

Planning and Infrastructure Bill (PAIB)

The PAIB is [here](#). Its purpose is described [here](#).

The TCPA [wrote](#) to DHCLG to emphasise that democratic planning is a vital tool for securing socially just and sustainable outcomes. The planning system consistently approves more planning consents for homes than the private sector can deliver. So, the proposed PAIB legislation requires significant changes.

Notices of amendments to the Bill and Hansard daily reports are [here](#).

Several of the amendments relate to biodiversity and habitat protection plus clarifying what Environmental Development Plans should cover. A coalition of 32 charities have criticised the Bill for “throwing environmental protections to the wind.” They have raised amendments shown [here](#).

The Government has introduced its own [amendment](#) to speed up the granting of permission for National Significant Infrastructure Projects by removing the statutory requirement to consult as part of the pre-application stage for NSIP applications.

Other amendments of interest to London Forum which have been proposed as a new clause (NCxx) or with their number (Axx) are as follows:-

- Enable local planning authorities to decline planning applications from parties which have failed to build, or make sufficient progress on, projects for which permission has previously been granted. (NC1) *See ** at the end of this list,*
- Replacing the existing “call for sites” process with a requirement for local planning authorities to identify sites which meet housing targets and the UN’s Sustainable Development Goals (NC2),
- Require national and local housing plans to include, and justify, quotas for the provision of both affordable and social housing (NC3),
- Zero carbon building standard for new homes and provision for the generation of solar power (NC5),
- Bring into force the sustainable drainage provisions of the Flood and Water Management Act 2010 and provide guidance on the building in of sustainable drainage in future developments (NC7),
- A new clause to enable local planning authorities to use their discretion to determine whether certain housing is to be “affordable housing” (NC8),
- Make the existing Building Regulations requirements in relation to accessibility, which are currently optional, mandatory (NC11),
- A right for objectors to appeal to the Secretary of State against planning permission where policies of the Local Plan are not met. The SoS may consider if the appeal is vexatious, frivolous or without substance or foundation, or made with the sole intention of (i) delaying the development, or (ii) securing the payment of money, gifts or other inducement by any person (NC12 and NC13),

- Requirement to undertake planned affordable housing construction - where an application to develop affordable housing has been granted, no amendment to the amount of affordable housing to be developed may be made if the reasons for the amendment include— (a) the affordability to the applicant; or (b) that providing such affordable housing would make the development unprofitable for the applicant (NC15),
- Provide for independent oversight of Natural England’s administration of the nature restoration levy (NC18),
- Secretary of State to produce a plan to reduce the time and financial cost of connections to the electricity grid and to allow local energy grids (NC19),
- Secretary of State to introduce regulations to require new developments to include design features that will contribute to the protection and enhancement of biodiversity and the achievement of Environment Act targets (NC22),
- Water companies to be statutory consultees for planning applications (NC24),
- Prevent developers from seeking to reduce commitments to provide social housing on the grounds of viability (NC25),
- Support the capital costs of developing affordable and inclusive housing for older people and support the provision of adequate supply (NC26),
- Require the Secretary of State to conduct an annual review of the capacity of local planning authorities (NC30),
- Require developers to cooperate in the development of energy projects when they are taking place in the same area. It also empowers local planning authorities to require statements detailing such cooperation (NC33),
- Require the Secretary of State to bring into force within one month of the passing of the Act the sustainable drainage provisions of the Flood and Water Management Act 2010 and provide guidance on the building in of sustainable drainage in future developments (NC34),
- Omit sections of the Planning Act 2008 which currently require a person who proposes to apply for development consent for a Nationally Significant Infrastructure Project to consult particular people about the proposed application (NC44),
- Where permission for a development of 100 homes or more is not used within the applicable period, ownership of the land to which the permission applies passes to the relevant local authority (NC55),
- Impose a duty on local authorities to take reasonable steps to contribute to Environment Act and Climate Change Act targets (NC57),
- Provide that, where a compulsory purchase order is applied for to acquire land or property for the purpose of delivering housing targets set out in local plans, the prospect of planning permission being granted can be disregarded when calculating compensation (also known as “hope value”) (A 2),
- Require planning authorities to include their policies in relation to the provision of allotment and community garden land (A 4),
- Require that the nature restoration levy is paid before development begins (A 6),
- Secretary of State to lay before Parliament amendments to national policy statements (A 8),

- Any person who makes representations seeking to amend a draft spatial development strategy must, if they so request, be given the opportunity to appear before and be heard by the person conducting out the examination (A16),
- Spatial development strategies must take account of Local Wildlife Sites (A28),
- A spatial development strategy must have regard to the need to provide 150,000 new social homes nationally a year (A 29),
- Develop policies for which new development must have regard for local characteristics, design and any natural landmarks or features (A 35),
- Omit sections of the Planning Act 2008 which currently require a person who proposes to apply for development consent to consult particular people about the proposed application, including prescribed bodies, local authorities, the local community and persons with an interest in the land in question (Gov NC44),
- Define the occasions when Natural England may accept a developer's request to pay the development levy rather than the developer having to go through existing processes under the Habitats Regulations (A54),
- Change the existing requirement in the Bill for a strategic planning authority to notify specified parties to a requirement to consult local residents, businesses, and representative organisations (A78),
- Costs incurred in maintaining and improving the conservation status of environmental features should be met by developers (A92),

*** [S.113 of LURA](#) already grants LPAs the power to decline to determine in cases of earlier non-implementation and slow build out rates (in specific circumstances) according to a Government response to NC1).*

The Commons Bill Committee for PAIB will meet on:-

- (a) at 11.30 am and 2.00 pm on Thursday 24 April;
- (b) at 9.25 am and 2.00 pm on Tuesday 29 April;
- (c) at 9.25 am and 2.00 pm on Tuesday 13 May;
- (d) at 9.25 am and 2.00 pm on Wednesday 14 May;
- (e) at 11.30 am and 2.00 pm on Thursday 15 May;
- (f) at 9.25 am and 2.00 pm on Tuesday 20 May;
- (g) at 11.30 am and 2.00 pm on Thursday 22 May;