



House of Commons

Tuesday 13 January 2015

PUBLIC BILL COMMITTEE PROCEEDINGS

INFRASTRUCTURE BILL [LORDS]

[EIGHTH AND NINTH Sittings]

Tom Greatrex

Negatived on division 67

Clause 37, page 43, line 31, at end insert—

“(j) encouraging the development of CO₂ storage potential.”

Clause agreed to.

Schedule 6 agreed to.

Caroline Lucas
Norman Baker

Not selected 31

Page 45, line 12, leave out Clauses 38 to 43.

Tom Greatrex

Withdrawn 68

Clause 38, page 45, line 13, after “deep level land”, insert “subject to subsection (5A),”

Dr Alan Whitehead
Tom Greatrex

Negatived on division 36

Clause 38, page 45, line 22, leave out “300 metres” and insert “1000 metres”

Tom Greatrex

Withdrawn 1

Clause 38, page 45, line 22, at end insert—

“(3A) The Secretary of State shall, before the award of licences in relation to the use of deep-level land for onshore oil and gas exploration, issue additional planning guidance introducing a presumption against such developments within or under protected areas and functionally linked land.”

Infrastructure Bill [Lords], continued

Tom Greatrex

Withdrawn 69

Clause 38, page 45, line 25, at end insert—

(5A) The carrying out of hydraulic fracturing in connection with the exploitation of unconventional petroleum in relevant land shall be prohibited.

(5B) In subsection (5A)—

“relevant land” means land which is located within the boundary of a groundwater source protection zone as specified by the Environment Agency from time to time;”

Dr Alan Whitehead

Withdrawn 37

Clause 38, page 45, line 25, at end insert—

(6) The Secretary of State shall be required to commission and consider reports on—

- (a) the cumulative impacts of water use in fracking and refracking of exploratory and productive gas wells;
- (b) the cumulative impacts of flowback and waste water arising from fracking and refracking activity; and
- (c) the cumulative impacts on communities of road and vehicle movements from fracking and refracking activity

before providing any permission for the exploitation of petroleum on deep level land where one or more exploitation facility exists within one mile of a proposed site.”

Clause agreed to.

Tom Greatrex

Negated on division 2

Clause 39, page 45, line 32, leave out “any substance” and insert “substances approved by the Environment Agency”

Tom Greatrex

Negated on division 3

Clause 39, page 46, line 2, after “use”, insert “, subject to the conditions laid out in planning permission”

Tom Greatrex

Negated on division 4

Clause 39, page 46, line 3, at end insert—

- (3A) (a) The right of use shall be conditional on operators undertaking site-by-site measurement, monitoring and public disclosure of existing and future fugitive emissions.
- (b) In this section, “fugitive emissions” shall mean releases arising from, but not limited to, flaring, venting, storage and transportation leakages.”

Tom Greatrex

Withdrawn 5

Clause 39, page 46, line 3, at end insert—

Infrastructure Bill [Lords], continued

- “() Before a well design is commenced or adopted in connection with the exploitation of petroleum the right of use requires the Health and Safety Executive to inspect the well so as to satisfy itself that—
- (a) so far as is reasonably practicable, there can be no unplanned escape of fluids from the well; and
 - (b) risks to the health and safety of persons from it or anything in it, or in strata to which it is connected, are as low as is reasonably practicable.
- () Where the Health and Safety Executive is satisfied that a condition in subsection () is met, it shall give notice to the Secretary of State.
- () The Secretary of State shall publish the information received from the Health and Safety Executive in accordance with sub-paragraph ().”

Clause agreed to.

Clauses 40 to 45 agreed to.

NEW CLAUSES

Mr John Hayes

Agreed to NC8

To move the following Clause—

“Mayoral development orders

- “(1) Schedule (*Mayoral development orders*) (*Mayoral development orders*) has effect.
- (2) The Secretary of State may by regulations make consequential provision in connection with any provision made by that Schedule.
- (3) Regulations under this section may amend, repeal, revoke or otherwise modify the application of any enactment (but, in the case of an Act, only if the Act was passed before the end of the Session in which this Act is passed).
- (4) In this section “enactment” includes an enactment comprised in subordinate legislation within the meaning of the Interpretation Act 1978.”

Mr John Hayes

Agreed to NC9

To move the following Clause—

“Reimbursement of persons who have met expenses of making electrical connections

- (1) The Electricity Act 1989 is amended in accordance with this section.
- (2) In section 19 (power to recover expenditure)—
- (a) omit subsections (2) and (3);
 - (b) after subsection (3) insert—
- “(3A) Schedule 5B (reimbursement of persons who have met expenses) has effect.”;

Infrastructure Bill [Lords], continued

- (c) in subsection (4), after “this section” insert “and Schedule 5B”.
- (3) After Schedule 5A insert—

“SCHEDULE 5B

REIMBURSEMENT OF PERSONS WHO HAVE MET EXPENSES

Power to make regulations

- 1 (1) The Secretary of State may, by regulations, make provision entitling the relevant electricity distributor to exercise the reimbursement powers in cases where conditions A, B, C and D are met.
- (2) Condition A is met if any electric line or electrical plant is provided for the purpose of making a connection (the “first connection”)—
 - (a) between premises and a distribution system, or
 - (b) between two distribution systems.
- (3) Condition B is met if a payment in respect of first connection expenses is made by one or more of the following persons—
 - (a) a person requiring the first connection in pursuance of section 16(1);
 - (b) a person who otherwise causes the first connection to be made (including by means of contractual arrangements).
- (4) Condition C is met if any electric line or electric plant provided for the purpose of making the first connection is used for the purpose of making another connection (the “second connection”)—
 - (a) between premises and a distribution system, or
 - (b) between two distribution systems.
- (5) Condition D is met if the second connection is made within the prescribed period after the first connection was made.
- (6) “First connection expenses” are any expenses reasonably incurred by a person in providing any electric line or electric plant for the purpose of making the first connection.
- (7) It does not matter whether the first connection, or the second connection, is made by an electricity distributor or a person of another description.

The reimbursement powers

- 2 (1) The “reimbursement powers” are—
 - (a) the power to demand a reimbursement payment from—
 - (i) a person requiring the second connection in pursuance of section 16(1), or
 - (ii) a person who otherwise causes the second connection to be made (including by means of contractual arrangements); and
 - (b) the power to apply the reimbursement payment in making such payments as may be appropriate towards reimbursing any persons for any payments they were previously required to make in respect of first connection expenses (whether that requirement arose by virtue of paragraph (a) or otherwise).

Infrastructure Bill [Lords], continued

- (2) A “reimbursement payment” is a payment, of such amount as may be reasonable in all the circumstances, in respect of first connection expenses.

Other provision about regulations under this Schedule

- 3 (1) The Secretary of State must consult the Authority before making regulations under this Schedule.
- (2) Regulations under this Schedule may make provision requiring relevant electricity distributors to exercise a reimbursement power (whether in all cases or in cases provided for in the regulations).
- (3) Regulations under this Schedule may make provision for the relevant electricity distributor to establish or estimate the amount of first connection expenses — or an amount of any aspect of those expenses — in cases where that distributor is not the person who made the first connection.
- (4) Regulations under sub-paragraph (3) may not require any person to supply the relevant electricity distributor with information about any expenses incurred.
- (5) Regulations under sub-paragraph (3) may provide for an estimate of an amount of first connection expenses to be calculated by a relevant electricity distributor by reference only to a combination of—
 - (a) expenses which that distributor would incur if that distributor were making the connection at the time of the estimate, and
 - (b) changes in prices since the time when the connection was actually made.

Interpretation

- 4 (1) In this Schedule—
“first connection” has the meaning given in paragraph 1;
“first connection expenses” has the meaning given in paragraph 1;
“reimbursement payment” has the meaning given in paragraph 2;
“reimbursement powers” has the meaning given in paragraph 2;
“relevant electricity distributor”, in relation to the exercise of a reimbursement power, means—
 - (a) in a case where the first connection was made between premises and a distribution system, the electricity distributor that (at the time of the exercise of the power) operates that distribution system;
 - (b) in a case where the first connection was made between two distribution systems, the electricity distributor that (at the time of the exercise of the power) operates the distribution system into which the first connection has been, or is expected to be, incorporated.
- (2) A reference in this Schedule to a payment in respect of first connection expenses includes a reference to such a payment made in pursuance of section 19(1)."
- (4) In section 16 (duty to connect on request), in subsection (4), after “23” insert “and Schedule 5B”.
- (5) In section 16A (procedure for requiring a connection), in subsection (5)(b)—

Infrastructure Bill [Lords], continued

- (a) omit “or regulations under section 19(2)”;
 - (b) after “19(2)” insert “or regulations under Schedule 5B”.
 - (6) In section 23 (determination of disputes)—
 - (a) after subsection (1) insert—
 - “(1ZA) This section also applies to any dispute arising under regulations under Schedule 5B between—
 - (a) an electricity distributor, and
 - (b) a person in respect of whom the electricity distributor exercises the reimbursement powers conferred by the regulations.”;
 - (b) after subsection (1C) insert—
 - “(1D) No dispute arising under regulations under Schedule 5B may be referred to the Authority after the end of the period of 12 months beginning with the time when the second connection (within the meaning of Schedule 5B) is made.”;
 - (c) after subsection (2) insert—
 - “(2A) Where a dispute arising under regulations under Schedule 5B falls to be determined under this section, the Authority may give directions as to the circumstances in which, and the terms on which, an electricity distributor is to make or (as the case may be) to maintain the second connection (within the meaning of Schedule 5B) pending the determination of the dispute.”;
 - (d) in subsection (4), after “(2)” insert “, (2A)”.”
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Mr John Hayes

Agreed to NC10

To move the following Clause—

“Power to abolish Public Works Loan Commissioners

In the Public Bodies Act 2011, in Schedule 1 (power to abolish: bodies and offices), after “Plant Varieties and Seeds Tribunal.” insert—

“Public Works Loan Commissioners.””

[Adjourned until Thursday at 11.30 am