

Levelling-up and Regeneration Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

LORD STUNELL
BARONESS PINNOCK

Clause 1, page 2, line 18, after “must” insert “–

- “(a) publish and lay before both Houses of Parliament an independent evaluation of the effectiveness of the missions,
- (b) follow the same consultation and engagement process in relation to a new statement of levelling-up missions as that set out in section (*Consultation on mission statements*),”

Member's explanatory statement

This amendment would require the Government to obtain an independent evaluation of the effectiveness of mission statements, and to follow consultation processes with relevant devolved authorities before publishing further statements.

Clause 25

BARONESS BENNETT OF MANOR CASTLE

Baroness Bennett of Manor Castle gives notice of her intention to oppose the Question that Clause 25 stand part of the Bill.

Clause 26

BARONESS BENNETT OF MANOR CASTLE

Clause 26, page 22, line 2, at end insert –

- “(3A) Regulations under section 25(1) may not be made unless a majority of local government electors has approved by referendum the question that there be a mayor for the area of the CCA.”

Member's explanatory statement

This amendment would require a referendum to be held to approve any proposal that a CCA shall have an elected mayor.

Clause 44

BARONESS BENNETT OF MANOR CASTLE

Clause 44, page 40, line 2, at end insert –

- “(f) a majority of local government electors has approved by referendum the question that a CCA be established.”

Member's explanatory statement

This amendment would require a referendum to be held on whether a CCA should be established in an area.

Before Clause 78

LORD RAVENSDALE
BARONESS HAYMAN
LORD HUNT OF KINGS HEATH
BARONESS BOYCOTT

Before Clause 78, insert the following new Clause –

“Purpose of Planning

- (1) The purpose of planning is to ensure that the development of land balances long-term economic, social and environmental benefits, safeguards natural resources, and supports the needs of future generations in respect of land use.
- (2) When making relevant planning policy or development plans or granting planning permission for the development of land, all relevant planning authorities must have special regard to the need to –
 - (a) contribute to the targets set out in –
 - (i) Part 1 of the Climate Change Act 2008 (UK net zero emissions target and budgeting);
 - (ii) sections 1 to 3 of the Environment Act 2021 (environmental targets);
 - and
 - (b) adapt to any current or predicted impacts of climate change identified in the most recent report under section 56 of the Climate Change Act 2008.”

Member's explanatory statement

This new clause inserts a "purpose of planning" provision into the Bill. Currently, planning authorities are under no statutory obligation to take climate change into account in the determination of planning applications. This introduces a duty in relation to national and local planning policy and decisions.

Clause 91

BARONESS HAYMAN OF ULLOCK

Clause 91, page 98, line 6, at end insert –

- “(e) policies (however expressed) limiting new housing development in a National Park or an Area of Outstanding Natural Beauty to affordable housing.”

Member's explanatory statement

This is to probe the impact of neighbourhood development plans on National Parks and AONBs.

After Clause 106

LORD RAVENSDALE
BARONESS HAYMAN
LORD HUNT OF KINGS HEATH
BARONESS BOYCOTT

After Clause 106, insert the following new Clause –

“Duty relating to climate change in exercise of planning functions

- (1) Section 70 of TCPA 1990 (determination of applications: general considerations) is amended as follows.
- (2) In subsection (2) –
 - (a) omit the “and” at the end of paragraph (b), and
 - (b) after paragraph (b) insert –

“(ba) any considerations relating to the mitigation of, and adaptation to, climate change, so far as material to the application, and.”
- (3) After subsection (3F) insert –

“(3G) In dealing with an application for planning permission or permission in principle the authority must have special regard to the objective of achieving the mitigation of, and adaptation to, climate change.””

Member's explanatory statement

This new clause would amend the Town and Country Planning Act 1990 to ensure that climate change is expressly considered and given special regard in the assessment of individual development proposals. This new clause will be inserted into Chapter 4 of Part 3 after clause 106.

BARONESS BENNETT OF MANOR CASTLE

After Clause 106, insert the following new Clause –

“Hedgehog holes in fences

- (1) It is a condition in any grant of planning permission that any fencing must allow the free passage of hedgehogs.
- (2) The Secretary of State may, by regulations, publish design guidance on how fencing may comply with this section.”

BARONESS BENNETT OF MANOR CASTLE

After Clause 106, insert the following new Clause –

“Pre-demolition audits

- (1) The Secretary of State must by regulations require the preparation of pre-demolition audits for planning applications which entail demolition of properties.
- (2) The Secretary of State may by regulations make provision about –
 - (a) the content and form of audits under subsection (1), including the reasons why retrofitting to match existing or new uses is not possible if demolition is proposed;
 - (b) an assessment of the potential to reuse foundations or superstructures;
 - (c) an assessment of the relative carbon and material use impact of demolition versus retention of the entire structure;
 - (d) a survey of existing products, equipment, materials, and expected waste to identify opportunities for reuse;
 - (e) a plan for the effective treatment of waste materials generated in any demolition.
- (3) Regulations under subsection (1) are subject to the affirmative procedure.
- (4) A draft of a statutory instrument containing regulations under subsection (1) must be laid before Parliament on or before 30 November 2023.”

Member's explanatory statement

This amendment would ensure that opportunities for reclamation, re-use and recycling from demolition processes are considered during the assessment of planning applications.

After Clause 123

BARONESS HAYMAN OF ULLOCK

After Clause 123, insert the following new Clause –

“Flood Reinsurance Scheme eligibility

- (1) The Secretary of State must, before the end of the period of six months beginning on the day this Act is passed –
 - (a) establish a new Flood Reinsurance Scheme under section 64 of the Water Act 2014 in accordance with subsection (2), and
 - (b) lay before Parliament a draft statutory instrument containing regulations under that section to designate that scheme.
- (2) The new Flood Reinsurance Scheme is in accordance with this section if it extends eligibility to –
 - (a) premises built on or after 1 January 2009 which have property flood resilience measures that meet the standard under section (*Minimum requirements for flood mitigation and protection*)(2)(a), and
 - (b) buildings insurance for small and medium-sized enterprise premises.
- (3) The Secretary of State may by regulations require public bodies to share business rates information with the scheme established under subsection (1)(a) for purposes connected with the scheme.
- (4) The Water Act 2014 is amended in accordance with subsections (5) to (9).
- (5) In section 64 (the Flood Reinsurance scheme), after “household premises”, in each place it occurs, insert “and small and medium-sized enterprise premises”.
- (6) In section 67 (scheme administration), after “household premises”, in each place it occurs, insert “and small and medium-sized enterprise premises”.
- (7) After section 69 (disclosure of HMRC council tax information) insert –

“69A Disclosure of business rates information

- (1) The Secretary of State may by regulations require public bodies to disclose information relating to business rates to any person who requires that information for purposes connected with –
 - (a) such scheme as may be established and designated in accordance with section 64 (in any case arising before any scheme is so designated), or
 - (b) the FR Scheme (in any case arising after the designation of a scheme in accordance with section 64).
- (2) A person to whom information is disclosed under regulations made under subsection (1)(a) or (b) –
 - (a) may use the information only for the purposes mentioned in subsection (1)(a) or (b), as the case may be;

- (b) may not further disclose the information except in accordance with those regulations.”.
- (8) In section 82(5) (interpretation) –
 - (a) for “69” substitute “69A”;
 - (b) after “household premises” insert “small and medium-sized enterprise premises”.
- (9) In section 84(6) (regulations and orders), after paragraph (e) insert –
 - “(ea) regulations under section 69A (disclosure of business rates information),”.

Member's explanatory statement

This new Clause would require the Government to extend the Flood Re scheme to premises built since 2009 that have property flood resilience measures that meet minimum standards and buildings insurance for small and medium-sized enterprise premises.

Schedule 11

BARONESS SCOTT OF NEEDHAM MARKET

Schedule 11, page 354, line 26, at end insert –

- “(10) IL regulations must include a parish council in the provision for the persons to whom IL must be passed in discharge of a duty under subsection (1).
- (11) In accordance with subsection (10), IL regulations must include provision –
 - (a) for a parish council to receive 25% of receipts;
 - (b) for a parish council with a made neighbourhood development plan to receive 35% of receipts; and
 - (c) that, notwithstanding the requirement in subsection (2), a parish council may use money passed to a parish council in discharge of a duty under subsection (1) to fund anything else not described by paragraphs (a) or (b) of subsection (2).”

Member's explanatory statement

This amendment will require a parish council to be a specified recipient of the neighbourhood share of the Infrastructure Levy, for that share to be 25% or 35% for a parish council with a made neighbourhood development plan, and for a parish council to have full flexibility over how receipts are spent.

Clause 138

BARONESS HAYMAN OF ULLOCK

Clause 138, page 169, line 26, leave out “may” and insert “must”

Member's explanatory statement

This amendment will ensure that climate and other key environmental considerations, including the need to improve the condition of protected sites, will be included in the new EOR regime.

BARONESS HAYMAN OF ULLOCK

Clause 138, page 169, line 28, at end insert –

“(1A) EOR regulations must have consideration to social outcomes.”

Member's explanatory statement

This means that reports must also give consideration to social outcomes.

BARONESS HAYMAN OF ULLOCK

Clause 138, page 169, line 31, at end insert “, using the mitigation hierarchy to avoid and reduce harms”

Member's explanatory statement

This amendment will ensure that climate and other key environmental considerations, including the need to improve the condition of protected sites, will be included in the new EOR regime.

BARONESS HAYMAN OF ULLOCK

Clause 138, page 169, line 32 after “people” insert “and their long-term health, safety and well-being”

Member's explanatory statement

This amendment will ensure that climate and other key environmental considerations, including the need to improve the condition of protected sites, will be included in the new EOR regime.

BARONESS HAYMAN OF ULLOCK

Clause 138, page 169, line 35, after “landscape” insert “including improvements to the condition of protected sites;

- (ca) protection of the climate from the effects of human activity, accounting for direct and indirect emissions in line with the precautionary principle, UK carbon budgets and international commitments;”

Member's explanatory statement

This amendment will ensure that climate and other key environmental considerations, including the need to improve the condition of protected sites, will be included in the new EOR regime.

After Clause 165

BARONESS BENNETT OF MANOR CASTLE

After Clause 165, insert the following new Clause –

“Acquisition by local authorities for purposes of affordable or social housing

In section 226 of TCPA 1990 (power of local authority to acquire land compulsorily for development and other planning purposes), after subsection (1)(b) insert –

- “(c) if the authority think that the acquisition will facilitate the provision of affordable housing or social housing.””

After Clause 214

LORD RAVENSDALE
LORD STUNELL
BARONESS HAYMAN OF ULLOCK

After Clause 214, insert the following new Clause –

“Embodied Carbon Emissions in Buildings

- (1) Within six months of this Act being passed, the Secretary of State must publish regulations which amend the Building Regulations 2010 (S.I. 2010/2214) to include provision for –
- (a) the approval of a methodology of calculation of the whole-life carbon emissions of building work separated into operational and embodied carbon,
 - (b) ways in which the whole-life carbon emissions of building work, as calculated in accordance with the methodology, must be expressed,
 - (c) a reporting platform through which the whole-life carbon emissions of building work (applicable to all new buildings or building works with a total useful floor area of 1,000m² or creating more than 10 dwellings) as calculated in accordance with the methodology, must be reported, separated into operational and embodied carbon, and
 - (d) a tool, or tools, that may be used to carry out whole-life carbon assessments by competent persons, prior to the Secretary of State approving a whole-life carbon accreditation scheme.
- (2) “Whole-life carbon” means the sum total of all asset related greenhouse gas emissions and removals, both operational and embodied, over the life cycle of an asset including its disposal, as set out in Modules A1 to A5, B1 to B7 and C1 to C4 of British Standard BS EN 15978: 2011 (Sustainability of construction works).
- (3) “Embodied carbon” means the total greenhouse emissions and removals associated with materials and construction processes throughout the whole life cycle of an asset.

- (4) “Operational carbon” means the greenhouse gas emissions arising from all energy consumed (Module B6) and water supply and wastewater treatment (Module B7) in accordance with British Standard BS EN 15978: 2011 by an asset in-use.”

Member's explanatory statement

This new clause would require the Secretary of State to publish regulations amending the Building Regulations 2010 to introduce provisions for the reporting of whole-life carbon emissions of buildings and to set limits on embodied carbon emissions in the construction of buildings.

BARONESS BENNETT OF MANOR CASTLE

After Clause 214, insert the following new Clause –

“Public rights for recreational access to land in England

- (1) Within six months of the passing of this Act, the Secretary of State must publish a review of public rights for recreational access to land in England (“the Review”).
- (2) The Review must include –
- (a) a comparison of public rights to access land for recreational purposes in England and the other parts of the United Kingdom;
 - (b) a public consultation on rights to access land for recreational purposes in England; and
 - (c) proposals to set long-term targets to increase people's enjoyment of the natural environment by increasing rights for recreational access to land.”

BARONESS BENNETT OF MANOR CASTLE

After Clause 214, insert the following new Clause –

“Local authorities: report of land contamination

- (1) Within 24 months of the passing of this Act, the Secretary of State must publish a review of the incidence of land contamination in the UK.
- (2) The review must –
- (a) publish the reports in subsection (3),
 - (b) have regard to the reports in subsection (3),
 - (c) identify the resources required to bring all land contamination in England to safe levels, and
 - (d) identify any necessary legislative changes to bring all land contamination to safe levels.
- (3) Within 12 months of the passing of this Act, local authorities in England must report to the Secretary of State on the overall incidence of land contamination in their area, and the resources needed to bring this contamination to safe levels.”

Member's explanatory statement

This amendment would require the Secretary of State and Local Authorities to identify the level of contaminated land in England and the necessary resources to bring contamination to safe levels

BARONESS BENNETT OF MANOR CASTLE

After Clause 214, insert the following new Clause –

“20 Mile Per Hour speed limits

In section 81(1) of the Road Traffic Regulation Act 1984 (general speed limit for restricted roads), for “30” substitute “20”.

Member's explanatory statement

This amendment reduces the national speed limit for restricted roads from 30mph to 20mph.

BARONESS BOYCOTT
BARONESS SCOTT OF NEEDHAM MARKET

After Clause 214, insert the following new Clause –

“Community cultivation schemes

- (1) The Secretary of State must by regulations make provision for a system that requires local authorities to maintain a list of land in its area suitable for community cultivation, and permits residents to cultivate suitable land held by public authorities for either food growing or environmental enhancement on condition that certain requirements prescribed by the regulations are met.
- (2) Requirements prescribed by the regulations may, among other things, include requirements to –
 - (a) lay out the meaning of community cultivation;
 - (b) lay out what land is suitable and who can nominate land as being suitable;
 - (c) establish parameters around how long a piece of land would need to be available to be considered as suitable, with a principle that any land granted for the purpose of community cultivation is not granted in perpetuity;
 - (d) require local authorities to publish lists of land suitable for cultivation.”

Member's explanatory statement

This amendment would allow the Secretary of State to place a requirement on local authorities to publish a list of all publicly owned land in their vicinity which was suitable for either the purposes of community cultivation or environmental improvement, and to allow community groups to bid on listed areas of land to use them for either of the aforementioned purposes.

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