

Planning and Infrastructure Bill: Amendment 40

Ping Pong Briefing for Peers in the House of Lords

18 November 2025

Summary

Amendment 40 (previously Amendment 130) sought to restrict the use of Environmental Delivery Plans (EDPs) to addressing diffuse pollution impacts only – specifically nutrient neutrality, water management and air quality. The amendment secured strong cross-party support and a substantial majority in the House of Lords, but was unfortunately defeated in the House of Commons on Thursday 13 November 2025.

The Environmental Audit Committee's (EAC) [*Environmental Sustainability and Housing Growth report*](#), published on Sunday 16 November 2025, provides significant new evidence in support of reinstating the amendment. Crucially, the Committee recommends that EDPs should be restricted to nutrient neutrality alone unless or until further impact assessments are carried out for wider environmental considerations. This is even more restrictive than Amendment 40, which would permit the use of EDPs for water management and air quality as well.

We therefore ask Peers to reinstate and vote in support of Amendment 40 during Ping Pong.

Current context

Amendment 40 was tabled to ensure that EDPs – an untested regulatory mechanism with potentially wide-ranging application – could not be used as a tool to bypass

established environmental protections. By limiting their use to nutrient neutrality, water management and air quality, the amendment would ensure that EDPs are confined to the diffuse pollution issues that they were originally envisaged to address, and which developers and housebuilders genuinely need help with.

Despite commanding strong cross-party support in the House of Lords, the amendment was voted down in the House of Commons on Thursday 13 November 2025, following the Government's use of the party whip. This was despite several Labour MPs speaking in support of the amendment, including the current chair of the Environmental Audit Committee. .

The defeat appears to have been shaped, at least in part, by misleading or inaccurate statements about the amendment's meaning and effect, including those contained in the [Parliamentary Labour Party briefing](#) circulated to Labour MPs ahead of the vote. These contributed to confusion and misunderstandings about the implications of EDPs and the Nature Restoration Fund (NRF).

CIEEM is preparing a further briefing for MPs to help correct these misunderstandings.

New evidence strengthens the case for reinstating Amendment 40

The EAC's [Environmental Sustainability and Housing Growth report](#), which includes evidence provided by CIEEM and was published on Sunday 16 November 2025, adds timely and authoritative weight to the case for reinstating Amendment 40. The Committee found that:

- There is no evidence to support the Government narrative that nature is blocking housebuilding, directly rebutting key claims used to justify the Government's arguments for rejecting Amendment 40. (See page 33 of the report.)
- The Government's approach risks treating environmental protections as an inconvenience. (See page 33.)
- EDPs should be restricted to nutrient neutrality only, unless or until impact assessments are completed for wider environmental considerations. They should not be applied arbitrarily to protected habitats and species where the approach is untested and carries significant environmental risk. (See page 37.)

It is noteworthy that the EAC does not reference water management or air quality. Its recommendation is therefore more restrictive than Amendment 40, which would allow EDPs to be used for all three major diffuse pollution issues.

This further strengthens the argument that Amendment 40 is a sensible, proportionate safeguard – one that aligns closely with (and is more generous than) the EAC’s conclusions.

Why Amendment 40 remains essential

1. Amendment 40 is proportionate and evidence-led:

The amendment is consistent with the EAC’s recommendation that EDPs must not expand beyond nutrient neutrality without robust impact assessments. Importantly, Amendment 40 goes slightly further – allowing EDPs to be used for water management and air quality – yet still imposes essential limits to protect against premature or inappropriate use.

2. Reduces legal and operational risk:

By restricting EDPs to their intended, diffuse pollution functions, the amendment avoids the uncertainty and risk associated with wide, untested deployment.

3. Corrects misunderstandings in the Commons:

The amendment provides clarity following significant misinformation ahead of the Commons vote.

4. Maintains the strong cross-party consensus achieved in the Lords:

The substantial Lords majority previously achieved demonstrates broad recognition of the amendment’s necessity and value.

Request to Peers

Given the clarity of the EAC’s findings in their [Environmental Sustainability and Housing Growth report](#), the strong cross-party support Amendment 40 secured in the Lords, and the current misunderstandings surrounding EDPs and the NRF during Commons consideration, we strongly urge Peers to reinstate and vote in support of Amendment 40 during Ping Pong.

CIEEM stands ready to provide any additional assistance required.

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