

# Levelling-up and Regeneration Bill

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## AMENDMENTS

### TO BE MOVED

#### IN COMMITTEE OF THE WHOLE HOUSE

*[Supplementary to the Marshalled List]*

**Amendment  
No.**

#### **Clause 86**

LORD YOUNG OF COOKHAM

**184A★** Clause 86, page 94, line 25, after “the” insert “up-to-date”.

***Member's explanatory statement***

*This amendment and others to this Clause in the name of Lord Young of Cookham ensure that decisions on planning applications are taken in line with an up-to-date plan, with an up-to-date plan being defined as less than five years old.*

LORD YOUNG OF COOKHAM

**187A★** Clause 86, page 94, line 30, at end insert “(unless exceptional circumstances are identified to justify any such departure).

(5D) For the purposes of subsection (5B), for a development plan to be “up-to-date” means –

- (a) the Local Plan was adopted within a period of five years before the determination; or
- (b) the Local Plan was adopted in accordance with subsection (6A) of section 15C of PCPA 2004 as inserted by Schedule 7 to this Act; and
- (c) the local planning authority have an adopted Local Plan (within the criteria of paragraphs (a) and (b) of this subsection) and are able to demonstrate a planned supply of housing in accordance with guidance issued by the Secretary of State under that subsection (6A).”

***Member's explanatory statement***

*This amendment and others to this Clause in the name of Lord Young of Cookham ensure that decisions on planning applications are taken in line with an up-to-date plan, with an up-to-date plan being defined as less than five years old. The amendment refers to the subsection (6A) inserted into section 15C in Schedule 7 by amendment 215 in the name of Lord Lansley.*

## LORD YOUNG OF COOKHAM

**187B★** Clause 86, page 94, line 37, after “the” insert “up-to-date”.

*Member's explanatory statement*

*This amendment and others to this Clause in the name of Lord Young of Cookham ensure that decisions on planning applications are taken in line with an up-to-date plan, with an up-to-date plan being defined as less than five years old.*

**After Clause 98**

## LORD NORTHBROOK

**247A★** After Clause 98, insert the following new Clause –

**“Conservation areas: views of residents**

In the Listed Buildings Act, at the end of section 72(1) insert “and (in relation thereto) to any views expressed by persons living in that area”.

**After Clause 123**

## LORD BEST

**312A★** After Clause 123, insert the following new Clause –

**“Duty to optimise the use of public land**

- (1) Local authorities in England, Mayoral Development Corporations established under the provisions of section 198 of the Localism Act 2011 and Homes England have a duty to secure the optimal use of land and legal estates owned by them for any purpose, to promote or improve the economic, social and environmental circumstances of their areas (“the optimal use duty”).
- (2) The optimal use duty applies to conditions relating to the disposal of any land and legal estates to others for any purpose over any timescale for the best consideration reasonably obtainable as required in section 123 of the Local Government Act 1972 (disposal of land by principal councils), section 209 of the Localism Act 2011 (restrictions on disposal of land) and section 10 of the Housing and Regeneration Act 2008 (restrictions on disposal of land) as amended by subsections (5) to (7).
- (3) In subsection (1) “optimal use” means the most effective use of land and legal estates to contribute to –
  - (a) the objectives and requirements of the relevant local and neighbourhood development plans and any national development management policies issued under sections 86 and 87 of this Act;
  - (b) the environmental principles set out in sections 17 to 19 of the Environment Act 2021 (policy statement on environmental principles) and any direction

- under Part 6 of this Act (environmental outcomes reports) relating to environmental outcomes affecting the land and legal estates;
- (c) any other objectives and requirements determined by the Secretary of State.
- (4) Local authorities must prepare and publish a land use management plan in a manner to be determined by the Secretary of State to demonstrate how existing and proposed land uses are being optimised to achieve the economic, social and environmental objectives in subsection (1).
- (5) In section 123 of the Local Government Act 1972, after subsection (2B) insert –
- “(2C) In relation to the disposal of land and legal estates by principal councils in England, the duty in subsection (1) of section (*Duty to optimise the use of public land*) of the Levelling-up and Regeneration Act 2023 is fulfilled by obtaining the best consideration that can reasonably be obtained for an existing or proposed land use that secures the optimal use of land within the meaning of subsection (3) of that section over any timescale.
- (2D) In a disposal of land under this section a council must impose any covenant, restriction or charge necessary to secure the optimal use of the disposed land, and the Secretary of State in giving any consent under this section may require the same.”
- (6) In section 209 of the Localism Act 2011, after subsection (4) insert –
- “(5) In relation to the disposal of land and legal estates by Mayoral Development Corporations, the duty in subsection (1) of section (*Duty to optimise the use of public land*) of the Levelling-up and Regeneration Act 2023 is fulfilled by obtaining the best consideration that can reasonably be obtained for an existing or proposed land use that secures the optimal use of land within the meaning of subsection (3) of that section over any timescale.
- (6) In a disposal of land under this section a Mayoral Development Corporation must impose any covenant, restriction or charge necessary to secure the optimal use of the disposed land, and a Mayor in giving any consent under this section may require the same.”
- (7) In section 10 of the Housing and Regeneration Act 2010, after subsection (4) insert –
- “(5) In relation to the disposal of land and legal estates by Homes England, the duty in subsection (1) of section (*Duty to optimise the use of public land*) of the Levelling-up and Regeneration Act 2023 is fulfilled by obtaining the best consideration that can reasonably be obtained for an existing or proposed land use that secures the optimal use of land within the meaning of subsection (3) of that section over any timescale.
- (6) In a disposal of land under this section Homes England must impose any covenant, restriction or charge necessary to secure the optimal use of the disposed land, and the Secretary of State in giving any consent under this section may require the same.””

***Member's explanatory statement***

*This amendment places a statutory duty on English local authorities including Mayoral Development Corporations created by elected Mayors, and Homes England, to secure the optimal uses of their land through stewardship and development, including when disposing of land to others. The aim is also to ensure that the terms of disposals and the continued use of public land do not frustrate or undermine government policy objectives and requirements.*

**Clause 142**

LORD LANSLEY

- 378A★** Clause 142, page 174, line 3, at end insert “, unless the Secretary of State is satisfied that such measures would not place a disproportionate burden on development.”

***Member's explanatory statement***

*This amendment would enable the requirements for public consultation to take account of the burdens on consents, such as permitted development rights for utilities, telecommunications or rail undertakings, which are not currently required.*

LORD LANSLEY

- 378B★** Clause 142, page 174, line 3, at end insert –
- “(3A) For the purposes of this section, in considering the effect of EOR regulations under subsection (1), any powers conferred by those regulations, or conditions or limitations imposed under them, in connection with a relevant consent or a relevant plan to provide for any environmental protection, as well as any urgent need for energy resilience, may be taken into account.”

***Member's explanatory statement***

*This amendment would enable the Secretary of State to make EOR regulations which seek to balance the level of environmental assessment required, as compared to the limitations imposed under the regulations, as well as energy resilience.*

**Clause 150**

LORD LANSLEY

- 386A★** Clause 150, page 178, line 38, leave out subsection (2) and insert –
- “(2) Section 71A (assessment of environmental effects) is repealed from the date on which the Secretary of State first exercises the power to make EOR regulations under this Part.”

***Member's explanatory statement***

*This amendment would enable the Secretary of State to make or modify EIA regulations until the power to make EOR regulations is in place and in use.*

**Clause 213**

THE EARL OF LYTTON  
THE EARL OF CAITHNESS

**467A★** Leave out Clause 213 and insert the following new Clause –

**“Review of governance etc of RICS**

- (1) The Royal Institution of Chartered Surveyors (“the Institution”) must, not less frequently than every five years, appoint an independent person to carry out a review of –
  - (a) the Institution’s effectiveness in upholding public trust and confidence in the work of its members,
  - (b) the degree to which the Institution’s work is undertaken for the public advantage, and
  - (c) the effectiveness of the Institution’s governance arrangements in achieving the objects of the Institution under its charter in relation to the matters set out in paragraphs (a) and (b).
- (2) On completion of a review, the appointed person must make a written report to the Institution –
  - (a) setting out the result of the review, and
  - (b) making such recommendations (if any) as the person considers appropriate.
- (3) The Institution must publish a copy of the report and make it available on its website via a free to access web page and in addition must communicate the report directly to such persons or bodies as appear to the Institution to have an interest in its governance.”

***Member's explanatory statement***

*This amendment maintains the principle of Clause 213 as drafted but puts it within the context of RICS independence and self-regulation, removing the Secretary of State's powers to intervene in its governance.*

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*17 February 2023*

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