concerns about how they would interact with the

140 Defra, HCLG Planning Reform Working Paper: Development and Nature Recovery, January 2025 para 13

141 Defra, HCLG Planning Reform Working Paper: Development and Nature Recovery, January 2025 para 13

142 LGA, LGA response to MHCLG and Defra's Planning Reform Working Paper: Development and nature recovery, 19 February 2025

introduction of EORs and about the "availability of support and resources to ensure effective monitoring of the outcomes".[143]

The Institute of Environmental Management and Assessment (IEMA) raised concerns (PDF) about a lack of evidence or research supporting the proposed changes. It considered that there was a continued need for site assessments:

> Many environmental features are location-specific so there must always be the requirement to fully understand the impacts of development on the environment and communities at a local level.[144]

This specific concern was echoed by the response from the Chartered Institute of Ecology and Environmental Management (CIEEM, PDF) and the Wildlife and Countryside Link (WCL, PDF), who said:

> The proposed loss of site-specific surveys is a cause of major concern, which reduces our confidence in the ability of Delivery Plans to secure good outcomes for nature. Without survey information, nature restoration attempts can become an exercise in shooting into the dark.[145]

WCL, a coalition of wildlife and conservation organisations, called for a staggered introduction of EDPs for different types of impacts, careful consideration of any changes to the Habitats Regulations, and an uplift in resourcing for strategic bodies and local planning authorities. It also called for clarity on the approach that would be taken with regards to irreplaceable habitats, such as ancient woodlands and lowland fens.[146]

CIEEM was of the view "that better resourcing and implementing [the] current system would be a more efficient and faster solution" and called for the mitigation hierarchy not to be undermined. It also called for any move to strategic licencing for species beyond great crested newts (where developers fund appropriate newt habitat creation offsite rather than translocate resident newts off their site) to be fully evidenced.[147]

Respondents identified nutrient neutrality as an issue that could be addressed using this approach but raised concerns about applying it across the board untested. Many also raised questions about how the new approach would interact with Local Nature Recovery Strategies (currently under development), the Land Use Framework (currently being consulted on) and Spatial Development Strategies (which will be required for all areas).

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143 RTPI, RTPI response to the Development and Nature Recovery working paper, 31 January 2025

144 IEMA, Development and Nature Recovery: Response to Planning Reform Working Paper, 31 January 2025

145 WCL, Development and nature recovery working paper: Link response, 7 February 2025

146 WCL, Development and nature recovery working paper: Link response, 7 February 2025

147 CIEEM, CIEEM responds to Government's Planning Reform Working Paper on Development and Nature Recovery in England, 12 February 2024

6.2 The bill

Part 3 (clauses 48 to 78) provides for the introduction of Environmental Delivery Plans (EDPs).

In addition to the published Explanatory Notes, which provide detail on Part 3 and how the government intends to implement EDPs, there is also government guidance on the Planning and Infrastructure Bill and a fact sheet on the proposed Nature Restoration Fund.

The bill would provide powers for Natural England to prepare EDPs for approval by the Secretary of State, which would identify environmental features in a specified area that would be impacted by a specified type and amount of development and how to address this. An EDP should set out:

- the environmental feature the EDP seeks to protect. This will be a protected feature of a protected site (a European Site, SSSI or Ramsar site), or a protected species.

- the environmental impacts the EDP seeks to address. This includes information on the type and amount of development that can benefit from the EDP's cover. This can be Town and Country Planning Act (TCPA) or Nationally Significant Infrastructure Projects (NSIP) development, it also extends to Listed Building Consents.

- the conservation measures to be taken, both to address those impacts and contribute to nature restoration. It should clearly set out whether conservation measures are being delivered locally or at the broader network scale.

- the amount payable by development to cover the costs of these conservation measures. Whilst EDPs will usually be voluntary, there may be circumstances where use of an EDP may be mandatory if that is necessary.

- the environmental obligations that are disapplied once the developer is liable to pay the nature restoration levy.[148]

As set out in the Explanatory Notes, once an EDP is in place and a developer has contributed to it by paying the required levy, the developer would no longer be required to undertake their own assessments, or deliver project-specific interventions, for issues addressed by the EDP.

The bill also includes provisions for how EDPs (which will cover a maximum period of 10 years) will be reported on and how the levy and the Nature Restoration Fund it contributes to will be managed by Natural England. It provides powers for Natural England to use the fund to compensate for habitat loss elsewhere (including compulsory purchase powers) and

[148] Explanatory Notes to the Planning and Infrastructure Bill 196 2024-25 para 89

including paying others to do so. It also includes contingency requirements in case the required mitigation is not being delivered as expected.

Clause 48: overview of EDPs

Clause 48 of the bill provides an overview of what EDPs would be. They would be an environmental delivery plan prepared by Natural England and approved by the Secretary of State. An EDP would set out, in relation to development to which it applies:

- the environmental features that are likely to be negatively affected by the development,
- the conservation measures that are to be taken by or on behalf of Natural England in order to protect those environmental features,
- the amount of the nature restoration levy payable by developers to Natural England to cover the cost of those conservation measures
- the environmental obligations in relation to a development that will be deemed discharged, disapplied or otherwise modified once a developer pays the nature restoration levy for that development.[149]

The legislation would apply to protected features in protected sites, under the Habitats Regulations. Protected sites are defined in the Bill as a site of European importance, a Site of Special Scientific Interest (SSSI) or a Ramsar site and protected features means "any habitat, species or geological, physiological or physiographical feature" for which the land is a protected site.[150]

Clauses 49 to 52: scope of EDPs

Clause 49 sets out that an EDP must specify the area to which it applies but can exclude specific areas within it from being covered. EDPs would have a maximum length of 10 years. They must also set out the kind of development, and how much of it, it would apply to.

Clause 50 requires an EDP to set out which environmental features would be affected by development and how likely they are to be impacted. It must also set out whether the feature can be protected, or if not, what conservation measures would be put in place. Natural England can, if it considers it appropriate, "seek to improve the conservation status of the same feature elsewhere".[151] A conservation measure may also be a request from Natural England that a planning condition be placed on any developers covered by an EDP.

[149] Planning and Infrastructure Bill 196 2024-25 c48
[150] Planning and Infrastructure Bill 196 2024-25 c78
[151] Planning and Infrastructure Bill 196 2024-25 c50

Clause 51 set out that Natural England must create a bespoke payment schedule for developers to include in each EDP. Details on how to do this work would be set out in regulations.

Clause 52 sets out what EDPs must cover, including:

- A description of the conservation status of the environmental feature covered by the EDP, and how to monitor it (following guidance from the Secretary of State)
- What conservation measures would be considered appropriate
- Whether any licences are required to be deemed granted to developers (under clause 61 and schedule 4) and the terms of any licence under the following:
  - Regulation 55 of the Habitats Regulations (licences for certain activities relating to animals or plants)
  - Section 16 of the Wildlife and Countryside Act 1981 (powers to grant licences)
  - Section 10 of the Badgers Act 1991 (licences)
- A list of the strategies and plans that Natural England has had regard to when drafting an EDP, as required under clause 53 (2)
- Any additional conservation measures outside the EDP that may affect the protected features
- How Natural England would monitor and report the EDP implementation (at least midway and after 10 years), following guidance set out by the Secretary of State.

Clauses 53 to 56: EDP procedures

Clause 53 sets out the process for preparing an EDP. When Natural England decides to prepare an EDP it must notify the Secretary of State. When preparing the EDP it must take into account (if relevant): development plans the Environmental Improvement Plan, local nature recovery strategies, species conservation strategies and protected sites strategies.

Clause 54 requires a minimum 28-day consultation on a draft EDP and lists statutory consultees.

Clause 55 would require Natural England to send a draft of the EDP to the Secretary of State to be approved. Before deciding to do so the Secretary of State must be satisfied it passes the 'overall improvement test'. The test is met "if the Secretary of State considers the positive effects of the

conservation measures set out in the EDP are likely to be greater than the negative effects of the development to which the EDP relates".[152]

The Secretary of State's decision would be based on the presumption that all measures put forward in the EDP are fully implemented. Once approved, the EDP must be published.

Clauses 57 to 60: reporting, amendment, revocation and challenges to an EDP

Clause 57 sets out that Natural England's reports on an EDP must include levels of development, costs and effectiveness of measures, any need for amendments and amendments that have been made. It must do this at five and 10 years from the start date of an EDP, and more often if deemed necessary.

Clause 58 allows for amendments to an EDP to be made by the Secretary of State after a request from Natural England, or on the Secretary of State's own initiative. A proposed amendment may require consultation if deemed necessary by the Secretary of State. The "overall improvement test" would apply to any amendment. The Secretary of State must publish a notice explaining the decision if an amendment requested by Natural England is not made.

Clause 59 would allow for an EDP to be revoked by the Secretary of State after a request from Natural England, or on the Secretary of State's own initiative. An EDP must be revoked if it fails the overall improvement test, unless measures are being implemented to remedy this failure. If revoked the Secretary of State must take necessary measures to compensate for the impact of any development that has already paid any nature restoration levy fees.

Clause 60 sets out the decision process for producing, deciding not to produce, or amending an EDP. This process will be challengeable by judicial review as long as the challenge is made within six weeks of any decision. This is shorter than the three months generally allowed for judicial review applications, but reflects the six week window allowed for planning decisions.

Clauses 61 to 70: provisions for a nature restoration levy for developers.

Clause 61 provides that developers will be able to apply to Natural England to pay a nature restoration levy for a specific EDP, and must do so once the request is accepted by Natural England.

[152] Planning and Infrastructure Bill 196 2024-25 c55

Payment of the levy will exempt a developer from any obligation under the Conservation of Species and Habitats Regulations 2017 or the Wildlife and Countryside Act 1981, regarding the impact of their development on any protected features (including habitats, species or geological features). Amendments to this effect are included in schedule 4 of the Bill.

Natural England may require an EDP levy to be mandatory on developers (Natural England must say why this is the case), in which case a developer would not have the option of complying with any requirements of protected environmental features through any other existing legislation (such as the Habitats Regulations).

Clauses 62 and 63 would enable the Secretary of State to make regulations about the nature restoration levy including who should pay it. The levy should not be set at a level that disincentivises development, as set out in the explanatory notes:

> The [Secretary of State] must aim to ensure that costs on developers are reasonable and does not make development economically unviable. This is of particular relevance to avoid the risk that the rate of the levy disincentivises uptake from developers.[153]

Clause 64 provides that when setting the charges for an EDP levy, Natural England would have to take into account:

- the actual and expected costs of the conservation measures
- matters specified in the regulations relating to the economic viability of development
- other actual or expected sources of funding for proposed conservation measures.

Under clause 65, provisions would be made through regulations for who may appeal against any levy charge being made or how the levy is set, and how to do so.

Clause 66 would allow the nature restoration levy regulations to list the conservation measures and other related matters that may be funded by the levy. They would also require Natural England to spend any funds from a levy on protecting the environmental feature it was charged for. They may also allow for funds to be used to pay for previously incurred costs, and be held back to pay for future costs, including those beyond the end of the EDP. Natural England would be allowed to provide loans and guarantees under the regulations, and the regulations could also set out how Natural England should report on the nature restoration levy.

Clauses 67 to 69 provide that that nature restoration levy regulations would set out how the levy will be collected and enforced, together with a

153 Explanatory Notes to the Planning and Infrastructure Bill 196 2024-25 para 668

compensation scheme for loss or damage resulting from enforcement. Clause 70 allows the Secretary of State to publish guidance on the nature restoration levy, that Natural England and other public authorities must have regard to.

Clauses 71 to75: powers and duties of Natural England and other bodies

Clause 71 summarises the broad powers of Natural England with regards to EDPs which would cover:

- administration of EDPs
- taking conservation measure and anything else it considers necessary to implement EDPs, including developing land and paying another person to take conservation measures.

These broad powers are supplemented by specific powers set out in clause 72 and schedule 5 of the bill (summarised in section 8 of this briefing). This would allow Natural England to compulsorily purchase land or land rights. They explanatory notes set how the compulsory purchase power may be exercised:

> This power can only be exercised if the land is required for purposes connected with a conservation measure set out in an EDP. Alongside the power to acquire land connected with a conservation measures, it includes power to acquire replacement land or new rights where the required land is a common, open space, allotment, or is owned by a statutory undertaker.[154]

Clause 73 would require Natural England to publish an annual report specifically on its activities relating to EDPs.

Clause 74 would allow the Secretary of State to appoint through regulations another public body to replace Natural England or to replace it in relation to some types of developments.

Clause 75 would require all public bodies to cooperate with Natural England on the preparation and implementation of EDPs.

Clauses 76 to 78: consequential amendments

Clause 76 and schedule 6 cover consequential amendments to the Habitats Regulations so that Ramsar sites would be treated under this part of the bill as European protected sites. It also includes Henry VIII powers to make any amendments necessary to the primary legislation through regulations.

[154] Explanatory Notes to the Planning and Infrastructure Bill 196 2024-25 para 721

Clause 77 would require statutory instruments setting out certain regulations to be approved using the affirmative procedure. These are:

- nature restoration levy regulations,
- power to designate person to exercise functions of Natural England (clause 74)
- regulations under clause 76 which amend an act

Clause 78 sets out the definitions of the terms used in this part of the act.

Clause 96, covering commencement of the provisions of the bill, sets out that Part 3 (including schedules 4, 5 and 6) would come into force when the Secretary of State introduced the relevant regulations.

6.3 Stakeholder views

The RTPI welcomed a more a strategic approach to nature recovery and the provisions for a Nature Restoration Fund and EDPs, but called for Natural England to be adequately resourced:

> To achieve the strategic vision of nature recovery, there needs to be coordination between Delivery Plans and spatial plans, such as existing and emerging Spatial Development Strategies.
>
> Provisions on how the outcomes will be monitored and how often the delivery plans will be updated will be crucial as well. The upcoming Spending Review will provide Government with the opportunity to ensure that Natural England has adequate resource to enable it to discharge its new duties effectively.[155]

The Institution of Civil Engineers welcomed the proposals but said "consideration must be given to the burden this may place on delivery bodies" and cautioned that "nature degradation in one location could be compensated at a distance from the development".[156]

An article in The Planner, Reactions: Planning and infrastructure bill, quoted Richard Broadbent, environmental lawyer at Freeths, who criticised the scale of the proposals and warned they would create a 'two-tier' system:

> The scale of the proposed changes to the law will be construed by many as a sledgehammer to crack a nut, given that strategic nature restoration schemes are currently being successfully delivered across the country in accordance

[155] RTPI, RTPI Parliamentary briefing ahead of Second Reading on 24 March, [website accessed 20 March 2025]

[156] ICE, Planning and Infrastructure Bill Second Reading, 20 March 2025

> with existing legislation. Furthermore, the uncertainty caused by these changes may create further delays and increase costs.
>
> By making these amendments, the government is introducing a 'two-tier' approach to environmental protection. This will consist of the existing nature law standards which will continue to apply to development not covered by these new Environmental Delivery Plans and a more 'relaxed' approach to environmental protection for those developments which will in due course be covered by these plans. Whilst some developers may look on these reforms as an easier and more straightforward approach than the current position, there will be many people in the environmental sector who will be concerned that this two-tier approach will weaken existing environmental standards and oversimplify matters which are far from simple.[157]

He also raised concerns about the cost of the measures and Natural England's budget.

The Wildlife Trusts welcomed the Bill, citing mitigation of nutrient pollution as an example where strategic approaches deliver benefits, and welcoming improvements in the proposals since the publication of the Working Paper:

> The Bill incorporates several safeguards – most notably an "overall improvement test" – that seeks to ensure that nature is better off. While the detailed wording should be improved, it is a good starting point for ensuring that the new approach upholds our nature laws.[158]

The Wildlife Trusts wanted safeguards in the Bill strengthened, and highlighting that there are situations where EDPs would not be appropriate:

> At the heart of our comments is the need to uphold the mitigation hierarchy – so that nature is protected first, and that evidence should indicate the likely success of strategic mitigation approaches. Applying these principles will mean that the UK Government's proposed approach will not work for everything, including bats.[159]

The Wildlife Trusts has produced a parliamentary brief (PDF) in response to the bill which calls for four additions to be made to it:

> • Introduce a Wildbelt protection for recovering habitats.
>
> • Strengthen protection for Local Wildlife Sites.
>
> • Protect chalk streams from development impacts.
>
> • Deliver nature friendly design and energy efficient housing on all developments.[160]

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157 The Planner, Reactions: Planning and infrastructure bill, 13 March 2023

158 The Wildlife Trusts, Planning and Infrastructure Bill: Legislation that must go further for nature, 12 March 2025

159 The Wildlife Trusts, Planning and Infrastructure Bill: Legislation that must go further for nature, 12 March 2025

160 The Wildlife Trusts, Parliamentary briefing The Planning & Infrastructure Bill: Initial response (PDF), 12 March 2025

The Chartered Institute of Ecology and Environmental Management (CIEEM) recognised that the bill contains some important principles which would be of benefit to both the economy and the environment, but had a number of concerns. CIEEM said the bill was "critically flawed" and represented "a regression in environmental protections".[161] It was of the view that it "threatens to cause unnecessary and irreparable ecological harm". CIEEM set out its concerns and suggestions for change in Comment on the Planning and Infrastructure Bill 2025(PDF), published 18 March 2025.

Wildlife and Countryside Link (WCL) welcomed "wildlife safeguards" in the Bill but called for three improvements, including stronger protection for irreplaceable habitats:

- A legal duty to make sure that all planning decisions help to deliver climate and nature targets.
- Stronger protection for irreplaceable wild spaces, such as chalk streams, peatlands and ancient woodlands and more places given the protections needed to support nature's recovery.
- Development that is wilder by design, with a new chapter in Building Regulations to ensure developments are packed with green and blue spaces and habitats including more bee bricks and bird boxes, sustainable drainage and native planting.[162]

[161] CIEEM, CIEEM comment on the Planning and Infrastructure Bill 2025, 13 March 2025

[162] WCL, Welcome wildlife safeguards in planning proposals, but a green guarantee for all planning decisions is needed, 10 March 2025

7 Development corporations

7.1 Background

Development corporations are "statutory bodies set up to facilitate development in areas that need large scale co-ordination in investment and planning".[163]

There are several types of development corporation which have been introduced through legislation since the New Towns Act 1946. These are urban development corporations (UDC), locally-led urban development corporations (LUDC), new towns development corporations (NTDC), locally-led new towns development corporations (LNTC), and mayoral development corporations (MDC). The Royal Town Planning Institute's insight on development corporations summarises their characteristics and functions:

> Development Corporations are time-bound, geographically-specific executive agencies, established when the state wants to firmly incentivise and guide the location of development activity […] They have planning powers, Compulsory Purchase powers, and tend to be arms-length in their relations with the Local Authorities in their area.[164]

In achieving the government's ambition for 1.5 million homes to be delivered in this parliament, the government has looked to new towns and large-scale urban extensions as part of the solution to the housing crisis.[165] The government introduced the new towns taskforce in September 2024. The taskforce is an independent expert advisory panel established to support government deliver the next generation of new towns.[166]

Development corporations and new towns were both introduced under the same legislation. Since their introduction, the remit of and type of development corporation has changed. An evaluation of development corporations by Public First, a policy and research consultancy, found:

> There are a number of features of development corporations which allows them to overcome barriers to delivery that have stymied development in recent years. Perhaps the most important is that they have planning control

163 Gov.uk, Locally-led Development Corporations: A consultation paper (April 2024), Paragraph 1.1
164 Dr David Mountain, RTPI Blog, Development Corporations and the need for proactive planning (June 2024)
165 Gov.uk, Plan for Change – milestones for mission led government (5 December 2024), Page 26
166 Gov.uk, The New Towns Taskforce (accessed March 2025)

> over a specified area, which means the power to grant planning permission to development applications within the development corporation boundary.
>
> This mitigates the risk that local desires are always placed above the urgent need for housing and economic development. It also reduces financial risk to investors, improves viability, and ultimately brings down costs. Development corporations can also acquire and manage land and implement compulsory purchase orders where necessary. This allows them to assemble and remediate land and overcome market failures such as the first mover problem. Concerns around local democratic legitimacy are assuaged by including local politicians on the development corporation board.[167]

Concern about the democratic accountability of development corporations was addressed by the previous government response to development corporation reform (August 2022), which said:

> Accountability and decision-making powers will ultimately sit firmly with either the Secretary of State (in the case of centrally-led development corporations), or the democratically elected decision-makers for the local authority or authorities in charge of the scheme (in the case of locally-led development corporations).[168]

The introduction of different development corporations over time alongside various legislative changes has led to a complex patchwork of functions and responsibilities. To address this issue, guidance on the Planning and Infrastructure Bill (11 March 2025) states:

> the government intends to create a clearer, more flexible, and robust framework for the operation of development corporations to unlock more housing across the country, coordinating this with infrastructure and transport for sustained economic growth.[169]

The government intends for the bill to clarify the remit of all types of development corporation and their role in delivery of new towns, urban extensions, regeneration areas and brownfield and greenfield sites.

7.2 The bill

Clause 79: Areas for development and remit

Clause 79 would clarify the variety, extent and types of the geographical areas over which development corporations would operate. This would amend the New Towns Act 1981, the Local Government, Planning and Land Act 1980 and the Localism Act 2011. It would allow for greater flexibility as the development corporation model could be "used to respond to site

167 Public First, The Planning Premium: The Value of Well-Made Places (June 2024), page 25
168 Gov.uk, Development corporation reform: technical consultation note (August 2022)
169 Gov.uk, Guide to the Planning and Infrastructure Bill (11 March 2025), Part 4 Development Corporations

specific challenges without having to retrofit the scope of the project to match the development corporation model used.[170]

In addition to development corporations securing regeneration or delivering a new town, clause 79 would include delivery of urban extensions, brownfield and green field sites. The clause would extend this remit to new town development corporations (NTDCs), locally-led new town development corporations (LNTDCs), urban development corporations (UDCs), locally-led urban development corporations (LUDCs) and mayoral development corporations (MDCs). The clause would extend equivalent provisions across all types of specified development corporation. It would also enable NTDCs and LNTDCs to oversee more than one new town site.

Clause 80: Duties to have regard to sustainable development and climate change

Provisions for standardisation across all types of development corporation would also be enabled by clause 80. This clause would require development corporations to have regard to sustainable development and climate change. Chapter 2 of the National Planning Policy Framework (NPPF) (December 2024) – the governments planning policies for England - establishes policies for sustainable development and chapter 14 sets out planning for climate change. The government explained that:

> The intention of this clause is to create certainty for local communities that development corporations must consider sustainable development, climate change and good design at the heart of delivery.[171]

Clause 80 would amend the New Towns Act 1981, the Local Government, Planning and Land Act 1980 and the Localism Act 2011.

Clause 81: Powers in relation to infrastructure

The objective of clause 81 is to enable a consistent approach in the application of powers across all types of development corporation. The clause would standardise the list of infrastructure that can be provided by development corporation ncluding railways, light railways and tramways, aligning with existing provisions for MDCs; it also adds heat network infrastructure to this list.

This would allow development corporations to deliver the range of infrastructure required for large-scale developments such as new towns and urban extensions. The inclusion of heat network infrastructure aligns with the requirement to have regard for sustainable development and climate change.

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170 Explanatory notes (PDF), paragraph 752

171 Explanatory notes (PDF), paragraph 757

Clause 82: Exercise of transport functions

Clause 82 would place a duty of cooperation on relevant local transport authorities to ensure they co-operate with development corporations when building new towns or regenerating existing ones.

Clause 82(7) defines relevant local transport authorities (LTAs) as unitary councils, county councils, combined authorities, London borough councils or Transport for London (TfL).[172]

Clause 82 would insert new sections 9A and 9B into the New Towns Act 1981 and new sections 140A and 140B into the Local Government, Planning and Land Act 1980. The 1981 act is about new developments, while the 1980 act is about regeneration of existing areas.[173] Both new sections would require relevant LTAs to have regard for any development corporation plans and co-operate in the development and implementation of such plans.

If the Secretary of State considered that an LTA was failing in this requirement to co-operate, the new sections would give them powers to direct LTAs to cooperate (under new subsections 9A(2) of the 1981 Act and 140A(2) of the 1980 act).

If these directions were not complied with, it would also give the Secretary of State the power to transfer specific transport powers by regulations from an LTA to the development corporation, within its designated geographical development area (under new subsections 9A(3) of the 1981 act and 140A(3) of the 1980 act). Such a transfer of powers would require a statutory instrument made under the negative procedure.

Such a transfer of powers to the development corporation could include property, rights, and liabilities (under new subsections 9B of the 1981 act and 140B of the 1980 act). The explanatory notes give the example of where a development corporation might need to upgrade existing highways within its development area.[174]

The explanatory notes say that the intention of these measures is to increase cooperation where possible, and that directions would be an escalatory measure with the transfer of transport powers serving as a "backstop" for non-cooperation.[175]

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172 Clause 82 says a "relevant transport authority" is that defined in the Transport Act 2000, s108(4), The Highways Act 1980, s329 or the Road Traffic Regulation Act 1984, s121A(5)

173 New Towns Act 1981, Part I; Local Government, Planning and Land Act 1980, Part XVI

174 Explanatory notes (PDF), para 767

175 Explanatory notes (PDF), para 768

7.3 Stakeholder reaction

There have been cautious reactions to provisions in the bill for development corporations. Victoria Hills, RTPI chief executive, said:

> Development corporations can, under the right conditions, deliver significantly more housing than the status quo. These organisations bring together planners, developers, and local political representatives to work collaboratively towards a strong regional economic vision and a shared purpose.[176]

The Guardian writes that although the Bill will streamline decision-making and empower development corporations, "an expansion of housing on this scale may not suit property developers", who "want to maximise profits", the paper says. Much will depend on councils' local plans and development corporations' decisions, while builders should be encouraged to "be bold" and avoid repeating "unimaginative templates".[177]

[176] Royal Town Planning Institute (RTPI), Government reinvests in planning recognising resource strain on the system (11 March 2025)

[177] The Guardian, The Guardian view on the planning bill: new towns must be for people who need them (11 March 2025)

8 Compulsory purchase

8.1 Background

Compulsory purchase is a legal mechanism for acquiring land, or an interest in land, without the consent of its owner. It is often used for projects that would not be possible if all the owners of the land needed to consent to selling it. Powers of compulsory purchase are underpinned in legislation and their exercise must be justified by compelling reasons in the public interest.

An organisation with powers to acquire land compulsorily is known as an 'acquiring authority'. Acquiring authorities include government departments, local authorities, and other public authorities, as well as some commercial developers which are granted specific compulsory purchase powers for nationally significant infrastructure projects (NSIPs). While compulsory purchase orders can be made by acquiring authorities, they require approval from the Secretary of State.

3 Hope value

Those whose land is subject to a compulsory purchase order are paid compensation. The general practice is that the compensation owed is equivalent to the open market value of the land.

The value of the land can increase if it has planning permission granted. The future potential for planning permission can also increase the value. This is recognised in legal concepts as 'appropriate alternative development' (where planning permission could reasonably be expected to have been granted) and 'hope value' (where there is a prospect of future planning permission).

The law relating to compulsory purchase is highly complex and spread across several Acts of Parliament, which are supplemented by case law. Over the years, these statutes have been heavily amended.

The Levelling-up and Regeneration Act 2023 amended how land is valued for compulsory purchase.

The Levelling-up and Regeneration Act 2023 amended how land is valued in compulsory purchase. It set out certain circumstances where the added value due to appropriate alternative development, and hope value, will not be included. The circumstances under which these powers can be used relate to the provision of housing, education, or NHS health facilities.

The background briefing notes to the King's Speech 2024 said the Planning and Infrastructure Bill would further reform compensation rules to ensure that compensation is "fair but not excessive where important social and physical infrastructure and affordable housing are being delivered".[178]

Compulsory purchase powers should only be used as a last resort, when it is in the public interest.[179] Use of compulsory purchase powers is currently rare. The Ministry for Housing, Communities and Local Government (MHCLG) maintains a register of compulsory purchase orders (CPOs) submitted to the Secretary of State for approval. Between 2019 and 2024, the Secretary of State approved 70 CPOs, an average of fewer than 12 per year.[180]

The government's guide to the Planning and Infrastructure Bill (March 2025) states:

> The government recognises the importance of making effective use of land and is keen for authorities to make greater use of their compulsory purchase powers to support the delivery of housing, growth and regeneration of their areas.[181]

The complexity of CPO legislation means it is currently being reviewed by the Law Commission. The review was launched in February 2023 and backed by the previous government. It aims to make legislation governing compulsory purchase "simpler, consistent, and more accessible". The Law Commission's current consultation on compulsory purchase is open until 31 March 2025, and the Law Commission will use responses to develop its recommendations for reform.

The government's compulsory purchase and compensation guidance (October 2024) offers an overview of the process, covering procedure and compensation to business, agricultural and residential owners and occupiers. Government guidance on the compulsory purchase process (January 2025) offers more information.

8.2 The bill

Provisions for compulsory purchase are set out in clauses 83 to 92.

178 Gov.uk, The Kings Speech 2024: background briefing note (July 2024)
179 The Law Commission, Review of Compulsory Purchase (accessed March 2025)
180 MHCLG, Compulsory purchase orders: Register of decisions, Accessed 18 March 2025
181 Gov.uk, Guide to the planning and infrastructure bill (11 March 2025)

Clause 85: Confirmation by acquiring authority – orders with modifications

Where acquiring authorities (such as local planning authorities) seek to modify their own CPO (for example, to correct a drafting error), clause 85 would allow this providing it does not affect a person's interest in land.

Clause 85 would also allow an acquiring authority to modify its CPO where an affected person gives consent in cases where their interest in land was affected, such as addition or removal of land from the CPO.

Clauses 86 and 87: General vesting declarations expedited procedure and advancement of vesting by agreement

Clauses 86 and 87 would reduce the minimum time permitted to take possession of land or property once a CPO is confirmed. The clauses would amend the Compulsory Purchase (Vesting Declarations) Act 1981, introduce a new procedure and make consequential changes.

Clauses 86 and 87 would allow possession of land or property a minimum of six weeks after the CPO is confirmed, rather than the current minimum of three months.

Clause 86 would apply where land or property is unoccupied and is unfit for ordinary use, and where the acquiring authority has been unable to identify anyone with an interest in the land or property. The clause would require acquiring authorities to notify all relevant persons where there is a change of date. It would also allow a person to make representations that conditions allowing earlier possession do not apply, which must be responded to by the acquiring authority.

Clause 87 would allow earlier possession of land or property where there is agreement between the acquiring authority and the owner.

Clause 90: Temporary possession of land in connection with compulsory purchase

Clause 90 would enable acquiring authorities to take temporary possession of land by agreement or compulsorily. Clause 90 would amend the Neighbourhood Planning Act 2017 and allow the temporary possession power to operate independently for CPOs authorised under the Acquisition of Land Act 1981 and the New Towns Act 1981. It would not apply where other acts, such as the Planning Act 2008 provide powers to take temporary possession of land.

Clause 88: Adjustment of basic and occupier's loss payments and clause 89: Home loss payments – exclusions

Clauses 88 and 89 would amend and introduce new sections to the Land Compensation Act 1973 in relation to basic and occupier loss payments and exclusions for home loss payments.

Acquiring authorities make loss payments to owners and occupiers of land which is subject to compulsory purchase. They are an additional payment (based on market value of land and property) made in recognition of inconvenience and disruption. Basic loss payments would be for people with a freehold tenancy or at least a one-year long tenancy interest in land. Occupier loss payment would be available to those in occupation of all or part of the land.

Currently, under section 33A of the Land and Compensation Act 1973, someone in England and Wales who is entitled to a basic loss payment would receive 7.5% of the value of their land or property up to a maximum of £75,000. Under section 33B of the Land and Compensation Act 1973 occupier loss payments specify that some entitled to payment would receive 2.5% of the value of their occupier activity on the land or building up to a maximum of £25,000. Clause 88 would amend the Land and Compensation Act 1973 to specify that this would continue to apply to land in Wales only.

For England, clause 88 would modify the act to introduce a lower basic loss payment. This would mean that for land in England, someone entitled to a basic loss payment would receive 2.5% of the value of the land or property up to a maximum amount of £25,000.

Clause 88 would introduce a higher occupier loss payment. This would mean that for land or property in England, someone entitled to an occupier loss payment would receive 7.5% of the value of their occupier activity on the land or property up to a maximum account of £75,000.

The clause would also make provisions for occupier loss for buildings or agricultural and non-agricultural land holdings (specified per hectare) where this was applicable. The clause would reflect the level of disruption and greater costs incurred by occupying business or agricultural tenants who may need to close or relocate because of compulsory purchase.

Clause 89 would introduce exclusions for home loss payments. This would apply where property owners have failed to comply with a statutory notice or order to make improvements to neglected land or properties (such as a notice served under section 215 of the Town and Country Planning Act 1990).

Clause 91: Amendments relating to section 14A of the Land Compensation Act 1961

Clause 91 would enable the 'hope value' to be disregarded in certain circumstances for land or property being compulsorily purchased. This clause would amend section 14A of the Land Compensation Act 1961.

The clause would enable section 14A directions to be included in CPOs made on behalf of parish, town or community councils providing the CPO delivers affordable housing (including social housing). This would allow land to be purchased at the existing use value, using CPO powers, for affordable and social housing where this is justified in the public interest. Public interest should demonstrate economic, social or environmental improvements in communities.

Under clause 91, where a section 14A direction applies, market value (rather than hope value) would also apply to the value of land or property relating to home loss, basic loss or occupier loss payments.

8.3 Stakeholder reaction

Stakeholder opinion on the value reforms for compulsory purchase has been mixed.

The Campaign for the Protection of Rural England (CPRE) supports the compulsory purchase reforms where they have a public benefit for rural communities, for development in specific locations. CPRE's response to the Planning and Infrastructure Bill said:

> CPRE supports the changes to compulsory purchase orders to ensure land can be bought at existing value rather than 'hope value'. This will deliver more genuinely affordable and social rented homes on previously developed land. However, these powers shouldn't be used to enable the development of green field sites, including farmland and local green spaces.[182]

The Country Land and Business Association (CLA) responded to the compulsory purchase consultation raising concerns about the removal of hope value from the market value for land to be compulsorily purchased:

> The CLA opposes the principle of excluding hope value from the price paid for assets which are compulsorily acquired. We were critical of the measure during its introduction via the Levelling Up and Regeneration Act 2023, and our position remains unchanged.[183]

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182 Campaign for the Protection of Rural England (CPRE), Our response to the planning and infrastructure bill (10 March 2025)

183 Country Land and Business Association (CLA), Consultation response on compulsory purchase and compensation reforms (25 February 2025)

The response cites an example where the removal of hope value has an impact on the farmers, as landowners.

Gavin Lane, deputy president of CLA reflected these concerns, he said:

> We urgently need more affordable housing, but pushing landowners into selling land isn't the answer. Compulsory purchase drags landowners through years of stress, disruption and compensation battles, harming individuals and communities alike. Instead of pushing landowners to bear the burden, why not work with them? Most want to see progress and could deliver development faster, cheaper and with more care. Hitting landowners isn't the solution, fixing the planning system is.[184]

Melanie Leech, chief executive of the British Property Federation (BFP) remains cautious, she said:

> The recent changes to compulsory purchase orders in the Levelling Up and Regeneration Act haven't really been tested yet, so we need to proceed cautiously with further changes and make sure we do it in a way which fairly balances needs of communities with rights of landowners and stimulates rather than inhibits development.[185]

184 Farminguk.com, Labour's compulsory purchase plan 'another attack' on the countryside (17 March 2025)

185 British Property Federation (BPF), BPF response to the planning and infrastructure bill (12 March 2025)

9 Reporting on extra-territorial environmental outcomes

Clause 93 is a stand-alone clause in the bill. It amends the extent of the provision in Part 6 of the Levelling-up and Regeneration Act 2013. This part of the act, which is not yet in force, replaces existing environmental assessment with Environmental Outcomes Reports (EORs).

The aim of the new EORs is to allow the government to replace the EU-derived Strategic Environmental Assessment and Environmental Impact Assessment processes with a streamlined system, addressing the impacts of major projects at a more strategic level and allowing mitigation of the environmental impacts of a number of projects to be address together.

Provisions in this clause would replace powers to specify outcomes relating to environmental protection "in the United Kingdom or a relevant offshore area" with "in the United Kingdom and elsewhere". The Explanatory Notes provide an indication on the intent behind the clause:

> The amendment extends the territorial application of the term "environmental protection" so that it is not limited only to the United Kingdom and relevant offshore areas.
>
> The amendment will enable environmental outcomes regulations to make provision for those carrying out projects in the United Kingdom or relevant offshore areas to consider whether they will have likely significant effects as to environmental protection generally. It will enable environmental assessments to be capable of analysing the entire spatial scale of impacts.[186]

[186] Explanator Notes for the Planning and Infrastructure Bill 196 2024-25 para 829

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