

Levelling-up and Regeneration Bill

FIFTH MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

The amendments have been marshalled in accordance with the Instruction of 17th January 2023, as follows –

Clauses 1 to 13	Schedule 10
Schedule 1	Clauses 105 to 124
Clauses 14 to 25	Schedule 11
Schedule 2	Clauses 125 to 154
Clauses 26 to 31	Schedule 12
Schedule 3	Clauses 155 to 158
Clauses 32 to 54	Schedule 13
Schedule 4	Clauses 159 to 162
Clauses 55 to 77	Schedule 14
Schedule 5	Clauses 163 to 169
Clauses 78 to 86	Schedule 15
Schedule 6	Clauses 170 to 186
Clauses 87 to 90	Schedule 16
Schedule 7	Clauses 187 to 191
Clauses 91 to 94	Schedule 17
Schedule 8	Clauses 192 to 211
Clauses 95 to 101	Schedule 18
Schedule 9	Clauses 212 to 223
Clauses 102 to 104	Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 32

BARONESS HARRIS OF RICHMOND

Baroness Harris of Richmond gives notice of her intention to oppose the Question that Clause 32 stand part of the Bill.

Member's explanatory statement

The notice to oppose Clause 32 standing part of the bill would remove provisions allowing chief constables to exercise certain fire and rescue functions.

Clause 33

LORD SHIPLEY

122 Clause 33, page 28, line 24, leave out “at least two thirds” and insert “a majority”

Member's explanatory statement

This amendment would ensure that the views of a majority of the CCA are fully considered in accordance with this Clause.

BARONESS HARRIS OF RICHMOND

Baroness Harris of Richmond gives notice of her intention to oppose the Question that Clause 33 stand part of the Bill.

Member's explanatory statement

The notice to oppose Clause 33 standing part of the bill would remove provisions allowing chief constables to exercise certain fire and rescue functions.

Clause 34

BARONESS HARRIS OF RICHMOND

Baroness Harris of Richmond gives notice of her intention to oppose the Question that Clause 34 stand part of the Bill.

Member's explanatory statement

The notice to oppose Clause 34 standing part of the bill would remove provisions allowing chief constables to exercise certain fire and rescue functions.

Clause 35

BARONESS HARRIS OF RICHMOND

Baroness Harris of Richmond gives notice of her intention to oppose the Question that Clause 35 stand part of the Bill.

Member's explanatory statement

The notice to oppose Clause 35 standing part of the bill would remove provisions allowing chief constables to exercise certain fire and rescue functions.

Clause 36

BARONESS HARRIS OF RICHMOND

Baroness Harris of Richmond gives notice of her intention to oppose the Question that Clause 36 stand part of the Bill.

Member's explanatory statement

The notice to oppose Clause 36 standing part of the bill would remove provisions allowing chief constables to exercise certain fire and rescue functions.

Clause 37

BARONESS HARRIS OF RICHMOND

Baroness Harris of Richmond gives notice of her intention to oppose the Question that Clause 37 stand part of the Bill.

Member's explanatory statement

The notice to oppose Clause 37 standing part of the bill would remove provisions allowing chief constables to exercise certain fire and rescue functions.

Clause 38

LORD STUNELL

122A Clause 38, page 33, line 37, leave out subsection (4)

Member's explanatory statement

This amendment removes the power of the Secretary of State in this section to amend, revoke or repeal certain provisions by regulation.

BARONESS HARRIS OF RICHMOND

Baroness Harris of Richmond gives notice of her intention to oppose the Question that Clause 38 stand part of the Bill.

Member's explanatory statement

The notice to oppose Clause 38 standing part of the bill would remove provisions allowing chief constables to exercise certain fire and rescue functions.

Clause 39

BARONESS HAYMAN OF ULLOCK

123 Clause 39, page 34, line 32, at end insert –

(c) about the laying of draft budgets before Parliament”

Member's explanatory statement

This probes whether Parliament will be able to scrutinise CCA budgets.

Clause 40

LORD SHIPLEY

- 124 Clause 40, page 35, line 19, leave out from “title” to end of line 27 and insert “that the CCA considers more appropriate”

Member's explanatory statement

The list of possible alternative titles is unnecessary since the CCA already has powers under this Clause to choose any alternative title.

Clause 41

BARONESS HAYMAN OF ULLOCK

- 125 Clause 41, page 37, line 11, at end insert –
 (aa) the resolution must be communicated to all residents in the area,”

Member's explanatory statement

This means that a change in Mayoral title must be communicated to residents.

Clause 43

LORD HUNT OF KINGS HEATH

- 125A Clause 43, page 38, line 37, at end insert –
 “(ba) a district council whose area is within the proposed area;”

Member's explanatory statement

This would add district councils to the list of local authorities who may prepare a proposal for the establishment of a CCA and to be able to submit such a proposal to the Secretary of State.

BARONESS HAYMAN OF ULLOCK

- 126 Clause 43, page 39, line 14, at end insert –
 “(c) prepare and publish a report setting out the results of the consultation.”

Member's explanatory statement

This amendment would require the authority or authorities submitting a proposal for a new Combined County Authority to make the results of the public consultation publicly available before submission.

LORD HUNT OF KINGS HEATH

Lord Hunt of Kings Heath gives notice of his intention to oppose the Question that Clause 43 stand part of the Bill.

Member's explanatory statement

This is to allow further debate about the contribution of district councils to the wellbeing of the local community.

Clause 44

BARONESS BENNETT OF MANOR CASTLE

127 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.

Clause 46

BARONESS HAYMAN OF ULLOCK

127A Clause 46, page 42, leave out lines 12 and 13

Member's explanatory statement

This removes an exemption which means that consultation does not have to take place if “the Secretary of State considers that no further consultation is necessary”.

Clause 48

LORD SCRIVEN
LORD SHIPLEY

128 Clause 48, page 43, line 18, at end insert–

“(3A) A CCA may, with the consent of its constituent authorities, request that the Chancellor of the Exchequer devolve further fiscal powers to that CCA to help its regeneration powers, and those fiscal powers may not be unreasonably withheld.”

Member's explanatory statement

This is a probing amendment to assess the Government's willingness to empower a CCA to drive its regeneration plans forward using enhanced fiscal powers.

Clause 53

BARONESS TAYLOR OF STEVENAGE

129 Clause 53, page 46, line 16, leave out “may” and insert “must within 6 months of the day on which this Act is passed”

Member's explanatory statement

This amendment would require the Secretary of State to produce guidance on the establishment and operation of CCAs within 6 months of this Act receiving Royal Assent.

BARONESS TAYLOR OF STEVENAGE

130 Clause 53, page 46, line 31, at end insert –

“(6) The Secretary of State must publish guidance to the residents of CCAs explaining the functions of their CCA.”

Member's explanatory statement

This is to probe whether the public will be informed of their CCA's functions.

Schedule 4

BARONESS SCOTT OF BYBROOK

131 Schedule 4, page 266, line 6, at end insert –

Landlord and Tenant Act 1954 (c. 56)

A1 In section 69(1) of the Landlord and Tenant Act 1954 (interpretation), in the definition of “local authority”, after “section 103 of that Act” insert “, a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

Trustee Investments Act 1961 (c. 62)

A2 In section 11(4)(a) of the Trustee Investments Act 1961 (local authority investment schemes), after “section 103 of that Act” insert “, a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

Local Government (Records) Act 1962 (c. 56)

A3 The Local Government (Records) Act 1962 is amended as follows.

A4 In section 2(6) (acquisition and deposit of records), after “section 103 of that Act” insert “, to a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

A5 In section 8(1) (interpretation), in the definition of “local authority”, after “section 103 of that Act” insert “, or a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

Leasehold Reform Act 1967 (c. 88)

A6 In section 28(5)(a) of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes), after “section 103 of that Act,” insert “any

combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”.

Transport Act 1968 (c. 73)

A7 The Transport Act 1968 is amended as follows.

A8 (1) Section 9 (Areas, Authorities and Executives) is amended as follows.

(2) In subsection (1) –

(a) in paragraph (a)(i), after “a combined authority area” insert “or a combined county authority area”;

(b) after paragraph (ab) insert –

“(ac) any reference to a “combined county authority” is to an authority established under section 7(1) of the Levelling-up and Regeneration Act 2023 for an area which is or includes a metropolitan county;

(ad) any reference to a “combined county authority area” is to an area for which a combined county authority is established;”;

(c) in paragraph (b), after sub-paragraph (ia) insert –

“(iaa) in relation to a combined county authority area, the combined county authority;”.

(3) In subsection (2), after “a combined authority area” insert “, a combined county authority area”.

(4) In subsection (3), after “a combined authority area” insert “, a combined county authority area”.

(5) In subsection (5) for “or a combined authority area” substitute “a combined authority area or a combined county authority area”.

A9 In section 9A (general functions of Authorities and Executives), in each of subsections (3), (5), (6)(a) and (b), (7) and (8), after “combined authority area” insert “, combined county authority area”.

A10(1) Section 10 (general powers of Executives) is amended as follows.

(2) In subsection (1), after “a combined authority area” insert “, a combined county authority area”.

(3) In subsection (3), after “a combined authority area” insert “, a combined county authority area”.

(4) In subsection (5), after “a combined authority area” insert “, a combined county authority area”.

A11 In section 10A(1) (further powers of Executives), for “or combined authority area” substitute “, combined authority area or combined county authority area”.

A12 In section 12(1) (borrowing powers of Executive), after “a combined authority area” insert “, a combined county authority area”.

- A13 In section 14(1) (accounts of Executive), after “a combined authority area” insert “, a combined county authority area”.
- A14(1) Section 15 (further functions of Authority) is amended as follows.
- (2) In subsection (1), after “a combined authority area” insert “, a combined county authority area”.
 - (3) In subsection (6), after “a combined authority area” insert “, a combined county authority area”.
- A15 In section 16(1) (annual report by Authority and Executive), after “combined authority area” insert “, combined county authority area”.
- A16(1) Section 20 (special duty with respect to railway passengers) is amended as follows.
- (2) In subsection (1), after “a combined authority area” insert “, a combined county authority area”.
 - (3) In subsection (2A), after “a combined authority area” insert “, a combined county authority area”.
- A17(1) Section 23 (consents of, or directions, by Minister) is amended as follows.
- (2) In subsection (1), after “a combined authority area” insert “, a combined county authority area”.
 - (3) In subsection (2), after “a combined authority area” insert “, a combined county authority area”.
 - (4) In subsection (3), after “a combined authority area” insert “, a combined county authority area”.
- A18 In section 56(6) (assistance by Minister or local authority towards expenditure on public transport), after paragraph (bc) insert—
- “(bd) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.
- A19(1) Schedule 5 (Passenger Transport Executives) is amended as follows.
- (2) In Part 2, in paragraph 2, after “the combined authority area”, in both places it occurs, insert “, the combined county authority area”.
 - (3) In Part 3, in paragraph 11, after “a combined authority area”, insert “, a combined county authority area”.

Local Government Grants (Social Need) Act 1969 (c. 2)

- A20 In section 1(3) of the Local Government Grants (Social Need) Act 1969 (provision for grants), for “and a combined authority established under section 103 of that Act” substitute “, a combined authority established under section 103 of that Act and a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

Employers' Liability (Compulsory Insurance) Act 1969 (c. 57)

- A21 In section 3(2)(b) of the Employers' Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance), after "section 103 of that Act," insert "a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023,".

Local Authorities (Goods and Services) Act 1970 (c. 39)

- A22 In section 1(4) of the Local Authorities (Goods and Services) Act 1970 (provision for grants), in the definition of "local authority", after "section 103 of that Act," insert "any combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023,".

Member's explanatory statement

This amendment inserts various consequential amendments relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

132

Schedule 4, page 266, line 8, at end insert—

- "1A (1) Section 70 (restriction on promotion of Bills for changing local government areas, etc) is amended as follows.
- (2) In subsection (1), for "or combined authority" substitute ", combined authority or combined county authority".
- (3) In subsection (3), for "or combined authority" substitute ", combined authority or combined county authority".
- 1B In section 80(2)(b) (disqualification for election and holding office as member of local authority), after "combined authority" insert ", combined county authority".
- 1C In section 85(4) (vacation of office by failure to attend meetings), for "and a combined authority" substitute ", a combined authority and a combined county authority".
- 1D In section 86(2) (declaration of vacancy by local authority), for "and a combined authority" substitute ", a combined authority and a combined county authority".
- 1E In section 92(7) (proceedings for disqualification)—
- (a) for "and a combined authority" substitute ", a combined authority and a combined county authority", and
- (b) for "or a combined authority" substitute ", a combined authority or a combined county authority".
- 1F In section 99 (meetings and proceedings of local authorities), after "combined authorities," insert "combined county authorities,".

Member's explanatory statement

This amendment inserts various consequential amendments to the Local Government Act 1972 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

- 133** Schedule 4, page 267, line 10, at end insert –
- “3A In section 138C(1) (application of sections 138A and 138B to other authorities), after paragraph (n) insert –
- “(na) a combined county authority;”.
- 3B In section 142(1B) (provision of information relating to matters affecting local government), after “a combined authority” insert “, a combined county authority”.
- 3C (1) Section 146A (joint authorities etc) is amended as follows.
- (2) In subsection (1) –
- (a) in the opening words, after “(1ZE)” insert “, (1ZEA)”, and
- (b) after “a combined authority,” insert “a combined county authority”.
- (3) In subsection (1ZB), after “a combined authority” insert “or a combined county authority”.
- (4) After subsection (1ZE) insert –
- “(1ZEA) A combined county authority is not to be treated as a local authority for the purposes of section 111 (but see section 47 of the Levelling-up and Regeneration Act 2023).”
- 3D In section 175(3B) (allowances for attending conferences and meetings), after “a combined authority” insert “, a combined county authority”.
- 3E In section 176(3) (payment of expenses), for “and a combined authority” substitute “a combined authority and a combined county authority”.
- 3F In section 223(2) (appearance of local authorities in legal proceedings), after “a combined authority,” insert “a combined county authority,”.
- 3G In section 224(2) (arrangements by principal councils for custody of documents), for “or combined authority” substitute “, combined authority or combined county authority”.
- 3H In section 225(3) (deposit of documents with proper officer), for “and a combined authority” substitute “, a combined authority and a combined county authority”.
- 3I In section 228(7A) (inspection of documents), for “or a combined authority” substitute “, a combined authority or a combined county authority”.
- 3J In section 229(8) (photographic copies of documents) after “a combined authority,” insert “a combined county authority,”.
- 3K In section 230(2) (reports and returns), for “and a combined authority” substitute “, a combined authority and a combined county authority”.

- 3L In section 231(4) (service of notice on local authorities), after “a combined authority,” insert “a combined county authority.”
- 3M In section 232(1A) (public notices), after “a combined authority,” insert “a combined county authority.”
- 3N In section 233(11) (service of notices by local authorities), after “a combined authority,” insert “a combined county authority.”
- 3P In section 234(4) (authentication of documents), after “a combined authority,” insert “a combined county authority.”
- 3Q In section 236(1) (procedure for byelaws), for “or a combined authority” substitute “, a combined authority or a combined county authority”.
- 3R In section 236B(1) (revocation of byelaws), after paragraph (e) insert—
“(f) a combined county authority.”
- 3S In section 238 (evidence of byelaws), for “or a combined authority” substitute “, a combined authority or a combined county authority”.
- 3T In section 239(4A) (power to promote or oppose bills), for “and a combined authority” substitute “, a combined authority and a combined county authority”.

Member's explanatory statement

This amendment inserts various consequential amendments to the Local Government Act 1972 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

- 134** Schedule 4, page 267, line 14, at end insert—
- “4A In Part 1A of Schedule 12 (meetings and proceedings of joint authorities etc), in paragraph 6A, for “or a combined authority” substitute “, a combined authority or a combined county authority”.”

Member's explanatory statement

This amendment inserts a consequential amendment to Schedule 12 to the Local Government Act 1972 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

135 Schedule 4, page 267, line 14, at end insert –

“Employment Agencies Act 1973 (c. 35)

4B In section 13(7) of the Employment Agencies Act 1973 (interpretation), after paragraph (fzc) insert –

“(fzd) the exercise by a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023 of any of its functions;”.

Local Government Act 1974 (c. 7)

4C The Local Government Act 1974 is amended as follows.

4D In section 25(1) (authorities subject to investigation), after paragraph (cf) insert –

“(cg) any combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

4E (1) Section 26C (referral of complaints by authorities) is amended as follows.

(2) In subsection (6), after paragraph (f) insert –

“(g) in relation to a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023, a member of a constituent council of the authority;”.

(3) After subsection (8) insert –

“(9) For the purposes of subsection (6)(g) –

(a) a county council is a constituent council of a combined county authority if the area of the county council, or part of that area, is within the area of the combined county authority;

(b) a district council is a constituent council of a combined county authority if the area of the district council is within the area of the combined county authority.”

Health and Safety at Work etc Act 1974 (c. 37)

4F In section 28(6) of the Health and Safety at Work etc Act 1974 (restrictions on disclosure of information), after “section 103 of that Act,” insert “a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Local Government (Miscellaneous Provisions) Act 1976 (c. 57)

4G In section 44 of the Local Government Act 1976 (interpretation of Part 1), in the definition of “local authority” –

(a) in paragraph (a), after “section 103 of that Act,” insert “a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”;

- (b) in paragraph (c), after “section 103 of that Act, insert “a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023,”.

Rent (Agriculture) Act 1976 (c. 80)

- 4H In section 5(3) of the Rent (Agriculture) Act 1976 (no statutory tenancy where landlord’s interest belongs to local authority), after paragraph (bbzb) insert –
- “(bbzc) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Rent Act 1977 (c. 42)

- 4I In section 14(1) of the Rent Act 1977 (landlord’s interest belonging to local authority etc), after paragraph (cbc) insert –
- “(cbd) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Protection from Eviction Act 1977 (c. 43)

- 4J In section 3A(8) of the Protection from Eviction Act 1977 (excluded tenancies and licences), after paragraph (ab) insert –
- “(ac) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Local Government, Planning and Land Act 1980 (c. 65)

- 4K The Local Government, Planning and Land Act 1980 is amended as follows.
- 4L In section 2(1) (duty of authorities to publish information), after paragraph (kac) insert –
- “(kad) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.
- 4M In section 98(8A) (disposal of land at direction of Secretary of State), after paragraph (ezb) insert –
- “(ezc) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.
- 4N In section 99(4) (directions to dispose of land), after paragraph (dbzb) insert –
- “(dbzc) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.
- 4P In section 100(1)(a) (interpretation and extent of Part 10), for “or a combined authority established under section 103 of that Act” substitute “, a combined authority established under section 103 of that Act or a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

- 4Q In Schedule 16 (bodies to whom Part 10 applies), after paragraph 5BZB insert –
 “5BZBA A combined county authority established under section 7(1) of the
 Levelling-up and Regeneration Act 2023.”

Public Passenger Vehicles Act 1981 (c. 14)

- 4R In section 4C(4) of the Public Passenger Vehicles Act 1981 (power of senior traffic commissioner to give guidance and directions), in paragraph (e), after “of combined authorities” insert “established under section 103 of the Local Democracy, Economic Development and Construction Act 2009, of combined county authorities established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

Acquisition of Land Act 1981 (c. 67)

- 4S In section 17(4)(a) of the Acquisition of Land Act 1981 (local authority land), in the definition of “local authority”, for “or a combined authority established under section 103 of that Act” substitute “, a combined authority established under section 103 of that Act or a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

- 4T The Local Government (Miscellaneous Provisions) Act 1982 is amended as follows.
- 4U In section 33(9) (enforceability by local authorities of covenants relating to land) –
- (a) in paragraph (a), for “or a combined authority established under section 103 of that Act” substitute “, a combined authority established under section 103 of that Act or a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”;
 - (b) in paragraph (b), for “or combined authority” substitute “, combined authority or combined county authority”.
- 4V In section 41(13) (lost and uncollected property), in the definition of “local authority”, after paragraph (ezb) insert –
- “(ezba) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Stock Transfer Act 1982 (c. 41)

- 4W In Schedule 1 to the Stock Transfer Act 1982 (specified securities), in paragraph 7(2)(a), after “section 103 of that Act” insert “, a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

County Courts Act 1984 (c. 28)

- 4X In section 60(3) of the County Courts Act 1984 (rights of audience), in the definition of “local authority”, after “section 103 of that Act” insert “a combined

county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”.

Local Government Act 1985 (c. 51)

4Y The Local Government Act 1985 is amended as follows.

4YA In section 72(5) (accounts and audit), after paragraph (c) insert—

“(d) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”

4YB In section 73(2) (financial administration), after paragraph (b) insert—

“(c) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”

Transport Act 1985 (c. 67)

4YC The Transport Act 1985 is amended as follows.

4YD In section 27A(7)(b) (additional powers where service not operated as registered), for “or combined authority” substitute “, combined authority or combined county authority”.

4YE In section 64(1)(a) (consultation with respect to policies), after “combined authority,” insert “combined county authority,”.

4YF In section 93(8)(b) (travel concession schemes), for “and a combined authority” substitute “, a combined authority and a combined county authority”.

4YG In section 106(4) (grants for transport facilities and services), after paragraph (aa) insert—

“(ab) any combined county authority;”.

4YH In section 137 (general interpretation), after subsection (5A) insert—

“(5B) References in this Act to a combined county authority are references to a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”

Housing Act 1985 (c. 68)

4YI (1) Section 4 of the Housing Act 1985 (other descriptions of authority) is amended as follows.

(2) In subsection (1)(e), after “combined authority,” insert “a combined county authority,”.

(3) In subsection (2), at the appropriate place insert—

““combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Housing Associations Act 1985 (c. 69)

- 4YJ In section 106(1) (minor definitions) of the Housing Associations Act 1985, in the definition of “local authority” –
- (a) for “and a combined authority established under section 103 of that Act” substitute “, a combined authority established under section 103 of that Act and a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”;
 - (b) after “such a combined authority,” insert “such a combined county authority,”.

Landlord and Tenant Act 1985 (c. 70)

- 4YK In section 38 of the Landlord and Tenant Act 1985 (minor definitions), in the definition of “local authority”, after “section 103 of that Act,” insert “a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023,”.

Local Government Act 1986 (c. 10)

- 4YL The Local Government Act 1986 is amended as follows.
- 4YM In section 6(2)(a) (interpretation and application of Part 2), after “a combined authority established under section 103 of that Act,” and on a new line, insert “a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023,”.
- 4YN In section 9(1)(a) (interpretation and application of Part 3), after “a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009,” and on a new line, insert “a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023,”.

Landlord and Tenant Act 1987 (c. 31)

- 4YP In section 58(1)(a) of the Landlord and Tenant Act 1987 (exempt landlords and resident landlords), for “or a combined authority established under section 103 of that Act” substitute “, a combined authority established under section 103 of that Act or a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

Local Government Act 1988 (c. 9)

- 4YQ In Schedule 2 to the Local Government Act 1988 (public supply or works contracts: the public authorities), after the entry for a combined authority established under the Local Democracy, Economic Development and Construction Act 2009, and on a new line, insert “A combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”

Member's explanatory statement

This amendment inserts various consequential amendments relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

136 Schedule 4, page 268, line 15, at end insert –

“Housing Act 1988 (c. 50)

9A The Housing Act 1988 is amended as follows.

9B In section 74(8) (transfer of land and other property to housing action trusts), after paragraph (fc) insert –

“(fd) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

9C In Schedule 1 (tenancies which cannot be assured tenancies), in paragraph 12(2), after paragraph (fb) (and before the “and” at the end of that paragraph) insert –

“(fc) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Road Traffic Act 1988 (c. 52)

9D In section 144(2)(a)(i) of the Road Traffic Act 1988 (exceptions from requirement of third-party insurance or security), for “or a combined authority established under section 103 of that Act” substitute “, a combined authority established under section 103 of that Act or a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

Member's explanatory statement

This amendment inserts consequential amendments to the Housing Act 1988 and the Road Traffic Act 1988 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

137 Schedule 4, page 268, line 16, at end insert –

“9E The Local Government and Housing Act 1989 is amended as follows.”

Member's explanatory statement

This amendment introduces the consequential amendments to the Local Government and Housing Act 1989 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

138 Schedule 4, page 268, line 17, leave out “of the Local Government and Housing Act 1989”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Baroness Scott of Bybrook at page 268, line 16.

BARONESS SCOTT OF BYBROOK

139 Schedule 4, page 268, line 20, at end insert –

“10A In section 152(2) (interpretation), after paragraph (izb) insert –

“(izc) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

10B In section 157(6) (periodic payments of grants) –

(a) omit the “and” at the end of paragraph (j), and

(b) after paragraph (k) insert –

“(l) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

10C (1) Schedule 1 (political balance on local authority committees etc) is amended as follows.

(2) In paragraph 2(1), for “(jb)” substitute “(jba)”.

(3) In paragraph 4(1), in paragraph (a) of the definition of “relevant authority”, for “(jb)” substitute “(jba)”.

Member's explanatory statement

This amendment inserts consequential amendments to the Local Government and Housing Act 1989 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

140 Schedule 4, page 268, line 20, at end insert –

“*Town and Country Planning Act 1990 (c. 8)*

10D The Town and Country Planning Act 1990 is amended as follows.

10E In section 252(12) (procedure for making orders), in the definition of “local authority”, after “section 103 of that Act,” insert “a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

10F In Schedule 14 (procedure for footpaths and bridleways orders), in paragraph 1(3), in the definition of “council”, after “section 103 of that Act” insert “, a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

Further and Higher Education Act 1992 (c. 13)

- 10G In section 54(1)(e)(ii) of the Further and Higher Education Act 1992 (duty to give information), for “or a combined authority” substitute “, a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 or a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

Member's explanatory statement

This amendment inserts consequential amendments to the Town and Country Planning Act 1990 and the Further and Higher Education Act 1992 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

141 Schedule 4, page 268, line 37, at end insert –

“Local Government (Overseas Assistance) Act 1993 (c. 25)

- 13A In section 1(10) of the Local Government (Overseas Assistance) Act 1993 (power to provide advice and assistance), after paragraph (dzb) insert –
- “(dzc) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Railways Act 1993 (c. 43)

- 13B The Railways Act 1993 is amended as follows.
- 13C In section 25(1) (public sector operators not to be franchisees) –
- (a) after paragraph (ca) insert –
- “(cb) any combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”;
- (b) in paragraph (d), for “or a combined authority” substitute “, a combined authority or a combined county authority”.
- 13D In section 149(5) (service of documents), in the definition of “local authority”, for “and a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009” substitute “, a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 and a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

Deregulation and Contracting Out Act 1994 (c. 40)

- 13E In section 79A of the Deregulation and Contracting Out Act 1994 (meaning of “local authority”: England), after paragraph (mb) insert –
- “(mc) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Environment Act 1995 (c. 25)

13F After section 86B of the Environment Act 1995 insert –

“86C Role of combined county authorities in relation to action plans

- (1) Where a local authority in the area of a combined county authority intends to prepare an action plan it must notify the combined county authority.
- (2) Where a combined county authority has been given a notification under subsection (1) by a local authority, the combined county authority must, before the end of the relevant period, provide the local authority with proposals for particular measures the combined county authority will take to contribute to the achievement, and maintenance, of air quality standards and objectives in the area to which the plan relates.
- (3) Where a combined county authority provides proposals under subsection (2), the combined county authority must –
 - (a) in those proposals, specify a date for each particular measure by which it will be carried out, and
 - (b) as far as is reasonably practicable, carry out those measures by those dates.
- (4) An action plan prepared by a local authority in the area of a combined county authority must set out any proposals provided to it under subsection (2) (including the dates specified by virtue of subsection (3)(a)).
- (5) In this section “combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”

Housing Grants, Construction and Regeneration Act 1996 (c. 53)

13G In section 3(2) of the Housing Grants, Construction and Regeneration Act 1996 (ineligible applicants), after paragraph (jc) insert –

“(jd) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Crime and Disorder Act 1998 (c. 37)

13H In section 17(2) of the Crime and Disorder Act 1998 (duty to consider crime and disorder implications), after “a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;”, and on a new line, insert “a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Member's explanatory statement

This amendment inserts various consequential amendments relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

142 Schedule 4, page 269, line 5, at end insert –

“Greater London Authority Act 1999 (c. 29)

14A In section 211(1) of the Greater London Authority Act 1999 (public sector operators) –

(a) after paragraph (ca) insert –

“(cb) any combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”,
and

(b) in paragraph (d), for “or combined authority” substitute “, combined authority or combined county authority”.

Freedom of Information Act 2000 (c. 36)

14B In Schedule 1 to the Freedom of Information Act 2000 (public authorities), after paragraph 19B insert –

“19C A combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”

Transport Act 2000 (c. 38)

14C The Transport Act 2000 is amended as follows.

14D In section 108(4) (local transport plans), after paragraph (ca) (but before the “or” at the end of that paragraph) insert –

“(cb) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023,”.

14E(1) Section 109 (further provision about local transport plans in England) is amended as follows.

(2) In subsection (2A), in the opening words, for “or a combined authority” substitute “, a combined authority or a combined county authority”.

(3) In subsection (2B) –

(a) in the opening words, for “or a combined authority” substitute “, a combined authority or a combined county authority”;

(b) in paragraph (a), after “combined authority” insert “or combined county authority”;

(c) in paragraph (c), after “combined authority” insert “or combined county authority”.

14F(1) Section 113 (role of metropolitan district councils) is amended as follows.

(2) In subsection (2), after “a combined authority” insert “or a combined county authority”.

(3) in subsection (2A), in each of paragraphs (a), (b) and (c), after “combined authority” insert “or combined county authority”.

- 14G In section 123A(4) (franchising schemes) –
- (a) after paragraph (a) insert –
 - “(aa) a mayoral CCA;”;
 - (b) omit the “or” at the end of paragraph (e);
 - (c) at the end of paragraph (f) insert “, or
 - (g) a combined county authority which is not a mayoral CCA.”;
 - (d) in the words after paragraph (g), for “(f)” substitute “(g)”.
- 14H In section 123C(2) (consent of the Secretary of State and notice) –
- (a) omit the “or” at the end of paragraph (a);
 - (b) at the end of paragraph (b) insert “,
 - (c) the area of a mayoral CCA, or
 - (d) the combined area of two or more mayoral CCAs.”
- 14I In section 123G (response to consultation), after subsection (4) insert –
- “(5) If a franchising authority are a mayoral CCA, the function of deciding whether to make a proposed franchising scheme is a function of the combined county authority exercisable only by the mayor acting on behalf of the combined county authority (including in a case where the decision is to make a scheme jointly with one or more other franchising authorities).”
- 14J In section 123M (variation of scheme), after subsection (6) insert –
- “(6A) If a franchising authority are a mayoral CCA, the function of deciding whether to make a proposed variation is a function of the combined county authority exercisable only by the mayor acting on behalf of the combined county authority (including in a case where the decision is to act jointly to vary a scheme).”
- 14K In section 123N (revocation of scheme), after subsection (7) insert –
- “(7A) If a franchising authority are a mayoral CCA, the function of deciding whether to make a proposed revocation is a function of the combined county authority exercisable only by the mayor acting on behalf of the combined county authority (including in a case where the decision is to act jointly to revoke a scheme).”
- 14L(1) Section 157 (grants to Integrated Transport Authorities and combined authorities) is amended as follows.
- (2) In the heading, for “and combined authorities” substitute “, combined authorities and combined county authorities”.
 - (3) After subsection (1A) insert –
 - “(1B) The Secretary of State may, with the approval of the Treasury, make grants to a combined county authority for the purpose of enabling the authority to carry out any of their functions.”

- 14M (1) Section 162 (interpretation of Part 2) is amended as follows.
- (2) In subsection (1), at the appropriate place insert—
 - ““mayoral CCA” has the meaning given by section 25(8) of the Levelling-up and Regeneration Act 2023;”.
 - (3) After subsection (5A) insert—
 - “(5B) In this Part “combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”
- 14N(1) Section 163 (road user charging schemes: preliminary) is amended as follows.
- (2) In each of subsections (3)(bb), (3)(cc) and (4A), for “or combined authority” substitute “, combined authority or combined county authority”.
 - (3) After subsection (5A) insert—
 - “(5B) In this Part “combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”
- 14P(1) Section 164 (local charging schemes) is amended as follows.
- (2) In subsection (2), for “or the area of a combined authority” substitute “, the area of a combined authority or the area of a combined county authority”.
 - (3) In subsection (3)—
 - (a) in the opening words, for “or the area of a combined authority” substitute “, the area of a combined authority or the area of a combined county authority”;
 - (b) in paragraph (b), after “combined authority” insert “or combined county authority”.
- 14Q(1) Section 165 (joint local charging schemes) is amended as follows.
- (2) In subsection (2), for “or the area of a combined authority” substitute “, the area of a combined authority or the area of a combined county authority”.
 - (3) In subsection (3)—
 - (a) in the opening words, for “or the area of a combined authority” substitute “, the area of a combined authority or the area of a combined county authority”;
 - (b) in paragraph (b), after “combined authority” insert “or combined county authority”.
- 14R In section 165A(1)(b) (joint local-ITA charging schemes), after “combined authority” insert “or combined county authority”.
- 14S (1) Section 166 (joint local-London charging schemes) is amended as follows.
- (2) In subsection (2), for “or the area of a combined authority” substitute “, the area of a combined authority or the area of a combined county authority”.
 - (3) In subsection (3)—

- (a) in the opening words, for “or the area of a combined authority” substitute “, the area of a combined authority or the area of a combined county authority”;
 - (b) in paragraph (b), after “combined authority” insert “or combined county authority”.
- 14T (1) Section 166A (joint ITA-London charging schemes) is amended as follows.
- (2) In subsection (1)(b), after “combined authority” insert “or combined county authority”.
 - (3) In subsection (3)(b), for “or combined authority” substitute “, combined authority or combined county authority”.
- 14U In section 167(2)(b) (trunk road charging schemes), after “a combined authority” insert “, a combined county authority”.
- 14V In section 168(2) (charging schemes to be made by order) –
- (a) after “a combined authority” insert “, a combined county authority”;
 - (b) for “or the combined authority” substitute “, the combined authority or the combined county authority”.
- 14W (1) Section 170 (charging schemes: consultation and inquiries) is amended as follows.
- (2) In subsection (1A)(b), for “or a combined authority” substitute “, a combined authority or a combined county authority”.
 - (3) In subsection (7)(a), for “or combined authority” substitute “, combined authority or combined county authority”.
- 14X In section 177A(1) (power to require information), for “or combined authority” substitute “, combined authority or combined county authority”.
- 14Y In section 193(1) (guidance), after “combined authorities” insert “, combined county authorities”.
- 14YA In section 194 (information), in each of subsections (1), (2) and (6), for “or combined authority” substitute “, combined authority or combined county authority”.
- 14YB In section 198(1) (interpretation of Part 3), at the appropriate place insert –
- ““combined county authority” has the meaning given by section 163 (5B);”.
- 14YC (1) Schedule 12 (road user charging and workplace parking levy: financial provisions) is amended as follows.
- (2) In each of paragraphs 2(4), 3(2) and 7(5)(c), for “or combined authority” substitute “, combined authority or combined county authority”.
 - (3) In paragraph 8(3)(aa), for “and combined authorities” substitute “, combined authorities and combined county authorities”.
 - (4) In paragraph 8(4)(aa), for “or combined authority” substitute “, combined authority or combined county authority”.
 - (5) In paragraph 11A –

- (a) in sub-paragraph (1), for “or combined authority’s” substitute “, combined authority’s or combined county authority’s”;
 - (b) in sub-paragraph (4), after “combined authority” insert “or combined county authority”.
- (6) In each of paragraphs 11B(1) and 11C(1) and (3), for “or a combined authority” substitute “, a combined authority or a combined county authority”.

Member's explanatory statement

This amendment inserts various consequential amendments relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

143 Schedule 4, page 270, line 8, at end insert –

“Courts Act 2003 (c. 39)

18A In section 41(6) of the Courts Act 2003 (disqualification of lay justices who are members of local authorities), after paragraph (eb) insert –

“(ec) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023,”.

Planning and Compulsory Purchase Act 2004 (c. 5)

18B The Planning and Compulsory Purchase Act 2004 is amended as follows.

18C In section 27A (default powers), in the heading and in the section, after “combined authority” insert “, combined county authority”.

18D(1) Schedule A1 (default powers exercisable by Mayor of London, combined authority or county council) is amended as follows.

(2) In the heading, after “combined authority” insert “, combined county authority”.

(3) After paragraph 7 insert –

“Default powers exercisable by combined county authority

7ZA In this Schedule –

“combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;

“constituent planning authority” in relation to a combined county authority, means –

- (a) a county council, metropolitan district council or non-metropolitan district council which is the local planning authority for an area within the area of the combined county authority, or
- (b) a joint committee established under section 29 whose area is within, or the same as, the area of the combined county authority.

- 7ZB If the Secretary of State –
- (a) thinks that a constituent planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document, and
 - (b) invites the combined county authority to prepare or revise the document,
- the combined county authority may prepare or revise (as the case may be) the development plan document.
- 7ZC(1) This paragraph applies where a development plan document is prepared or revised by a combined county authority under paragraph 7ZB.
- (2) The combined county authority must hold an independent examination.
 - (3) The combined county authority –
 - (a) must publish the recommendations and reasons of the person appointed to hold the examination, and
 - (b) may also give directions to the constituent planning authority in relation to publication of those recommendations and reasons.
 - (4) The combined county authority may –
 - (a) approve the document, or approve it subject to specified modifications, as a local development document, or
 - (b) direct the constituent planning authority to consider adopting the document by resolution of the authority as a local development document.
- 7ZD(1) Subsections (4) to (7C) of section 20 apply to an examination held under paragraph 7ZC(2) –
- (a) with the reference to the local planning authority in subsection (7C) of that section being read as a reference to the combined county authority, and
 - (b) with the omission of subsections (5)(c), (7)(b)(ii) and (7B)(b).
- (2) The combined county authority must give reasons for anything they do in pursuance of paragraph 7ZB or 7ZC(4).
 - (3) The constituent planning authority must reimburse the combined county authority –
 - (a) for any expenditure that the combined county authority incur in connection with anything which is done by them under paragraph 5 and which the constituent planning authority failed or omitted to do as mentioned in that paragraph;
 - (b) for any expenditure that the combined county authority incur in connection with anything which is done by them under paragraph 7ZC(2).

- (4) In the case of a joint local development document or a joint development plan document, the combined county authority may apportion liability for the expenditure on such basis as the authority considers just between the authorities for whom the document has been prepared.”
- (4) In paragraph 8 –
- (a) in sub-paragraph (1), after paragraph (b) (but before the “or” at the end of that paragraph) insert –
- “(ba) under paragraph 7ZB by a combined county authority;”;
- (b) in sub-paragraph (2)(a) –
- (i) after “6(4)(a)” insert “, 7ZC(4)(a)”;
- (ii) after “the combined authority” insert “, the combined county authority”;
- (c) in sub-paragraph (3)(a), after “the combined authority” insert “, the combined county authority”;
- (d) in sub-paragraph (5), after “6(4)(a)” insert “, 7ZC(4)(a)”;
- (e) in sub-paragraph (7) –
- (i) in paragraph (b), after “6(4)(a)” insert “, 7ZC(4)(a)”;
- (ii) in the words after paragraph (b), after “the combined authority” insert “, the combined county authority”.
- (5) In paragraph 9(3), after “the combined authority” insert “, the combined county authority”.
- (6) In paragraph 12, after “the combined authority” insert “, the combined county authority”.
- (7) In paragraph 13(1), after “a combined authority” insert “, a combined county authority”.

Fire and Rescue Services Act 2004 (c. 21)

- 18E In section 1 of the Fire and Rescue Services Act 2004 (fire and rescue authorities), for subsection (5) substitute –
- “(5) This section is also subject to –
- (a) an order under Part 6 of the Local Democracy, Economic Development and Construction Act 2009 which transfers the functions of a fire and rescue authority to a combined authority established under section 103 of that Act;
- (b) an order under Chapter 1 of Part 2 of the Levelling-up and Regeneration Act 2023 which transfers the functions of a fire and rescue authority to a combined county authority established under section 7(1) of that Act.”

Children Act 2004 (c. 31)

- 18F In section 50(7) of the Children Act 2004 (intervention - England), after “combined authority”, in each place where it occurs, insert “or combined county authority”.

Railways Act 2005 (c. 14)

- 18G In section 33(2) of the Railways Act 2005 (closure requirements), after paragraph (da) insert –
- “(db) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Childcare Act 2006 (c. 21)

- 18H In section 15 of the Childcare Act 2006 (powers of Secretary of State to secure proper performance), after subsection (6A) insert –
- “(6B) If any functions of an English local authority under this Part are exercisable by a combined county authority by virtue of section 16 of the Levelling-up and Regeneration Act 2023 –
- (a) a reference in any of subsections (3) to (6) to an English local authority includes a reference to the combined county authority, and
- (b) a reference in those subsections to functions under this Part is, in relation to the combined county authority, to be read as a reference to those functions so far as exercisable by the combined county authority.”

Education and Inspections Act 2006 (c. 40)

- 18I (1) Section 123 of the Education and Inspections Act 2006 (education and training to which Chapter 3 of Part 8 applies) is amended as follows.
- (2) In subsection (1), after paragraph (ea) insert –
- “(eb) further education for persons aged 19 or over which is wholly or partly funded by a combined county authority;”.
- (3) For subsection (5), substitute –
- “(5) In this section –
- “combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
- “combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.””

Member's explanatory statement

This amendment inserts various consequential amendments relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

- 144** Schedule 4, page 270, line 11, leave out paragraph 20 and insert –
- “20 In section 7A(2) (exercise of Secretary of State's public health functions), after paragraph (d) (but before the “or” at the end of that paragraph) insert –
- “(da) a combined county authority;”.

Member's explanatory statement

This amendment replaces the consequential amendment to section 7A of the National Health Service Act 2006 as a result of the substitution of that section by the Health and Care Act 2022.

BARONESS SCOTT OF BYBROOK

- 145** Schedule 4, page 270, line 16, at end insert –
- “20A In section 12ZB(7) (procurement regulations), in the definition of “relevant authority”, after paragraph (a) insert –
- “(aa) a combined county authority;”.
- 20B In section 13UA(2) (guidance about joint appointments) –
- (a) omit the “or” at the end of paragraph (b), and
- (b) at the end of paragraph (c) insert “, or
- (d) one or more relevant NHS body and one or more combined county authority.”

Member's explanatory statement

This amendment inserts a further consequential amendment to the National Health Service Act 2006 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

- 146** Schedule 4, page 270, line 17, leave out paragraphs 21 and 22

Member's explanatory statement

This amendment removes the consequential amendments to sections 13ZA and 14Z3A of the National Health Service Act 2006 as a result of the repeals of those sections by the Health and Care Act 2022.

BARONESS SCOTT OF BYBROOK

- 147** Schedule 4, page 270, line 31, at end insert –
- “22A In section 65Z5(1) (joint working and delegation arrangements), after paragraph (c) insert –
- “(d) a combined county authority.”

22B In section 65Z6(1) (joint committees and pooled funds), after paragraph (c) insert—

“(d) a combined county authority.””

Member's explanatory statement

This amendment inserts further consequential amendments to the National Health Service Act 2006 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

148 Schedule 4, page 271, line 33, at end insert—

“*Concessionary Bus Travel Act 2007 (c. 13)*

25A In section 9(6)(b) of the Concessionary Bus Travel Act 2007 (variation of reimbursement etc), for “or combined authority” substitute “, combined authority or combined county authority”.

Local Government and Public Involvement in Health Act 2007 (c. 28)

25B The Local Government and Public Involvement in Health Act 2007 is amended as follows.

25C In section 23(1) (definitions for the purposes of Chapter 1 of Part 1), in the definition of “public body”, after paragraph (g) insert—

“(h) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”

25D In section 104(2) (application of Chapter 1 of Part 5: partner authorities), after paragraph (ib) insert—

“(ic) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Member's explanatory statement

This amendment inserts consequential amendments to the Concessionary Bus Travel Act 2007 and the Local Government and Public Involvement in Health Act 2007 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

149 Schedule 4, page 273, line 25, at end insert—

“30A(1) Section 102E (power to establish STBs) is amended as follows.

(2) In subsection (5), after paragraph (a) insert—

“(aa) a combined county authority;”.

- (3) In subsection (6), after paragraph (a) (but before the “or” at the end of that paragraph) insert—
- “(aa) the area of a combined county authority;”.
- 30B In section 102F(7) (requirements in connection with regulations under section 102E), after paragraph (a) insert—
- “(aa) a combined county authority;”.
- 30C In section 102G(10) (constitution of STBs), after paragraph (a) insert—
- “(aa) in the case of a combined county authority, are the mayor for the area of the combined county authority (if there is one) and those members of the authority who are appointed from among the elected members of the authority's constituent councils (see section 8(4)(b) of the Levelling-up and Regeneration Act 2023);”.
- 30D In section 102I(7) (transport strategy of an STB), after paragraph (b) insert—
- “(ba) a combined county authority;”.
- 30E In section 102J(7) (exercise of local transport functions), after paragraph (a) insert—
- “(aa) a combined county authority;”.
- 30F In section 102U, at the appropriate place insert—
- ““combined county authority” means a body established as a combined county authority under section 7(1) of the Levelling-up and Regeneration Act 2023;”.”

Member's explanatory statement

This amendment inserts further consequential amendments to the Local Transport Act 2008 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

- 150 Schedule 4, page 273, line 28, at end insert—
- “31A In section 35(2) (mutual insurance: supplementary), after paragraph (r) insert—
- “(s) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.””

Member's explanatory statement

This amendment inserts a further consequential amendment to the Local Democracy, Economic Development and Construction Act 2009 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

- 151** Schedule 4, page 274, line 24, at end insert –
“Apprenticeships, Skills, Children and Learning Act 2009 (c. 22)
- 37A The Apprenticeships, Skills, Children and Learning Act 2009 is amended as follows.
- 37B (1) Section 100 (provision of financial resources) is amended as follows.
- (2) After subsection (1AA) insert –
- “(1AB) The Secretary of State may secure the provision of financial resources under this subsection (whether or not the resources could be secured under subsection (1)) to any of the persons mentioned in subsection (1) in respect of functions under this Part that are exercisable by a combined county authority by virtue of regulations made under section 17(1) of the Levelling-up and Regeneration Act 2023.”
- (3) In subsection (5), at the appropriate place insert –
- ““combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.
- 37C (1) Section 122 (sharing of information for education and training purposes) is amended as follows.
- (2) In subsection (3), after paragraph (fb) insert –
- “(fc) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;
- (fd) a person providing services to a combined county authority;”.
- (3) In subsection (5) –
- (a) omit the “or” at the end of paragraph (c), and
- (b) at the end of paragraph (d) insert “, or
- (e) any function of a combined authority under Part 4 that is exercisable by it by virtue of regulations made under section 17(1) of the Levelling-up and Regeneration Act 2023.”
- Local Audit and Accountability Act 2014 (c. 2)*
- 37D The Local Audit and Accountability Act 2014 is amended as follows.
- 37E In section 40(6) (access to local government meetings and documents), after paragraph (ja) insert –
- “(jb) a combined county authority;”.

37F In section 44(1) (interpretation of Act), at the appropriate place insert –
 ““combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

37G In Schedule 2, after paragraph 28 insert –
 “28ZA A combined county authority.””

Member's explanatory statement

This amendment makes consequential amendments to the Apprenticeships, Skills, Children and Learning Act 2009 and the Local Audit and Accountability Act 2014 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

152 Schedule 4, page 274, line 25, at end insert –

“37H The Cities and Local Government Devolution Act 2016 is amended as follows.

37I (1) Section 1 (devolution: annual report) is amended as follows.

(2) In subsection (1), after “this Act” insert “or Chapter 1 of Part 2 of the Levelling-up and Regeneration Act 2023”.

(3) In subsection (2) –

(a) in paragraph (c), after “a combined authority” insert “or a combined county authority”;

(b) in paragraph (e), after “combined authorities” insert “, combined county authorities”.

(4) In subsection (4), after the definition of “combined authority” insert –

““combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Member's explanatory statement

This amendment inserts further consequential amendments to the Cities and Local Government Devolution Act 2016 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

153 Schedule 4, page 274, line 26, leave out “of the Cities and Local Government Devolution Act 2016”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Baroness Scott of Bybrook at page 274, line 25.

BARONESS SCOTT OF BYBROOK

154 Schedule 4, page 275, line 13, at end insert –

Policing and Crime Act 2017 (c. 3)

39 The Policing and Crime Act 2017 is amended as follows.

40 In section 3 (collaboration agreements: specific restrictions), after subsection (7) insert –

“(7A) A combined county authority that exercises the functions of a fire and rescue authority by virtue of section 16 or 17 of the Levelling-up and Regeneration Act 2023 may only enter into a collaboration agreement where the functions of the authority to which the agreement relates are functions of a fire and rescue authority that the combined county authority is entitled to exercise.”

41 In section 5(5) (collaboration agreements: definitions) –

(a) omit the “or” at the end of paragraph (b);

(b) after paragraph (c) insert –

“(d) a combined county authority that exercises the functions of a fire and rescue authority by virtue of section 16 or 17 of the Levelling-up and Regeneration Act 2023, or

(e) an elected mayor who exercises the functions of a fire and rescue authority by virtue of section 28 of that Act.”

Technical and Further Education Act 2017 (c. 19)

42 The Technical and Further Education Act 2017 is amended as follows.

43 In Schedule 3 (conduct of education administration: statutory corporations) –

(a) in paragraph 13(b), in the inserted paragraph (ab), for “or combined authority” substitute “, combined authority or combined county authority”;

(b) in paragraph 38(c) –

(i) after the definition of “combined authority”, insert –

““combined county authority” means an authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”;

(ii) in the definition of “director of children’s services”, in paragraph (b), after “a combined authority” insert “or a combined county authority”.

44 In Schedule 4 (conduct of education administration: companies) –

(a) in paragraph 12(b), in the inserted paragraph (ab), for “or combined authority” substitute “, combined authority or combined county authority”;

(b) in paragraph 36(c) –

- (i) after the definition of “combined authority”, insert –
 - ““combined county authority” means an authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”;
- (ii) in the definition of “director of children’s services”, in paragraph (b), after “a combined authority” insert “or a combined county authority”.

Bus Services Act 2017 (c. 21)

45 In section 22(3) of the Bus Services Act 2017 (bus companies: limitation of powers of authorities in England), in the definition of “relevant authority”, after paragraph (c) insert –

“(ca) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Digital Economy Act 2017 (c. 30)

46 The Digital Economy Act 2017 is amended as follows.

47 In Schedule 4 (public service delivery: specified persons for the purposes of section 35), after paragraph 14 insert –

“14A A combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”

48 In Schedule 5 (public service delivery: specified persons for the purposes of sections 36 and 37), after paragraph 8 insert –

“8A A combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”

49 In Schedule 6 (public service delivery: specified persons for the purposes of sections 36 and 37), after paragraph 7 insert –

“7A A combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”

Data Protection Act 2018 (c.12)

50 In Schedule 1 to the Data Protection Act 2018 (special categories of personal data and criminal convictions etc data), in paragraph 23(3), after paragraph (h) insert –

“(ha) a mayor for the area of a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Automated and Electric Vehicles Act 2018 (c. 18)

51 (1) Section 12 of the Automated and Electric Vehicles Act 2018 (duty to consider making regulations under section 11(1)(a) on request from mayor) is amended as follows.

- (2) In subsection (7) –
- (a) in paragraph (a), after “a combined authority” insert “, a combined county authority”;
 - (b) in paragraph (b), after sub-paragraph (i) insert –
 - “(ia) in the case of the area of a combined county authority, the mayor for the area elected in accordance with section 25(2) of the Levelling-up and Regeneration Act 2023;”.
- (3) In subsection (8), in the appropriate place insert –
- ““combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Skills and Post-16 Education Act 2022 (c. 21)

- 52 The Skills and Post-16 Education Act 2022 is amended as follows.
- 53 In section 1(7) (views of relevant authority in relation to local skills improvement plan), after paragraph (a) (but before the “or” at the end of that paragraph) insert –
- “(aa) a mayoral CCA within the meaning of Chapter 1 of Part 2 of the Levelling-up and Regeneration Act 2023 (combined county authorities) (see section 25(8) of that Act),”.
- 54 (1) Section 4 (interpretation of sections 1 to 4) is amended as follows.
- (2) In subsection (1), at the appropriate place insert –
- ““combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.
- (3) In subsection (2), after paragraph (b) insert –
- “(ba) a combined county authority”.
- 55 In section 19(2) (meaning of “relevant provider”), after paragraph (g) insert –
- “(ga) a combined county authority;”.
- 56 In section 20(7) (meaning of “funding authority”), after paragraph (c) insert –
- “(ca) a combined county authority;”.
- 57 In section 21(2) (interpretation of sections 19 to 21), at the appropriate place insert –
- ““combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Health and Care Act 2022 (c. 31)

- 58 In section 180(2) of the Health and Care Act 2022 (licensing of cosmetic procedures), in the definition of “local authority”, after paragraph (d) insert –
- “(da) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Elections Act 2022 (c. 37)

- 59 The Elections Act 2022 is amended as follows.
- 60 In section 37(1) (interpretation of Part 5), in the definition of “relevant elective office”, after paragraph (f) insert –
- “(fa) mayor for the area of a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.
- 61 In section 45(9) (meaning of “relevant election”), after paragraph (g) insert –
- “(ga) an election for the return of a mayor for the area of a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.
- 62 (1) Paragraph 1 of Schedule 11 (illegal practices) is amended as follows.
- (2) In sub-paragraph (1)(b) –
- (a) omit the “or” at the end of sub-paragraph (iv), and
- (b) after sub-paragraph (v) (but before the “and” at the end of that sub-paragraph) insert “or
- (vi) an election for the return of a mayor for the area of a combined county authority;”.
- (3) In sub-paragraph (4) –
- (a) omit the “and” at the end of paragraph (b), and
- (b) at the end of paragraph (c) insert “, and
- “(d) as it applies in relation to an election for the return of a mayor for the area of a combined county authority by virtue of regulations under paragraph 11(1) of Schedule 2 to the Levelling-up and Regeneration Act 2023.”
- (4) After sub-paragraph (5) insert –
- “(6) In this paragraph “combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”
- 63 In paragraph 12(4) of Schedule 8 (voting and candidacy rights of EU citizens: transitional provision), after paragraph (d) insert –
- “(da) mayor for the area of a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Member's explanatory statement

This amendment inserts various consequential amendments relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

Clause 58

LORD HUNT OF KINGS HEATH
LORD SHIPLEY
LORD BACH
BARONESS HAYMAN OF ULLOCK

The above-named Lords give notice of their intention to oppose the Question that Clause 58 stand part of the Bill.

Clause 59

LORD BACH
LORD HUNT OF KINGS HEATH
LORD SHIPLEY
BARONESS HAYMAN OF ULLOCK

The above-named Lords give notice of their intention to oppose the Question that Clause 59 stand part of the Bill.

Member's explanatory statement

This would remove Clause 59 with its provisions allowing the functions of a Police and Crime Commissioner to be conferred on a mayor without the consent of all the local authorities within a combined authority area.

Clause 61

LORD SHIPLEY

155 Clause 61, page 54, line 17, leave out “unless the voting members resolve otherwise”

Member's explanatory statement

This amendment provides that non-constituent members of a combined authority are not able to vote given their status.

LORD SHIPLEY

156 Clause 61, page 54, line 35, leave out “unless the voting members resolve otherwise”

Member's explanatory statement

This amendment provides that associate members of a combined authority are not able to vote given their status.

After Clause 70

BARONESS PINNOCK
BARONESS HARRIS OF RICHMOND

157 After Clause 70, insert the following new Clause –

“Local authorities to be allowed to choose their own voting system

- (1) The Secretary of State must by regulations provide that local authorities may choose the voting system used for local elections in their areas.
- (2) When determining whether to seek to introduce a new voting system a local authority must have regard to the benefits of reinvigorating local democracy in its area.
- (3) Regulations under this section must provide that local authorities may choose to elect councillors –
 - (a) by thirds, or
 - (b) on an all-out basis.
- (4) Regulations under this section must provide that local authorities may choose to elect councillors using –
 - (a) first-past-the-post;
 - (b) alternative vote;
 - (c) supplementary vote;
 - (d) single transferable vote;
 - (e) the additional member system;
 - (f) any other system that may be prescribed in the regulations.
- (5) Regulations under this section may make provision about –
 - (a) how a local authority may go about seeking to change its voting system,
 - (b) the decision-making process for such a change,
 - (c) consultation, and
 - (d) requirements relating to approval by the local electorate.”

Member's explanatory statement

This new Clause would enable local authorities to choose what voting system they use for local elections.

BARONESS MCINTOSH OF PICKERING
BARONESS SCOTT OF NEEDHAM MARKET
THE EARL OF LYTTON
BARONESS JONES OF MOULSECOOMB

158 After Clause 70, insert the following new Clause –

“Local authorities to be allowed to meet virtually

- (1) A reference in any enactment to a meeting of a local authority is not limited to a meeting of persons all of whom, or any of whom, are present in the same place and any reference to a “place” where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.
- (2) For the purposes of any such enactment, a member of a local authority (a “member in remote attendance”) attends the meeting at any time if all of the conditions in subsection (3) are satisfied.
- (3) Those conditions are that the member in remote attendance is able at that time –
 - (a) to hear, and where practicable see, and be heard and, where practicable, seen by the other members in attendance,
 - (b) to hear, and where practicable see, and be heard and, where practicable, seen by any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and
 - (c) to be heard and, where practicable, seen by any other members of the public attending the meeting.
- (4) In this section any reference to a member, or a member of the public, attending a meeting includes that person attending by remote access.
- (5) The provision made in this section applies notwithstanding any prohibition or other restriction contained in the standing orders or any other rules of the authority governing the meeting and any such prohibition or restriction has no effect.
- (6) A local authority may make other standing orders and any other rules of the authority governing the meeting about remote attendance at meetings of that authority, which may include provision for –
 - (a) voting,
 - (b) member and public access to documents, and
 - (c) remote access of public and press to a local authority meeting to enable them to attend or participate in that meeting by electronic means, including by telephone conference, video conference, live webcasts, and live interactive streaming.”

Member's explanatory statement

This new clause would enable local authorities to meet virtually. It is based on regulation 5 of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, made under section 78 of the Coronavirus Act 2020.

BARONESS SCOTT OF NEEDHAM MARKET
LORD BLUNKETT
THE EARL OF LYTTON

159 After Clause 70, insert the following new Clause –

“Councillor conduct: suspension of a parish councillor

- (1) The monitoring officer of a local authority in England may suspend a parish councillor where that monitoring officer has determined through an investigation that the parish councillor has breached the parish council’s code of conduct.
- (2) In subsection (1) a “local authority” is defined as being a –
 - (a) district council;
 - (b) unitary council;
 - (c) London borough council;
 - (d) metropolitan borough council.”

Member's explanatory statement

This new Clause would introduce a new sanction of suspension to the ethical standards regime which applies to parish councils in England.

BARONESS SCOTT OF NEEDHAM MARKET
LORD BLUNKETT
THE EARL OF LYTTON

160 After Clause 70, insert the following new Clause –

“Dependants’ carers’ allowance for parish councillors

- (1) The Local Authorities (Members’ Allowances) (England) Regulations 2003 are amended as follows.
- (2) In regulation 3 (application of these Regulations), after paragraph (1)(j), insert –

“(k) a parish council”

Member's explanatory statement

This new Clause would add parish councils to the list of local authorities in England which may have a scheme to provide for the payment to members of that authority. The allowance would be in respect of such expenses of arranging for the care of their children or dependants as are necessarily incurred in the performance of their duties such as attending meetings.

BARONESS SCOTT OF NEEDHAM MARKET
LORD BLUNKETT
THE EARL OF LYTTON

161 After Clause 70, insert the following new Clause –

“Review of neighbourhood governance in England

- (1) The Secretary of State must undertake a review of neighbourhood governance in England.
- (2) The review must include –
 - (a) how to make it easier for local people and community groups to come together, set local priorities and shape the future of their neighbourhoods;
 - (b) the role and functions of parish councils in England;
 - (c) how to make parish councils in England quicker and easier to establish.
- (3) The review must commence within one month of the day on which this Act is passed and be completed within six months.
- (4) The Secretary of State must provide a report to Parliament on the review within one month of the completion of the review.”

Member's explanatory statement

This amendment would require the Secretary of State to undertake a review of neighbourhood governance in England and sets out a timescale for its commencement, completion and reporting to Parliament.

BARONESS SCOTT OF NEEDHAM MARKET
LORD BLUNKETT
THE EARL OF LYTTON

162 After Clause 70, insert the following new Clause –

“Power to pay grant to parish councils

- (1) The Local Government Act 2003 is amended as follows.
- (2) In section 33 (expenditure grant: interpretation), in subsection (1) after paragraph (m) insert –

“(n) a parish council.””

Member's explanatory statement

This new Clause would add parish councils to the list of local authorities in England to whom a Minister of the Crown may pay a grant towards expenditure incurred or to be incurred by the authority.

BARONESS SCOTT OF NEEDHAM MARKET
LORD BLUNKETT

163 After Clause 70, insert the following new Clause –

“Financial assistance to church or other religious bodies

In the Local Government Act 1894, omit sections 6 (transfer of certain powers of vestry and other authorities to parish council) and 8 (additional powers of parish council).”

Member's explanatory statement

This new Clause would clarify the powers of parish councils to provide financial assistance to church or other religious bodies' buildings.

BARONESS SCOTT OF NEEDHAM MARKET
LORD BLUNKETT

164 After Clause 70, insert the following new Clause –

“General power of competence: parish councils

- (1) The Localism Act 2011 is amended as follows.
- (2) In section 8 (interpretation of Chapter) –
 - (a) in subsection (1)(f), for “an eligible” substitute “a”;
 - (b) omit subsection (2).”

Member's explanatory statement

This amendment would include all parish councils in the definition of a local authority which has a power of general competence and remove the eligibility conditions prescribed by the Secretary of State by order for the purposes of section 8 of the Localism Act 2011.

After Clause 71

BARONESS SCOTT OF BYBROOK

165 After Clause 71, insert the following new Clause –

“Disposal of land

In section 123 of the Local Government Act 1972 (disposal of land by principal councils), after subsection (2B) insert –

- “(2C) Police and crime commissioners and the Mayor's Office for Policing and Crime are to be treated as principal councils for the purposes of this section.””

Member's explanatory statement

This amendment amends section 123 of the Local Government Act 1972 to confer a power on police and crime commissioners and the Mayor's Office for Policing and Crime to dispose of land

held by them in any manner they wish. This power is subject to the requirement of Secretary of State consent if the disposal is made for less than best consideration.

After Clause 75

BARONESS HAYMAN OF ULLOCK

166 After Clause 75, insert the following new Clause –

“Long-term empty dwellings: England - estimates

The Secretary of State must publish an annual estimate of the number of long-term empty dwellings in England.”

Member's explanatory statement

This means that the Secretary of State must publish an annual estimate of how many long-term empty dwellings exist.

Clause 76

BARONESS TAYLOR OF STEVENAGE

167 Clause 76, page 84, line 28, leave out “100” and insert “300”

Member's explanatory statement

This increases the maximum premium chargeable on second homes to 300% instead of 100%.

BARONESS TAYLOR OF STEVENAGE

168 Clause 76, page 84, leave out lines 32 to 34

Member's explanatory statement

This removes the one-year lead in period.

LORD BERKELEY

168A Clause 76, page 84, line 33, leave out “one year” and insert “nine months”

Member's explanatory statement

This Bill will not come into law in the current financial year. This amendment will enable first determinations to be for the 2024/25 financial year thus giving Councils, some of whom who have already built the potential increased revenue into their 2024/25 budgets, the ability to charge any premium without further delay.

BARONESS HAYMAN OF ULLOCK

168B Clause 76, page 85, line 14, at end insert –

- “(10) In the case of a billing authority which is a district council in a county for which there is a county council, the increase in council tax arising from a determination under section 11B or this section must be paid into the collection fund.
- (11) Except to the extent that a billing authority decides that any proportion of the amount paid into the collection fund under subsection (10) should be paid from the collection fund to one or more major precepting authorities which issue a precept to that billing authority, the amount paid to the collection fund under subsection (10) must be paid to the billing authority.”

Member's explanatory statement

This amendment seeks to ensure that, in the case of a district council for which there is a county council, all of the income from the supplements under section 11B or 11C of the Local Government Finance Act 1992 would be retained by the district council as it is the housing authority. The amendment allows the district council to decide to allocate some of the supplement to any of its major precepting authorities if it so chooses.

BARONESS HAYMAN OF ULLOCK

169 Clause 76, page 85, line 28, at end insert –

- “(3A) The Secretary of State must by regulations make provision –
- (a) to ensure that, where a dwelling is occupied periodically as the result of dilapidation, the higher rate of council tax is not charged for at least one year from the change in ownership of the property, and
 - (b) about appeals against determinations under this section.”

Member's explanatory statement

This amendment would give owners of dilapidated properties up to a year after acquiring the property to refurbish before additional council tax rates are incurred.

BARONESS HAYMAN OF ULLOCK

170 Clause 76, page 85, line 31, at end insert –

- “(4A) The Secretary of State must by regulations make provision to ensure that, where a dwelling is occupied periodically as the result of a bereavement, higher council tax is not charged for at least two years.”

Member's explanatory statement

This amendment would extend the period of time people would have to make arrangements for their property following a bereavement.

After Clause 76

BARONESS HAYMAN OF ULLOCK

171 After Clause 76, insert the following new Clause –

“Restrictions on short-term lettings

The Secretary of State may by regulations confer on a CCA a power to restrict the letting of dwellings for a period of under 30 days.”

Member's explanatory statement

This would allow the Secretary of State to give CCAs the power to restrict short-term holiday lets.

BARONESS TAYLOR OF STEVENAGE
LORD SHIPLEY

172 After Clause 76, insert the following new Clause –

“Fair funding review

The Secretary of State must publish the fair funding review within a year of this Act receiving Royal Assent.”

Member's explanatory statement

The Secretary of State must publish the fair funding review within a year of this Act receiving Royal Assent.

LORD BLUNKETT

172A After Clause 76, insert the following new Clause –

“Economic evaluation of impact of council tax levy

No change in existing council tax levy can be introduced without an independent economic evaluation of the impact on –

- (a) the likely level of income raised,
- (b) identifiable incidents of transfer of property to holiday lets and therefore to the national business rate,
- (c) the impact of the change to holiday lets on the national business rate,
- (d) the different impact on those owning accommodation compared to those renting accommodation, and
- (e) the likely impact on rent levels and affordability by local residents”

Clause 77

BARONESS TAYLOR OF STEVENAGE

173 Clause 77, page 86, line 23, at end insert “and it has considered the historical, cultural or archaeological significance of a name change”

Member's explanatory statement

This amendment requires cultural, historical and archaeological factors to be considered before making a name change.

LORD STUNELL

Lord Stunell gives notice of his intention to oppose the Question that Clause 77 stand part of the Bill.

After Clause 77

BARONESS PINNOCK
THE LORD BISHOP OF CHELMSFORD
LORD CRISP

174 After Clause 77, insert the following new Clause –

“Disposal of land held by public bodies

- (1) The Local Government Act 1972 is amended in accordance with subsections (2) and (3).
- (2) In section 123 (disposal of land by principal councils), after subsection (2) insert –
“(2ZA) But the Secretary of State must give consent if the disposal is in accordance with section (*Disposal of land held by public bodies*) of the Levelling-up and Regeneration Act 2023.”
- (3) In section 127(3) (disposal of land held by parishes and communities), after “subsections” insert “(2ZA),”.
- (4) The National Health Service Act 2006 is amended in accordance with subsection (5).
- (5) After section 211 (acquisition, use and maintenance of property) insert –

“211A Disposal of land held by NHS bodies

Any power granted by this Act to an NHS body to dispose of land is exercisable in accordance with section (*Disposal of land held by public bodies*) of the Levelling-up and Regeneration Act 2023 as if the NHS body were a local authority.”

- (6) Subject to subsection (8), a disposal of land is in accordance with this section if it is in accordance with the Local Government Act 1972: General Disposal Consent (England) 2003 published in Department for Communities and Local Government Circular 06/03, as amended by subsection (7).
- (7) The amendments to the Local Government Act 1972: General Disposal Consent (England) 2003 are –

- (a) after paragraph 1 insert –
 - “1A This consent also applies to any NHS body in England as if it were a local authority in accordance with section 211A of the National Health Service Act 2006.”;
 - (b) in paragraph 2(b), for “£2,000,000 (two million pounds)” substitute “£3,000,000 (three million pounds) or 40% of the unrestricted market value, whichever is greater”;
 - (c) for paragraph 3(1)(viii) substitute –
 - “(viii) a Police and Crime Commissioner established under the Police Reform and Social Responsibility Act 2011;”;
 - (d) for paragraph 3(1)(ix) substitute –
 - “(ix) the Mayor’s Office for Policing and Crime;”;
 - (e) after paragraph 3(1)(xii) insert –
 - “(xiii) the Greater London Authority;
 - (xiv) any successor body established by or under an Act of Parliament to any body listed in this sub-paragraph.”.
- (8) The Secretary of State may, to reflect inflation, further amend the cash value that the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal must not exceed.”

Member's explanatory statement

This new Clause would bring an amended and updated version of the Local Government Act 1972: General Disposal Consent (England) 2003 into primary legislation and extend its application to NHS bodies.

BARONESS TAYLOR OF STEVENAGE

175

After Clause 77, insert the following new Clause –

“Public support for alterations of street names

- (1) An alteration under section 77 can only be made if the local authority has published a report of a consultation in relation to the alteration and found significant public support for the alteration.
- (2) The consultation must include –
 - (a) community representatives;
 - (b) occupiers of residential premises in the street subject to the order;
 - (c) any businesses with premises in the affected street.”

Member's explanatory statement

This amendment would ensure that alterations of street names can only be made if the local authority consults and finds significant public support.

LORD MOYLAN
LORD GREENHALGH

176 After Clause 77, insert the following new Clause –

“Traffic emission road charging schemes

- (1) This section relates to schemes under which drivers are charged for using roads within a specified zone (affected roads) according to the traffic emissions of the vehicle concerned.
- (2) A devolved authority may only introduce such a scheme if, before the scheme is introduced, consent to the introduction of the scheme is granted by all local authorities which have affected roads within their boundaries.
- (3) In considering whether to grant consent under subsection (2), the relevant local authorities must have regard to their duties in relation to air quality under section 83A of the Environment Act 1995 (duties of English local authorities in relation to designated areas).
- (4) Where consent is sought under subsection (2), the question of whether to grant consent must be considered by the relevant local authority in full Council.
- (5) Where such a scheme has been introduced by a devolved authority before the coming into force of this section, the devolved authority must request consent to the continuation of the scheme from all local authorities which have affected roads within their boundaries.
- (6) In considering whether to grant consent under subsection (5), the relevant local authorities must have regard to their duties in relation to air quality under section 83A of the Environment Act 1995 (duties of English local authorities in relation to designated areas).
- (7) Where consent is sought under subsection (5), the question of whether to grant consent must be considered by the relevant local authority in full Council.
- (8) Where consent is sought under subsection (5) and not granted, the devolved authority must cease to implement the scheme within three months of the decision not to grant consent.
- (9) In this section –
 - “devolved authority” means –
 - (a) Transport for London,
 - (b) the Mayor of London, or
 - (c) the Mayor of a Combined Authority;
 - “local authority” means –
 - (a) a district council,
 - (b) a county council, or
 - (c) a London borough council.”

LORD NORTHBROOK

177 After Clause 77, insert the following new Clause –

“Local authority consultations: code of practice

- (1) Within 6 months after this section comes into force, the Secretary of State must publish a code of practice for public consultations by local authorities.
- (2) The code must recommend ways to ensure impartiality, including having consultation conducted by an independent third party, and having consultation materials and process pre-approved by such a party.”

LORD NORTHBROOK

178 After Clause 77, insert the following new Clause –

“Business improvement districts

- (1) Within 6 months after this section comes into force, the Secretary of State must launch a review of arrangements for business improvement districts (“BIDs”).
- (2) The review must consider whether the arrangements should be changed so that –
 - (a) local residents are consulted on proposals to establish a BID,
 - (b) local residents are represented on BID proposal groups which prepare the business plan,
 - (c) local residents participate in the vote on the establishment of a BID,
 - (d) local residents are represented on BID management bodies, and
 - (e) local planning authorities may veto BID proposals if there is significant objection from local residents.”

LORD NASEBY

178A After Clause 77, insert the following new Clause –

“Voting restrictions in local authority housing matters relating to City of London

In section 618 of the Housing Act 1985 (Common Council of the City of London), omit subsections (3) and (4).”

Member's explanatory statement

This Clause removes a restriction applying uniquely to the City of London Corporation’s Common Council members which prevents them from voting in local authority housing matters where they have a pecuniary interest. It brings them into line with the regime for such interests which applies to councillors of local authorities under the Localism Act 2011.

LORD MOYLAN
LORD GREENHALGH
BARONESS O'NEILL OF BENGARVE

178B After Clause 77, insert the following new Clause –

“Mayor of London draft budget: amendment threshold

In paragraph 8(4) of Schedule 6 to the Greater London Authority Act 1999 (approval of Mayor’s final draft budget by Assembly), for “two-thirds” substitute “one-half plus one”.”

Member’s explanatory statement

This would allow amendments to the Mayor of London’s proposed budget to be made by an absolute majority of London Assembly members voting, replacing the current requirement for a two-thirds majority.

Before Clause 78

LORD RAVENSDALE
BARONESS HAYMAN
LORD HUNT OF KINGS HEATH
BARONESS BOYCOTT

179 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.

BARONESS TAYLOR OF STEVENAGE

179A Before Clause 78, insert the following new Clause –

“The purpose of planning

- (1) The purpose of the planning system is to positively promote the spatial organisation of land and resources to achieve the long-term sustainable development of the nation and the health and well-being of individuals.
- (2) In this Act “sustainable development” means managing the use, development and protection of land and natural resources in a way which enables people and communities to provide for their legitimate social, economic and cultural well-being while ensuring the well-being of future generations by respecting environmental limits.”

Member's explanatory statement

This amendment defines the purpose of planning.

Clause 78

LORD FOSTER OF BATH
LORD SHIPLEY

180 Clause 78, page 88, line 9, at end insert –

- “(1A) Regulations under this Chapter may require relevant planning authorities to process data in accordance with approved data standards relating to the number and nature of –
- (a) second homes, and
 - (b) holiday let properties
- in the planning authority area.”

Member's explanatory statement

This amendment would enable planning data regulations to provide for the collection of data to national standards about second homes and holiday lets.

Clause 79

BARONESS HAYMAN OF ULLOCK

Baroness Hayman of Ullock gives notice of her intention to oppose the Question that Clause 79 stand part of the Bill.

Clause 81

BARONESS TAYLOR OF STEVENAGE

Baroness Taylor of Stevenage gives notice of her intention to oppose the Question that Clause 81 stand part of the Bill.

Clause 83THE DUKE OF MONTROSE
BARONESS MCINTOSH OF PICKERING

181 Clause 83, page 91, line 38, at end insert –

“(6A) The Secretary of State must publish the results of the consultation under subsections (1), (3) and (5) and give reasons for any decision reached.”

Member's explanatory statement

This amendment requires the Secretary of State to publish the results of the consultation and give reasons for any decision reached.

After Clause 83

BARONESS TAYLOR OF STEVENAGE

182 After Clause 83, insert the following new Clause –

“Requirements to consult local authorities

The Secretary of State may only make planning data regulations which contain provision relating to local authorities after consulting with local authorities.”

Member's explanatory statement

This means that the Secretary of State may only make planning data regulations which contain provision relating to local authorities after consulting with local authorities.

Clause 85

BARONESS TAYLOR OF STEVENAGE

183 Clause 85, page 94, line 8, at end insert –

“(3A) After subsection (4) insert –

“(4A) A local planning authority must review and update the development plan at least once every five years.””

Member's explanatory statement

This amendment would require local authorities to review and update the development plan at least every five years.

After Clause 85

BARONESS PARMINTER
 BARONESS WILLIS OF SUMMERTOWN
 LORD LUCAS
 BARONESS YOUNG OF OLD SCONE

184 [Withdrawn]

BARONESS PARMINTER
 BARONESS WILLIS OF SUMMERTOWN
 LORD LUCAS
 BARONESS YOUNG OF OLD SCONE

184ZA After Clause 85, insert the following new Clause—

Local nature recovery strategies

- (1) A local planning authority must ensure that their development plan (taken as a whole) incorporates such policies and proposals so as to deliver the objectives of the local nature recovery strategy.
- (2) Any policies or proposals in subsection (1) must be consistent with the proper exercise of the authority’s plan making functions.”

Member's explanatory statement

This new Clause sets out the relationship between local nature recovery strategies (LNRSs) and statutory development plans to ensure LNRSs objectives are delivered and aligned with development plans. This is to help secure implementation of Environment Act requirements.

Clause 86

LORD YOUNG OF COOKHAM
 LORD LANSLEY

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 LANSLEY
 LORD YOUNG OF COOKHAM
 BARONESS HAYMAN OF ULLOCK

185 Clause 86, page 94, line 27, leave out “strongly”

Member's explanatory statement

This amendment would retain the approach in section 38(6) of PCPA 2004.

BARONESS TAYLOR OF STEVENAGE

185A Clause 86, page 94, leave out lines 28 to 30

Member's explanatory statement

This amendment would remove inserted subsection (5C), which would give primacy to the national development management policies over a development plan in the event of a conflict.

LORD LANSLEY
LORD YOUNG OF COOKHAM

186 Clause 86, page 94, line 28, after “any” insert “significant”

Member's explanatory statement

This amendment would mean that insignificant conflicts in terms between the development plan and NDMPs need not be resolved in favour of the latter.

BARONESS HAYMAN OF ULLOCK
BARONESS JONES OF MOULSECOOMB

187 Clause 86, page 94, line 30, at end insert “, subject to subsection (5D).

(5D) Any conflict must be resolved in favour of the development plan in an area if—

- (a) in relation to it, regulations under section 16 of the Levelling-up and Regeneration Act 2023 have been made to provide for the town and country planning function, the highways function, and any function exercisable under the Environment Act 2021, of a county council or a district council that is exercisable in relation to an area which is within a CCA’s area to be exercisable by the CCA in relation to the CCA's area,
- (b) in relation to it, regulations under section 17 of the Levelling-up and Regeneration Act 2023 have been made to provide for at least one function of another public body that is exercisable in relation to a CCA’s area to be exercisable by the CCA in relation to the CCA's area,
- (c) it has a joint spatial development strategy, or
- (d) it is in Greater London.”

Member's explanatory statement

This amendment would place limits on the primacy of national development management policies over the development plan where a Combined County Authority had been handed planning, highways, environmental powers and at least one function of another public body under a devolution deal, in areas covered by a joint spatial development strategy and in Greater London.

LORD YOUNG OF COOKHAM
LORD LANSLEY

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
LORD LANSLEY

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 86

LORD CRISP
LORD YOUNG OF COOKHAM
LORD BLUNKETT
LORD STUNELL

188 After Clause 86, insert the following new Clause—

“Duty to promote health and well-being

The Secretary of State must ensure that national planning policy and guidance are designed to secure positive improvements in the physical and mental health and well-being of the people of England.”

Clause 87

BARONESS HAYMAN OF ULLOCK

- 189** Clause 87, page 95, line 5, after “Secretary of State” insert “or a resolution agreed by both Houses of Parliament”

Member's explanatory statement

This is to probe whether Parliament can have a role in expressing NDMPs.

BARONESS HAYMAN OF ULLOCK

- 190** Clause 87, page 95, line 8, at end insert –

“(1A) A “national development management policy” may include minimum standards and may not include absolute standards.”

Member's explanatory statement

This states that an NDMP should set minimum standards rather than absolute standards.

BARONESS HAYMAN OF ULLOCK

- 191** Clause 87, page 95, leave out lines 9 to 11

Member's explanatory statement

This is to probe the direction and modification powers of the Secretary of State.

BARONESS THORNHILL
LORD SHIPLEY
BARONESS JONES OF MOULSECOOMB

- 191A** Clause 87, page 95, leave out lines 9 to 16 and insert –

- “(2) Before designating a policy as a national development management policy for the purposes of this Act the Secretary of State must carry out an appraisal of the sustainability of that policy.
- (3) A policy may be designated as a national development management policy for the purposes of this Act only if the consultation and publicity requirements set out in section 38ZB, and the parliamentary requirements set out in section 38ZC, have been complied with in relation to it, and –
- (a) the consideration period for the policy has expired without the House of Commons resolving during that period that the statement should not be proceeded with, or
 - (b) the policy has been approved by resolution of the House of Commons –
 - (i) after being laid before Parliament under section 38ZC, and
 - (ii) before the end of the consideration period.

- (4) In subsection (3) “the consideration period”, in relation to a policy, means the period of 21 sitting days beginning with the first sitting day after the day on which the statement is laid before Parliament under section 38ZC, and “sitting day” means a day on which the House of Commons sits.
- (5) A policy may not be designated a national development management policy unless—
 - (a) it contains explanations of the reasons for the policy, and
 - (b) in particular, it includes an explanation of how it takes account of Government policy relating to the mitigation of, and adaptation to, climate change.
- (6) The Secretary of State must arrange for the publication of a national development management policy.

38ZB Consultation and publicity

- (1) This section sets out the consultation and publicity requirements referred to in sections 38ZA(3) and 38ZD(7).
- (2) The Secretary of State must carry out such consultation, and arrange for such publicity, as the Secretary of State thinks appropriate in relation to the proposal. This is subject to subsections (4) and (5).
- (3) In this section “the proposal” means—
 - (a) the policy that the Secretary of State proposes to designate as a national development management policy for the purposes of this Act, or
 - (b) (as the case may be) the proposed amendment (see section 38ZD).
- (4) The Secretary of State must consult such persons, and such descriptions of persons, as may be prescribed.
- (5) If the policy set out in the proposal identifies one or more locations as suitable (or potentially suitable) for a specified description of development, the Secretary of State must ensure that appropriate steps are taken to publicise the proposal.
- (6) The Secretary of State must have regard to the responses to the consultation and publicity in deciding whether to proceed with the proposal.

38ZC Parliamentary requirements

- (1) This section sets out the parliamentary requirements referred to in sections 38ZA(3) and 38ZD(7).
- (2) The Secretary of State must lay the proposal before Parliament.
- (3) In this section “the proposal” means—
 - (a) the policy that the Secretary of State proposes to designate as a national development management policy for the purposes of this Act, or

- (b) (as the case may be) the proposed amendment (see section 38ZD).
- (4) Subsection (5) applies if, during the relevant period –
 - (a) either House of Parliament makes a resolution with regard to the proposal, or
 - (b) a committee of either House of Parliament makes recommendations with regard to the proposal.
- (5) The Secretary of State must lay before Parliament a statement setting out the Secretary of State’s response to the resolution or recommendations.
- (6) The relevant period is the period specified by the Secretary of State in relation to the proposal.
- (7) The Secretary of State must specify the relevant period in relation to the proposal on or before the day on which the proposal is laid before Parliament under subsection (2).
- (8) After the end of the relevant period, but not before the Secretary of State complies with subsection (5) if it applies, the Secretary of State must lay the proposal before Parliament.

38ZD Review of national development management policies

- (1) The Secretary of State must review a national development management policy whenever the Secretary of State thinks it appropriate to do so.
- (2) A review may relate to all or part of a national development management policy.
- (3) In deciding when to review a national development management policy the Secretary of State must consider whether –
 - (a) since the time when the policy was first published or (if later) last reviewed, there has been a significant change in any circumstances on the basis of which any of the policy set out in the statement was decided,
 - (b) the change was not anticipated at that time, and
 - (c) if the change had been anticipated at that time, any of the policy set out would have been materially different.
- (4) In deciding when to review part of a national development management policy (“the relevant part”) the Secretary of State must consider whether –
 - (a) since the time when the relevant part was first published or (if later) last reviewed, there has been a significant change in any circumstances on the basis of which any of the policy set out in the relevant part was decided,
 - (b) the change was not anticipated at that time, and
 - (c) if the change had been anticipated at that time, any of the policy set out in the relevant part would have been materially different.
- (5) After completing a review of all or part of a national development management policy the Secretary of State must do one of the following –

- (a) amend the policy;
 - (b) withdraw the policy's designation as a national development management policy;
 - (c) leave the policy as it is.
- (6) Before amending a national development management policy the Secretary of State must carry out an appraisal of the sustainability of the policy set out in the proposed amendment.
- (7) The Secretary of State may amend a national development management policy only if the consultation and publicity requirements set out in section 38ZB, and the parliamentary requirements set out in section 38ZC, have been complied with in relation to the proposed amendment, and –
- (a) the consideration period for the amendment has expired without the House of Commons resolving during that period that the amendment should not be proceeded with, or
 - (b) the amendment has been approved by resolution of the House of Commons –
 - (i) after being laid before Parliament under section 38ZA, and
 - (ii) before the end of the consideration period.
- (8) In subsection (7) “the consideration period”, in relation to an amendment, means the period of 21 sitting days beginning with the first sitting day after the day on which the amendment is laid before Parliament, and here “sitting day” means a day on which the House of Commons sits.
- (9) If the Secretary of State amends a national development management policy, the Secretary of State must –
- (a) arrange for the amendment, or the policy as amended, to be published, and
 - (b) lay the amendment, or the policy as amended, before Parliament.”

Member's explanatory statement

This amendment stipulates the process for the Secretary of State to designate and review a national development management policy including minimum public consultation requirements and a process of parliamentary scrutiny based on processes set out in the Planning Act 2008 (as amended) for designating National Policy Statements.

BARONESS TAYLOR OF STEVENAGE

191B Clause 87, page 95, leave out lines 12 to 16 and insert –

- “(3) Before designating a policy as a national development management policy for the purposes of this Act the Secretary of State must carry out an appraisal of the sustainability of that policy.
- (4) A policy may be designated as a national development management policy for the purposes of this Act only if the consultation and publicity requirements set out in section 38ZB, and the parliamentary requirements set out in section 38ZC, have been complied with in relation to it, and –

- (a) the consideration period for the policy has expired without the House of Commons resolving during that period that the statement should not be proceeded with, or
 - (b) the policy has been approved by resolution of the House of Commons –
 - (i) after being laid before Parliament under section 38ZC, and
 - (ii) before the end of the consideration period.
- (5) In subsection (4) “the consideration period”, in relation to a policy, means the period of 21 sitting days beginning with the first sitting day after the day on which the statement is laid before Parliament under section 38ZC, and here “sitting day” means a day on which the House of Commons sits.
- (6) A policy may not be designated a national development management policy unless –
- (a) it contains explanations of the reasons for the policy, and
 - (b) in particular, includes an explanation of how the policy set out takes account of Government policy relating to the mitigation of, and adaptation to, climate change.
- (7) The Secretary of State must arrange for the publication of a national policy statement.

38ZB Consultation and publicity

- (1) This section sets out the consultation and publicity requirements referred to in sections 38ZA(3) and 38ZD(7).
- (2) The Secretary of State must carry out such consultation, and arrange for such publicity, as the Secretary of State thinks appropriate in relation to the proposal, subject to subsections (4) and (5).
- (3) In this section “the proposal” means –
- (a) the policy that the Secretary of State proposes to designate as a national development management policy for the purposes of this Act, or
 - (b) (as the case may be) the proposed amendment (see section 38ZD).
- (4) The Secretary of State must consult such persons, and such descriptions of persons, as may be prescribed.
- (5) If the policy set out in the proposal identifies one or more locations as suitable (or potentially suitable) for a specified description of development, the Secretary of State must ensure that appropriate steps are taken to publicise the proposal.
- (6) The Secretary of State must have regard to the responses to the consultation and publicity in deciding whether to proceed with the proposal.

38ZC Parliamentary requirements

- (1) This section sets out the parliamentary requirements referred to in sections 38ZA(3) and 38ZD(7).
- (2) The Secretary of State must lay the proposal before Parliament.
- (3) In this section “the proposal” means –
 - (a) the policy that the Secretary of State proposes to designate as a national development management policy for the purposes of this Act or
 - (b) (as the case may be) the proposed amendment (see section 38ZD).
- (4) Subsection (5) applies if, during the relevant period –
 - (a) either House of Parliament makes a resolution with regard to the proposal, or
 - (b) a committee of either House of Parliament makes recommendations with regard to the proposal.
- (5) The Secretary of State must lay before Parliament a statement setting out the Secretary of State's response to the resolution or recommendations.
- (6) The relevant period is the period specified by the Secretary of State in relation to the proposal.
- (7) The Secretary of State must specify the relevant period in relation to the proposal on or before the day on which the proposal is laid before Parliament under subsection (2).
- (8) After the end of the relevant period, but not before the Secretary of State complies with subsection (5) if it applies, the Secretary of State must lay the proposal before Parliament.

38ZD Review of national development management policies

- (1) The Secretary of State may review a national development management policy whenever the Secretary of State thinks it appropriate to do so.
- (2) A review may relate to all or part of a national development management policy.
- (3) In deciding when to review a national development management policy the Secretary of State must consider whether –
 - (a) since the time when the policy was first published or (if later) last reviewed, there has been a significant change in any circumstances on the basis of which any of the policy set out in the statement was decided,
 - (b) the change was not anticipated at that time, and
 - (c) if the change had been anticipated at that time, any of the policy set out would have been materially different.

- (4) In deciding when to review part of a national development management policy (“the relevant part”) the Secretary of State must consider whether –
 - (a) since the time when the relevant part was first published or (if later) last reviewed, there has been a significant change in any circumstances on the basis of which any of the policy set out in the relevant part was decided,
 - (b) the change was not anticipated at that time, and
 - (c) if the change had been anticipated at that time, any of the policy set out in the relevant part would have been materially different.
- (5) After completing a review of all or part of a national development management policy the Secretary of State must do one of the following –
 - (a) amend the policy;
 - (b) withdraw the policy's designation as a national development management policy;
 - (c) leave the policy as it is.
- (6) Before amending a national development management policy the Secretary of State must carry out an appraisal of the sustainability of the policy set out in the proposed amendment.
- (7) The Secretary of State may amend a national development management policy only if the consultation and publicity requirements set out in section 38ZB, and the parliamentary requirements set out in section 38ZC, have been complied with in relation to the proposed amendment, and –
 - (a) the consideration period for the amendment has expired without the House of Commons resolving during that period that the amendment should not be proceeded with, or
 - (b) the amendment has been approved by resolution of the House of Commons –
 - (i) after being laid before Parliament under section 38ZA, and
 - (ii) before the end of the consideration period.
- (8) In subsection (7) “the consideration period”, in relation to an amendment, means the period of 21 sitting days beginning with the first sitting day after the day on which the amendment is laid before Parliament, and here “sitting day” means a day on which the House of Commons sits.
- (9) If the Secretary of State amends a national development management policy, the Secretary of State must arrange for the amendment, or the policy as amended, to be published, and lay the amendment, or the policy as amended, before Parliament.”

Member's explanatory statement

This amendment stipulates the process for the Secretary of State to designate and review a national development management policy including minimum public consultation requirements and a process of parliamentary scrutiny based on processes set out in the Planning Act 2008 (as amended) for designating National Policy Statements.

After Clause 87

BARONESS HAYMAN OF ULLOCK

192 After Clause 87, insert the following new Clause –

“Conflict between the development plan and NDMP

The development plan has precedence over any national development management policy in the event of any conflict between the two.”

Member's explanatory statement

This probes what will take precedence if the development plan conflicts with the NDMP.

BARONESS HAYMAN OF ULLOCK

193 After Clause 87, insert the following new Clause –

“Conflict between the development plan and NDMP: reporting

The Secretary of State must lay a statement before both Houses of Parliament if he or she deems there to be a conflict between the national development management policy and the development plan.”

Member's explanatory statement

This probes whether Parliament will be notified of a conflict between the development plan and NDMP.

BARONESS HAYMAN OF ULLOCK

194 After Clause 87, insert the following new Clause –

“National development management policies: annual statement

The Secretary of State must publish an annual statement setting out the financial costs of any national development management policies and any related support given to local authorities.”

Member's explanatory statement

This probes the cost of NDMPs and whether additional support will be given to local authorities.

BARONESS HAYMAN OF ULLOCK

195 After Clause 87, insert the following new Clause –

“Conflict between the development plan and NDMP: CCAs

If the Secretary of State deems there to be a conflict between the national development management policy and the development plan, the Secretary of State must consult any relevant CCAs.”

Member's explanatory statement

This probes the role of CCAs during conflicts between the development plan and NDMP.

BARONESS HAYMAN OF ULLOCK

196 After Clause 87, insert the following new Clause –

“Public consultation and Parliamentary scrutiny

Within 120 days of this Act being passed, a Minister of the Crown must publish a strategy for public consultation on and Parliamentary scrutiny of national development management policies.”

Member's explanatory statement

This amendment probes the role of public consultation and Parliamentary scrutiny.

Clause 88

BARONESS TAYLOR OF STEVENAGE

196A Clause 88, page 95, line 24, leave out “are” and insert “the Mayor considers to be”

Member's explanatory statement

This amendment is intended to remove ambiguity about whose opinion is relevant in relation to whether or not a matter is of strategic importance to more than one London borough.

BARONESS TAYLOR OF STEVENAGE

197 Clause 88, page 95, leave out lines 26 and 27

Member's explanatory statement

This amendment would remove an additional legal test within London’s Spatial Development Strategy that could preclude the insertion of policies which contribute to the effective strategic planning of Greater London but would also apply to other urban areas or are not specific to Greater London.

BARONESS TAYLOR OF STEVENAGE

197A Clause 88, page 96, line 18, leave out “or (in substance) repeat”

Member's explanatory statement

The amendment would remove words which place a constraint on the Mayor of London’s Spatial Development Strategy relating to national development management policies.

After Clause 90

BARONESS TAYLOR OF STEVENAGE

198 After Clause 90, insert the following new Clause –

“Deliberative democracy: local planning

- (1) Before preparing any development or outline plan, a local planning authority must undertake a process of deliberative democracy involving the community to set –
 - (a) the balance of economic, environmental, infrastructure and special plans,
 - (b) the type of housing to be delivered,
 - (c) the infrastructure that is required to be hosted,
 - (d) the type of economic space, and
 - (e) environmental considerations, including making sites sustainable.
- (2) A process of deliberative democracy under this section must –
 - (a) invite all residents of the local authority area to apply to be a representative in the deliberative democracy process,
 - (b) include measures to try to ensure that there will be a diverse representation of that community in the process, and
 - (c) provide for a forum of representatives that –
 - (i) will determine its terms of reference, number of meetings and agenda at its first meeting, and
 - (ii) will produce a report from the deliberative democracy process.
- (3) A report under subsection (2)(c)(ii) may determine the scope of development on a site.”

Member's explanatory statement

This new clause would introduce a deliberative democracy forum comprised of members of the public prior to the formation of a new development plan or outline plan.

Schedule 7

BARONESS JONES OF MOULSECOOMB

198A Schedule 7, page 279, line 21, after “authorities” insert “or county councils”

Member's explanatory statement

This amendment and the amendment to line 23 would enable county councils to prepare joint spatial development plans.

BARONESS JONES OF MOULSECOOMB

198B Schedule 7, page 279, line 23, after “authority” insert “or county council”

Member's explanatory statement

See explanatory statement for the amendment in the name of Baroness Jones of Moulsecoomb to line 21.

BARONESS TAYLOR OF STEVENAGE
BARONESS JONES OF MOULSECOOMB

199 Schedule 7, page 279, leave out lines 26 to 29

Member's explanatory statement

This amendment would leave out inserted section 15A(2)(b) and make combined authorities eligible for a joint spatial development strategy.

LORD LANSLEY

200 Schedule 7, page 281, line 10 at end insert—

“(3A) A joint spatial development strategy may specify or describe employment sites the provision of which the participating authorities consider to be of strategic importance to the joint strategy area for the purposes of economic development.”

Member's explanatory statement

This amendment would add the provision of employment sites to the list of issues of strategic importance in a joint spatial development strategy.

LORD LANSLEY

201 Schedule 7, page 281, line 26, at end insert “to the extent necessary to meet the obligations of the participating authorities to secure net zero carbon emissions by 2050 and in respect of nature recovery and biodiversity in the joint spatial development strategy area.”

Member's explanatory statement

This amendment would require the joint spatial development strategy contribution to mitigation of, or adaptation to, climate change to be consistent with the authority's carbon reduction and other environmental targets.

BARONESS TAYLOR OF STEVENAGE

202 Schedule 7, page 282, line 27, at end insert—

“(e) other community organisations representing members of that community.”

Member's explanatory statement

This amendment would extend the group of determining bodies to include community groups.

BARONESS TAYLOR OF STEVENAGE

203 Schedule 7, page 283, leave out line 16

Member's explanatory statement

This amendment would explicitly ensure that people would have a right to be heard at an examination in public in relation to the Joint Spatial Development Plan part of the development plan.

BARONESS TAYLOR OF STEVENAGE

204 Schedule 7, page 283, line 20, at end insert –

“(8) Any person who makes representations in relation to the strategy must (if that person so requests) be invited to appear before and be heard by the examiner.”

Member's explanatory statement

This amendment would explicitly ensure that people would have a right to be heard at an examination in public in relation to the Joint Spatial Development Plan part of the development plan.

LORD LANSLEY
BARONESS JONES OF MOULSECOOMB

205 Schedule 7, page 286, line 6, at end insert –

“15AFA Assistance from certain local authorities in the preparation of joint spatial development strategies

- (1) For the purpose of the exercise of their functions under sections 15A, 15AA, 15AE and 15AF the relevant local planning authorities must seek the advice of each authority in their area which is an authority falling within subsection (4).
- (2) Each authority from whom advice is sought must give the planning authorities advice as to the content of their joint development strategy to the extent that strategy is capable of affecting (directly or indirectly) the exercise by the authority of any of its functions.
- (3) The advice mentioned in subsection (1) includes advice relating to the inclusion in the joint spatial development strategy of specific policies relating to any part of the joint spatial development strategy area.
- (4) Each of the following authorities fall within this subsection if their area or any part of their area is in a Travel to Work Area in which the area of the joint spatial development strategy area is located –
 - (a) a county council;
 - (b) a combined county authority;
 - (c) district councils who are not directly involved in the joint spatial development strategy for the purposes of section 15A.

- (5) The authorities preparing a joint spatial development strategy may reimburse an authority or council which exercises functions by virtue of such arrangements for any expenditure incurred by the authority or council in doing so.
- (6) Any arrangements made for the purposes of subsection (5) must be taken to be arrangements between local authorities for the purposes of section 101 of the Local Government Act 1972.
- (7) Nothing in this section affects any power which a body which is recognised as part of a joint spatial development strategy area has apart from this section.”

BARONESS TAYLOR OF STEVENAGE

206 Schedule 7, page 289, line 19, at end insert—

“15AJ Duty to co-operate in absence of joint spatial development strategy

- (1) This section applies in any area in which a joint spatial development strategy is not operative.
- (2) Each person who is—
 - (a) a local planning authority,
 - (b) a county council in England that is not a local planning authority, or
 - (c) a body, or other person, that is prescribed or of a prescribed description,
 must co-operate with every other person who is within paragraphs (a) to (c) or subsection (10) in maximising the effectiveness with which activities within subsection (4) are undertaken.
- (3) In particular, the duty imposed on a person by subsection (2) requires the person—
 - (a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (4) are undertaken, and
 - (b) to have regard to activities of a person within subsection (10) so far as they are relevant to activities within subsection (4).
- (4) The activities within this subsection are—
 - (a) the preparation of a joint spatial development strategy,
 - (b) the preparation of development plan documents,
 - (c) the preparation of other local development documents,
 - (d) the preparation of marine plans under the Marine and Coastal Access Act 2009 for the English inshore region, the English offshore region or any part of either of those regions,
 - (e) activities that can reasonably be considered to prepare the way for activities within any of paragraphs (a) to (d) that are, or could be, contemplated, and
 - (f) activities that support activities within any of paragraphs (a) to (d), so far as relating to a strategic matter.
- (5) For the purposes of subsection (4), each of the following is a “strategic matter”—
 - (a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable

- development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and
- (b) sustainable development or use of land in a two-tier area if the development or use—
- (i) is a county matter, or
 - (ii) has or would have a significant impact on a county matter.
- (6) In subsection (5)—
- “county matter” has the meaning given by paragraph 1 of Schedule 1 to the principal Act (ignoring sub-paragraph 1(1)(i));
- “planning area” means—
- (a) the area of—
 - (i) a district council (including a metropolitan district council),
 - (ii) a London borough council, or
 - (iii) a county council in England for an area for which there is no district council, but only so far as that area is neither in a National Park nor in the Broads,
 - (b) a National Park.
 - (c) the Broads,
 - (d) the English inshore region, or
 - (e) the English offshore region,
- “two-tier area” means an area—
- (a) for which there is a county council and a district council, but
 - (b) which is not in a National Park.
- (7) The engagement required of a person by subsection (3)(a) includes, in particular—
- (a) considering whether to consult on and prepare, and enter into and publish, agreements on joint approaches to the undertaking of activities within subsection (4), and
 - (b) if the person is a local planning authority, considering whether to agree under section 28 to prepare joint local development documents.
- (8) A person subject to the duty under subsection (2) must have regard to any guidance given by the Secretary of State about how the duty is to be complied with.
- (9) A person, or description of persons, may be prescribed for the purposes of subsection (2)(c) only if the person, or persons of that description, exercise functions for the purposes of an enactment.
- (10) A person is within this subsection if the person is a body, or other person, that is prescribed or of a prescribed description.
- (11) In this section—
- “the English inshore region” and “the English offshore region” have the same meaning as in the Marine and Coastal Access Act 2009, and
- “land” includes the waters within those regions and the bed and subsoil of those waters.”

Member's explanatory statement

This amendment would require local authorities and other public bodies to co-operate on local planning measures in the absence of an operative joint spatial development strategy on the lines of section 33A of the Planning and Compulsory Purchase Act 2004. This duty would encompass co-operation by all relevant local authorities on preparation for such a strategy.

LORD BEST
LORD YOUNG OF COOKHAM
THE LORD BISHOP OF CHELMSFORD

207 Schedule 7, page 290, line 3, at end insert—

“(ha) the assessments of need for older people’s housing carried out in respect of the authority’s area, and”

Member's explanatory statement

This amendment would ensure that local authorities consider the needs for housing for older people when preparing local development plans.

BARONESS TAYLOR OF STEVENAGE

208 Schedule 7, page 290, line 7, at end insert—

“(j) whether the authority will provide small site opportunities in the local plan.”

Member's explanatory statement

This is to probe the role of local SMEs in local plans.

LORD LANSLEY
LORD YOUNG OF COOKHAM

209 Schedule 7, page 293, line 13, at end insert—

“(2A) The local plan must identify the strategic priorities of the local planning authority for meeting housing needs and for addressing the economic, social and environmental issues affecting the authority’s area.”

Member's explanatory statement

This amendment would require plan-making to include the strategic priorities of the authority.

BARONESS FOX OF BUCKLEY

210 Schedule 7, page 293, line 17, at end insert—

“(3A) The local plan must set out the policies of the local planning authority in relation to the marketing of housing as leased, owned or rented.”

Member's explanatory statement

This amendment would require local authorities to adopt policies to ensure the marketing of housing accurately describes the nature of the tenure.

LORD LANSLEY
LORD YOUNG OF COOKHAM

211 Schedule 7, page 293, line 33, at end insert –

- “(d) strategic policies to address the local planning authority’s strategic priorities for the development and use of land in its area;
- (e) policies which support and encourage sustainable economic growth, including the identification of suitable sites for the growth and expansion of businesses and to meet anticipated needs for local and inward investment.”

Member's explanatory statement

This amendment provides that the local plan may include strategic policies to meet the strategic priorities of the authority; and policies to promote economic growth.

BARONESS TAYLOR OF STEVENAGE

212 Schedule 7, page 293, line 33, at end insert –

- “(4A) A local plan may provide that the local planning authority may review and change any outline planning permissions in place prior to the establishment of a local plan, including on sites where work has already commenced, to bring those permissions in line with requirements set out in the plan.”

Member's explanatory statement

This amendment will allow Local Planning Authorities to require Outline Planning Applications to be adjusted where they conflict with Local Plans.

BARONESS TAYLOR OF STEVENAGE

213 Schedule 7, page 293, line 35, at end insert –

- “(5A) The local plan must include policies designed to meet the housing needs of the local planning authority’s area in such a way as to secure the long-term health, safety and well-being of residents.
- (5B) For the purposes of subsection (5A), planning authorities must have regard to ensuring that house prices and rental prices are affordable to those on average and below-average household incomes.”

LORD LANSLEY

214 Schedule 7, page 293, line 36 after “secure” insert –

- “(a) that the local plan is consistent with guidance issued by the Secretary of State under Section 61 of the Climate Change Act 2008 with regard to preparing policies for adapting to climate change; and (b)”

Member's explanatory statement

This amendment would require the local plan to be consistent with any guidance issued to the authority relating to the authority's carbon reduction targets.

LORD LANSLEY
LORD YOUNG OF COOKHAM
BARONESS HAYMAN OF ULLOCK
BARONESS FOX OF BUCKLEY

215 Schedule 7, page 293, line 38 at end insert –

- “(6A) The local plan must be designed to secure that the supply of housing through development in the local planning authority's area meets or exceeds the requirement for housing during the plan period which would be derived from the housing targets and standard method prescribed in guidance by the Secretary of State as applicable at that time.”

Member's explanatory statement

This amendment would require a local plan to meet or exceed the housing need for the authority's area.

BARONESS TAYLOR OF STEVENAGE

216 Schedule 7, page 294, leave out lines 4 and 5

Member's explanatory statement

This amendment removes the requirement in inserted section 15C(7)(b) that a local development plan must be consistent with national policies at the development plan formulation stage.

BARONESS SCOTT OF BYBROOK

216A Schedule 7, page 294, line 19, at end insert –

- “(3A) The Secretary of State may require the local planning authority to –
- (a) reimburse the Secretary of State for any expenditure incurred by the Secretary of State in, or in connection with, appointing a person under subsection (3), or
 - (b) pay any fees and expenses of a person appointed by the Secretary of State under subsection (3).”

Member's explanatory statement

This amendment allows the Secretary of State to require a local planning authority to reimburse the Secretary of State for expenditure incurred in connection with appointing a person to provide observations or advice on a proposed local plan or to pay any fees and expenses of that person.

LORD HOLMES OF RICHMOND

217 Schedule 7, page 294, line 22, at end insert –

- “(4A) A local plan must conform with the principle of inclusive design, and where a local planning authority receives any observations or advice from a person appointed by the Secretary of State under subsection (3) to the effect that a proposed local plan does not conform with that principle, the local planning authority must modify the plan to ensure conformity in accordance with the observations or advice.”

LORD LANSLEY
LORD YOUNG OF COOKHAM
BARONESS FOX OF BUCKLEY

218 Schedule 7, page 294, line 30, at end insert –

- “(ca) any housing target for England, specifying the planned supply of housing for any given period, which is issued by the Secretary of State,
(cb) any method of calculating the housing need for an authority’s area as specified in guidance issued by the Secretary of State,”

Member's explanatory statement

This amendment would specify that local planning authorities should have regard to the Government’s housing target and standard method for calculating housing need.

BARONESS HAYMAN OF ULLOCK

219 Schedule 7, page 295, line 3, at end insert –

- “(ha) Environmental Outcomes Reports,”

Member's explanatory statement

This amendment would require local planning authority to have regard to Environmental Outcomes Reports in preparing a local plan.

LORD BRADLEY

219A Schedule 7, page 295, line 3, at end insert –

- “(ha) the housing requirements of the student population, developed in conjunction with local higher education providers,”

BARONESS HAYMAN OF ULLOCK

- 220** Schedule 7, page 295, line 8, at end insert “(but may not require a local plan to be consistent with any national demand management policy)”

Member's explanatory statement

This amendment would provide that regulations made under inserted section 15C could not require local plans to conform with national policies.

LORD BEST
LORD YOUNG OF COOKHAM
THE LORD BISHOP OF CHELMSFORD

- 221** Schedule 7, page 295, line 12, at end insert “and which must include a housing needs assessment in respect of older people’s housing;”

Member's explanatory statement

This amendment would enable the Secretary of State to include older people’s housing needs assessments in documentation related to local plans.

LORD LANSLEY

- 222** Schedule 7, page 305, line 7 at end insert –
“(1A) Requirements identified in respect of subsection (1) must include requirements relating to adaptation to, and mitigation of, climate change, including net zero carbon emissions targets, nature recovery and biodiversity.”

Member's explanatory statement

This amendment would add requirements relating to climate change adaptation and mitigation into the design code for an area.

BARONESS HAYMAN OF ULLOCK

- 223** Schedule 7, page 306, line 15, at end insert –
“(8) For a period of 6 months following a local election, a local planning authority may review a local plan that has already been adopted and submit a proposal to an examiner to change or adjust their plan.”

Member's explanatory statement

This amendment would allow newly elected Councils to amend local plans following an election.

BARONESS HAYMAN OF ULLOCK

- 224** Schedule 7, page 308, line 24, at end insert –
“(c) consult with relevant stakeholders, including residents, via a deliberative process.”

Member's explanatory statement

This amendment would require the Secretary of State to consult local stakeholders on the local plan.

BARONESS HAYMAN OF ULLOCK

225 Schedule 7, page 318, line 12, at end insert –

“(1A) A local planning authority must have regard to the content of any relevant neighbourhood priorities statement in the exercise of its planning functions.”

Member's explanatory statement

This means local planning authority must have regard to the content of any relevant neighbourhood priorities statement in the exercise of its planning functions.

BARONESS HAYMAN OF ULLOCK

226 Schedule 7, page 327, line 6, at end insert –

“(4) In this part –

“mitigation of climate change” means compliance with the objectives and relevant budgetary provisions of the Climate Change Act 2008;

“adaptation to climate change” means the achievement of long-term resilience to climate-related risks, including the mitigation of the risks identified in relation to section 56 of the Climate Change Act 2008, and the achievement of the objectives of the relevant flood and coastal erosion risk management strategy made pursuant to section 7 of the Flood and Coastal Water Management Act 2010.”

Member's explanatory statement

This amendment requires references to climate change mitigation and adaptation in the inserted sections on plan making to be interpreted in line with the Climate Change Act 2008.

Clause 91

BARONESS PINNOCK

227 Clause 91, page 97, line 28, at end insert –

“(aa) 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 amendment would enable neighbourhood development plans to restrict new housing development in National Parks and AONBs to affordable housing.

LORD FOSTER OF BATH
LORD SHIPLEY

228 Clause 91, page 97, line 28, at end insert –

- “(aa) policies (however expressed) relating to the proportion of dwellings which may be in –
- (i) use class 3A (second homes), or
 - (ii) use class 3B (holiday rentals)
- under Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (S.I. 1987/764).”

Member's explanatory statement

This amendment would enable neighbourhood plans to include policies relating to the proportion of dwellings which may be second homes and short-term holiday lets under use classes created by the proposed new Clauses tabled by Lord Foster of Bath.

BARONESS HAYMAN OF ULLOCK

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

- “(e) housebuilding targets.”

Member's explanatory statement

This is to probe whether neighbourhood development plans can include housebuilding targets.

BARONESS HAYMAN OF ULLOCK

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

- “(e) in areas of historical, cultural or environmental sensitivity, requirements intended to ensure that development is in keeping with the proximal environment.”

Member's explanatory statement

This amendment would enable neighbourhood plans to require that development in areas of historical, cultural or environmental sensitivity is in keeping with the surrounding environment.

BARONESS HAYMAN OF ULLOCK

231 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.

LORD STUNELL

232 Clause 91, page 98, leave out lines 13 to 18

Member's explanatory statement

This is a probing amendment to test the Government's intended limitations of scope of Neighbourhood Plans.

After Clause 91

BARONESS TAYLOR OF STEVENAGE

233 After Clause 91, insert the following new Clause—

“Report about uptake of neighbourhood development plans

- (1) Section 38A of PCPA 2004 (meaning of “neighbourhood development plan”) is amended as follows.
- (2) After subsection (11C) insert—
 - “(11D) The Secretary of State must prepare and publish an annual report on the uptake of neighbourhood development plans, which must, in particular, set out—
 - (a) the uptake of neighbourhood development plans in less affluent neighbourhoods,
 - (b) the uptake of neighbourhood development plans in urban neighbourhoods, and
 - (c) the steps that Government are taking to increase this uptake.”

Member's explanatory statement

This amendment means that the Secretary of State must prepare and publish an annual report on the uptake of neighbourhood development plans.

Clause 92

LORD STUNELL

234 Clause 92, page 98, line 35, leave out subsection (2)

Member's explanatory statement

This is a probing amendment to test the Government's intended limitations of scope of Neighbourhood Plans.

BARONESS TAYLOR OF STEVENAGE

Baroness Taylor of Stevenage gives notice of her intention to oppose the Question that Clause 92 stand part of the Bill.

After Clause 92

LORD STUNELL
BARONESS SCOTT OF NEEDHAM MARKET

235 After Clause 92, insert the following new Clause –

“Local Planning Authority: duty to facilitate Neighbourhood Plans

Every Local Planning Authority has a duty to facilitate the development of Neighbourhood Plans within their plan area.”

Member's explanatory statement

This provision is to ensure an LPA does not hinder or obstruct the establishment of a Neighbourhood Plan where there is community support.

LORD STUNELL
BARONESS SCOTT OF NEEDHAM MARKET

236 After Clause 92, insert the following new Clause –

“Safeguarding of approved neighbourhood plans

The following provisions do not apply in relation to a neighbourhood plan endorsed by community referendum held before 1 April 2024 –

- (a) subsection (2C) of section 38B of PCPA 2004 (as inserted by section 91(3)), and
- (b) section 9(2).”

Member's explanatory statement

This amendment would give Neighbourhood Plans drawn up prior to the coming into force of the Bill a grace period where they can be put to a community referendum without being affected by the provisions in Clauses 91 and 92.

Clause 93

BARONESS HAYMAN OF ULLOCK

237 Clause 93, page 99, line 19, leave out “public”

Member's explanatory statement

This is to probe whether plan making authorities can require a prescribed private body to assist the authority in relation to the preparation or revision of a relevant plan by the authority.

BARONESS TAYLOR OF STEVENAGE

238 Clause 93, page 99, line 22, leave out “public”

Member's explanatory statement

This is to probe whether plan making authorities can require a prescribed private body to assist the authority in relation to the preparation or revision of a relevant plan by the authority.

BARONESS TAYLOR OF STEVENAGE

239 Clause 93, page 99, line 34, at end insert –

- “(3A) Where regulations under this section impose requirements on a local authority that is failing to deliver a local plan in a timely way, the plan-making authority must consult the local community on the contents of the relevant plan.”

Member's explanatory statement

This amendment would require, in the event of a local authority failing to deliver a local plan in a timely way, those taking over the process to consult with the community.

LORD LANSLEY

239A Clause 93, page 100, line 20, at end insert –

“39B Infrastructure providers’ assistance with plan making

- (1) If an infrastructure provider receives a notification under section 39A(1) which would have an impact on that providers’ investment plans that provider must notify its relevant regulatory body.
- (2) Regulations made under section 39A(3) may include provision relating to the powers and responsibilities of relevant infrastructure regulatory bodies, to enable them and their regulated providers to meet the reasonable requirements made for infrastructure providers by a plan-making authority.
- (3) “Infrastructure provider” includes providers of transport services, water and sewerage providers, flood-prevention and drainage providers, power supply and distribution providers, and telecommunications providers.”

After Clause 93

LORD BERKELEY
LORD YOUNG OF COOKHAM
LORD HUNT OF KINGS HEATH
BARONESS RANDERSON

240 After Clause 93, insert the following new Clause –

“Cycling, walking and rights of way plans: incorporation in development plans

- (1) A local planning authority must ensure that the development plan incorporates, so far as relevant to the use or development of land in the local planning authority’s area, the policies and proposals set out in –

- (a) any local cycling and walking infrastructure plan or plans prepared by a local transport authority;
 - (b) any rights of way improvement plan.
- (2) In dealing with an application for planning permission or permission in principle the local planning authority shall also have regard to any policies or proposals contained within a local cycling and walking infrastructure plan or plans and any rights of way improvement plan which have not been included as part of the development plan, so far as is material to the application.
- (3) In this section –
- (a) “local planning authority” has the same meaning as in section 15LF of PCPA 2004;
 - (b) “local transport authority” has the same meaning as in section 108 of the Transport Act 2000;
 - (c) a “rights of way improvement plan” is a plan published by a local highway authority under section 60 of the Countryside and Rights of Way Act 2000.”

Member's explanatory statement

This new Clause would require development plans to incorporate policies and proposals for cycling and walking infrastructure plans and rights of way improvement plans. Local planning authorities would be required to have regard to any such policies and proposals where they have not been incorporated in a development plan.

LORD YOUNG OF COOKHAM
LORD HUNT OF KINGS HEATH
LORD STEVENS OF BIRMINGHAM
LORD FOSTER OF BATH

241 After Clause 93, insert the following new Clause –

“Duty to reduce health inequalities and improve well-being

- (1) For the purposes of this section “the general health and well-being objective” is the reduction of health inequalities and the improvement of well-being through the exercise of planning functions in relation to England.
- (2) A local planning authority must ensure that the development plan for their area includes policies designed to secure that the development and use of land contribute to the general health and well-being objective.
- (3) In considering whether to grant planning permission or permission in principle and related approvals, a local planning authority or, as the case may be, the Secretary of State must ensure the decision is consistent with achieving the general health and well-being objective.
- (4) In complying with this section, a local planning authority or, as the case may be, the Secretary of State must have special regard to the desirability of –
 - (a) delivering mixed-use walkable neighbourhoods which accord with the 20 minute neighbourhood principle;

- (b) creating opportunities to enable everyday physical activity, through improving existing and creating new cycling, walking and wheeling routes and networks and natural spaces; and
 - (c) increasing access to high quality natural green and blue spaces.
- (5) For the purposes of subsection (4)(a), neighbourhoods which accord with the 20 minute neighbourhood principle are places where people can meet most of their daily needs including food shops, schools, health services and natural space within a 20 minute return walk of their home and include affordable housing.
- (6) “Wheeling” means the use of a vehicle that may lawfully be used on a footway within the meaning of the Highways Act 1980.”

Member's explanatory statement

This new Clause would create a requirement for local planning authorities to include policies in their development plans which contribute to a new general health and well-being objective. It also requires LPAs and the Secretary of State to ensure consistency with this objective when deciding whether to grant planning permission or permission in principle and related approvals, such as reserved matters.

THE LORD BISHOP OF CHELMSFORD
BARONESS TAYLOR OF STEVENAGE
BARONESS PRASHAR

241A After Clause 93, insert the following new Clause –

“Meaning of “affordable housing”: affordable rent

- (1) In Annex 2 of the National Planning Policy Framework (glossary), in paragraph (a) of the definition of “affordable housing” (affordable housing for rent) omit “or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable)”.
- (2) As soon as reasonably practicable and within two months of this Act being passed, the Secretary of State must publish a revised version of the National Planning Policy Framework, replacing the Affordable Housing for Rent definition with one based on incomes not market rates.”

After Clause 94

LORD STUNELL
BARONESS THORNHILL

242 After Clause 94, insert the following new Clause –

“Meaning of “affordable home”

Any reference in this Act to an “affordable home” means a dwelling in England that is provided either –

- (a) for rent where the unfurnished letting rate does not exceed the Local Housing Allowance applicable to that area, calculated by reference to full occupancy of that dwelling,
- (b) for sale where the annual mortgage costs (excluding facilitation fees) do not exceed 35% of the adult median income of employed people living in the Principal Local Authority which contains that dwelling, or
- (c) for a registered Shared Ownership scheme where the combined total of annual payments of rent and mortgage does not exceed the sum of the amount calculated by reference to (a) above and 15% of the adult median income of employed people living in the Principal Local Authority which contains that dwelling.”

Member's explanatory statement

This would require the ‘affordability’ of a home for the purposes of this Act to be objectively matched to local incomes and housing market circumstances.

LORD STUNELL
BARONESS PINNOCK

242ZA After Clause 94, insert the following new Clause—

“Regulations for the purpose of defining “affordable home”

- (1) The Secretary of State must, within 12 months of the day on which this Act is passed, make regulations setting out the meaning of an “affordable home” for the purposes of this Act.
- (2) Regulations under subsection (1) must—
 - (a) set out an affordable homes financial ceiling, which is a proportion of household income, calculated by reference to median incomes of households within the Principal Authority area within which that accommodation falls, and
 - (b) specify that an “affordable home” is one that a household can occupy at a cost at or below the affordable homes financial ceiling.
- (3) Regulations under subsection (1) may make separate calculations in respect of rented, purchased, or shared ownership tenure.”

Member's explanatory statement

This amendment would require the Secretary of State to set out the meaning of an “affordable home” with reference to median incomes of households in the area.

Schedule 8

BARONESS SCOTT OF BYBROOK

242A Schedule 8, page 327, line 9, at end insert—

“Local Government Act 1972

- A1 In section 138C of the Local Government Act 1972 (application of sections 138A and 138B to other authorities), in subsections (1)(s) and (2)(c), for “an order under section 29” substitute “regulations made under section 15J”.

Member's explanatory statement

This amendment inserts an amendment to the Local Government Act 1972 which is consequential upon Schedule 7 to the Bill.

BARONESS SCOTT OF BYBROOK

242B Schedule 8, page 327, line 11, at end insert—

- “1A In section 2A (the Mayor of London: applications of potential strategic importance), in subsection (6)(aa), for “development plan document” substitute “local plan, document which is or forms part of a minerals and waste plan or supplementary plan”.

1B In section 59A (development orders: permission in principle)—

- (a) in paragraph (b) of subsection (3)—
- (i) for “development plan document” substitute “local plan or supplementary plan”;
- (ii) for “section 37” substitute “section 15LH”;
- (b) after that paragraph insert—

“(ba) a document which is, or forms part of, a minerals and waste plan within the meaning of Part 2 of the 2004 Act (“a minerals and waste plan document”);”

- (c) in subsection (5)(b), for “development plan document” substitute “local plan, minerals and waste plan document or supplementary plan”.

1C In section 70(4) (determination of applications: definitions), in paragraph (l) of the definition of “relevant authority”, for “section 29” substitute “section 15J”.

1D In section 74 (directions etc as to method of dealing with applications), in subsection (1BB) for “development plan document” substitute “local plan, document which is or forms part of a minerals and waste plan or supplementary plan”.

Member's explanatory statement

This amendment inserts amendments to the Town and Country Planning Act 1990 which are consequential upon Schedule 7 to the Bill.

BARONESS SCOTT OF BYBROOK

242C Schedule 8, page 328, line 6, at end insert –

- “2A In section 306 (contributions by local authorities and statutory undertakers), in subsection (2)(ab) –
- (a) after “by a” insert “minerals and waste planning authority or”;
 - (b) after “duty of” insert “minerals and waste planning authority or”.
- 2B In section 324 (rights of entry), in subsection (1)(a), for “local development document” substitute “local plan, document which is or forms part of a minerals and waste plan or supplementary plan”.”

Member's explanatory statement

This amendment inserts amendments to the Town and Country Planning Act 1990 which are consequential upon Schedule 7 to the Bill.

BARONESS SCOTT OF BYBROOK

242D Schedule 8, page 328, line 10, at end insert –

- “3A (1) Schedule 1 (local planning authorities: distribution of functions) is amended as follows.
- (2) In paragraph 7, for sub-paragraph (10) substitute –
- “(10) A relevant county policy is a policy contained in a relevant document, plan or revision which –
- (a) has been submitted for independent examination under Part 2 of the 2004 Act and has not been withdrawn, or
 - (b) has been adopted, approved or made for the purposes of that Part.
- (10A) In sub-paragraph (10) –
- (a) a “relevant document, plan or revision” means –
 - (i) a document prepared to be, or to form part of, the county planning authority’s minerals and waste plan for the purposes of Part 2 of the 2004 Act,
 - (ii) a revision of a document which is, or forms part of, the county planning authority’s minerals and waste plan for the purposes of that Part,
 - (iii) a supplementary plan prepared by the county planning authority acting as a minerals and waste planning authority under that Part, or
 - (iv) a revision of a such a supplementary plan;
 - (b) the reference to submission of a relevant document, plan or revision for independent examination under Part 2 of the 2004 Act is to be taken to include any case where an independent examination is held under that Part.”

- (3) In paragraph 8(3E), in paragraph (b) of the definition of “relevant neighbourhood development plan”, for “(3)” substitute “(2A)”.
- (4) In paragraph 8A(2), in paragraph (b) of the definition of “relevant neighbourhood development plan”, for “(3)” substitute “(2A)”.
- 3B In Schedule 13 (blighted land), in paragraph 1A –
- (a) for “development plan document”, in the first place it appears, substitute “local plan, minerals and waste plan or supplementary plan”;
- (b) for Note (2) substitute –
- “(2) For the purposes of this paragraph a local plan is a local plan, or revision of such a plan, which –
- (a) has been submitted for independent examination under Part 2 of the Planning and Compulsory Purchase Act 2004 (in this paragraph, “the 2004 Act”) and has not been withdrawn, or
- (b) has been adopted, approved or made for the purposes of that Part.
- (2ZA) For the purposes of this paragraph a minerals and waste plan is a document prepared to be or to form part of a minerals and waste plan, or a revision of such a document, which –
- (a) has been submitted for independent examination under Part 2 of the 2004 Act and has not been withdrawn, or
- (b) has been adopted, approved or made for the purposes of that Part.
- (2ZB) For the purposes of this paragraph a supplementary plan is a supplementary plan, or a revision of such a plan, which –
- (a) has been submitted for independent examination under Part 2 of the 2004 Act and has not been withdrawn, or
- (b) has been adopted, approved or made for the purposes of that Part.”;
- (c) omit Note (3);
- (d) for Note (4) substitute –
- “(4) In Notes (2) to (2ZB) the references to submission of a local plan, a supplementary plan, a document or a revision for independent examination under Part 2 of the 2004 Act are to be taken to include any case where an independent examination is held under that Part.””

Member's explanatory statement

This amendment inserts amendments to the Town and Country Planning Act 1990 which are consequential upon Schedule 7 to the Bill.

BARONESS SCOTT OF BYBROOK

- 242E** Schedule 8, page 328, line 11, at end insert –
“3A GLAA 1999 is amended as follows.”

Member's explanatory statement

This amendment is consequential upon the sixth amendment in the Minister's name to Schedule 8 to the Bill.

BARONESS SCOTT OF BYBROOK

- 242F** Schedule 8, page 328, line 12, leave out “of GLAA 1999”

Member's explanatory statement

This amendment is consequential upon the seventh amendment in the Minister's name to Schedule 8 to the Bill.

BARONESS SCOTT OF BYBROOK

- 242G** Schedule 8, page 328, line 13, at end insert –

“4A In section 346 (monitoring and data collection), in paragraph (b), for “local development documents” substitute “local plan, any document which is or forms part of a minerals and waste plan and any supplementary plans”.

- 4B In section 347 (functional bodies to have regard to strategy) –
(a) for “section 24” substitute “sections 15CA(2) and 15CC(7)”;
(b) for “requires certain of a Mayoral development corporation's documents” substitute “require local plans, minerals and waste plans and supplementary plans”.”

Member's explanatory statement

This amendment inserts amendments to the Greater London Authority Act 1999 which are consequential upon Schedule 7 to the Bill.

BARONESS SCOTT OF BYBROOK

- 242H** Schedule 8, page 335, line 36, at end insert –
“Commons Act 2006

15 In Schedule 1A to the Commons Act 2006 (exclusion of right under section 15 of that Act (registration of greens): England), in the Table –

- (a) in paragraph 3 of the first column –
(i) for “development plan document” substitute “local plan, a document which is to be or to form part of a minerals and waste plan or a supplementary plan”;
(ii) for “section 17(7)” substitute “section 15LE(2)(g)”;

- (b) in paragraph (a) of the entry in the second column corresponding to paragraph 3—
 - (i) after “The” insert “plan or”;
 - (ii) for “under section 22(1) of the 2004 Act” substitute “under—
 - (i) in the case of a local plan, section 15E of the 2004 Act;
 - (ii) in the case of a document which is to be or to form part of a minerals and waste plan, section 15E of that Act (as applied by section 15CB(7) of that Act);
 - (iii) in the case of a supplementary plan, regulations made under section 15CC(11) of that Act.”;
- (c) for paragraph (b) of the entry in the second column corresponding to paragraph 3 substitute—
 - “(b) The plan or document is adopted or approved under Part 2 of that Act (but see paragraph 4 of this Table).”;
- (d) in paragraph (c) of the entry in the second column corresponding to paragraph 3, after “which the” insert “plan or”;
- (e) for paragraph 4 of the first column substitute—
 - “4 A local plan, a document which is or forms part of a minerals and waste plan or a supplementary plan, which identifies the land for potential development, is adopted or approved under Part 2 of the 2004 Act.”;
- (f) in paragraph (a) of the entry in the second column corresponding to paragraph 4—
 - (i) after “The” insert “plan or”;
 - (ii) for “section 25 of the 2004 Act” substitute “section 15G of the 2004 Act (including as applied by section 15CB(7) of that Act, in the case of a minerals and waste plan)”;
- (g) in paragraph (b) of the entry in the second column corresponding to paragraph 4, after “in the” insert “plan or”.

Planning and Energy Act 2008

- 16 The Planning and Energy Act 2008 is amended as follows.
- 17 (1) Section 1 (energy policies) is amended as follows.
- (2) In subsection (1), for “development plan documents,” substitute “local plan and any supplementary plan, a minerals and waste planning authority may in their minerals and waste plan and any supplementary plan,”.
 - (3) After that subsection insert—
 - “(1ZA) In relation to the minerals and waste plan or supplementary plan of a minerals and waste planning authority, references in subsection (1) to

development in their area are to minerals and waste development in the relevant area.”

- (4) In subsection (4) –
 - (a) in paragraph (a), for “section 19” substitute “sections 15C, 15CA and 15CC”;
 - (b) after that paragraph insert –
 - “(aza) sections 15CB and 15CC of that Act, in the case of a minerals and waste planning authority;”.
 - (5) In subsection (5), for “development plan documents” substitute “a local plan, a minerals and waste plan or a supplementary plan”.
- 18 In section 2 (interpretation), for the definition of “development plan document” substitute –
- ““local plan”, “minerals and waste development”, “minerals and waste plan”, “minerals and waste planning authority”, “relevant area” and “supplementary plan” have the same meaning as in Part 2 of the Planning and Compulsory Purchase Act 2004 (see, in particular, section 15LH of that Act);”.

Marine and Coastal Access Act 2009

- 19 (1) Schedule 6 to the Marine and Coastal Access Act 2009 (marine plans: preparation and adoption) is amended as follows.
- (2) In paragraph 1 –
 - (a) in sub-paragraph (2), after paragraph (d) insert –
 - “(da) any minerals and waste planning authority whose relevant area adjoins or is adjacent to the marine plan area;”;
 - (b) in sub-paragraph (3) –
 - (i) in paragraph (a) of the definition of “local planning authority”, for “section 37” substitute “section 15LF”;
 - (ii) after that definition insert –
 - ““minerals and waste planning authority” means an authority which is a minerals and waste planning authority for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004 (see section 15LG of that Act) and “relevant area” has the meaning given by that section.”
- (3) In paragraph 3(6), in paragraph (a) of the definition of “development plan”, for “section 38(2) to (4)” substitute “section 38(2A) to (4)”.

Waste (England and Wales) Regulations 2011 (S.I. 2011/988)

- 20 In regulation 16(3) of the Waste (England and Wales) Regulations 2011 (general interpretation: meaning of planning authority), for sub-paragraph (b) substitute –
- “(ba) a local planning authority or minerals and waste planning authority for the purposes of Part 2 of the 2004 Act;”.

Housing and Planning Act 2016

- 21 The Housing and Planning Act 2016 is amended as follows.
- 22 In section 6 (starter homes: monitoring), in subsection (2), omit paragraph (c).
- 23 In section 7 (starter homes: compliance directions), in subsection (1)(b) for “local development document” substitute “local plan, document which is or forms part of a minerals and waste plan or supplementary plan”.
- 24 In section 8 (starter homes: interpretation), for the definition of “local development document” substitute –
- ““local plan”, “minerals and waste plan” and “supplementary plan” have the same meaning as in Part 2 of the Planning and Compulsory Purchase Act 2004 (see, in particular, section 15LH of that Act);”.

Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012)

- 25 The Conservation of Habitats and Species Regulations 2017 are amended as follows.
- 26 (1) Regulation 41 (nature conservation policy in planning contexts) is amended as follows.
- (2) In paragraph (1), after “of land” insert “or minerals and waste development”.
- (3) In paragraph (2)(a)(i) –
- (a) for “section 17(3)” substitute “sections 15C(3) and (4) and 15CC(3)”;
 (b) for “local development documents” substitute “local plans and supplementary plans made by local planning authorities”.
- (4) Omit the “and” at the end of paragraph (2)(a)(ii).
- (5) After paragraph (2)(a) insert –
- “(aa) in relation to minerals and waste development, sections 15CB(2) and (3) and 15CC(5) of that Act; and”.
- 27 (1) Regulation 108 (co-ordination for land use plan prepared by more than one authority) is amended as follows.
- (2) In paragraph (1), for the words from “prepare” to the end substitute “prepare a relevant joint plan”.
- (3) In paragraph (2), for “joint local development document or plan” substitute “relevant joint plan”.

- (4) In paragraph (3), for “joint local planning document or plan” substitute “relevant joint plan”.
- (5) In paragraph (5), for “joint local development document or plan” substitute “relevant joint plan”.
- (6) After that paragraph insert—
- “(6) In this regulation “relevant joint plan” means—
- (a) a joint spatial development strategy, joint local plan or joint supplementary plan (within the meaning of Part 2 of the 2004 Planning Act),
 - (b) a document which is or forms part of a joint minerals and waste plan under sections 15I and 15IA of that Act (as applied by section 15CB(7) of that Act), or
 - (c) a joint local development plan under section 72 of that Act.”
- 28 (1) Regulation 111 (interpretation of Chapter 8 of Part 6) is amended as follows.
- (2) In paragraph (1)—
- (a) in paragraph (b) of the definition of “land use plan”—
 - (i) for “local development document as provided for in” substitute “joint spatial development strategy, local plan, document which is or forms part of a minerals and waste plan, supplementary plan or any revision of such a plan or document under”;
 - (ii) omit the words from “other” to the end;
 - (b) in paragraph (a) of the definition of “plan-making authority”, after “replacement)” insert “or section 15CC of the 2004 Planning Act (supplementary plans)”;
 - (c) in paragraph (b) of the definition of “plan-making authority” omit “or an order under section 29(2) of the 2004 Planning Act (joint committees)”;
 - (d) after that paragraph insert—

“(ba) a local planning authority or minerals and waste planning authority for the purposes of Part 2 of the 2004 Planning Act;”;
 - (e) in paragraph (c) of the definition of “plan-making authority”, omit sub-paragraph (i);
 - (f) after that paragraph insert—

“(ca) anyone exercising powers under section 15H, 15HA or 15HB of, or Schedule A1 to, the 2004 Planning Act;”.
- (3) In paragraph (2)—
- (a) for sub-paragraphs (a) and (b) substitute—
 - “(aa) the adoption of a joint spatial development strategy under section 15AD of the 2004 Planning Act or of an alteration of such a strategy under section 15AF of that Act;
 - (ab) the adoption or approval of a local plan, document which is or forms part of a minerals and waste plan,

supplementary plan or a revision of any such document or plan under Part 2 of the 2004 Planning Act;”;

(b) in sub-paragraph (c) for “publication” substitute “adoption”.”

Member's explanatory statement

This amendment inserts amendments to various enactments which are consequential upon Schedule 7 to the Bill.

BARONESS PARMINTER

242I Schedule 8, page 335, line 36, at end insert –

“Natural Environment and Rural Communities Act 2006

- 15 The Natural Environment and Rural Communities Act 2006 is amended as follows.
- 16 In subsection 40(2B) (duty to conserve and enhance biodiversity), after “subsection (2A)(a)” insert “and section (*Local nature recovery strategies*) of the Levelling-up and Regeneration Act 2023”.
- 17 In subsection 40A(4) (biodiversity reports), at the end insert –
- “(d) information about how the authority has contributed to delivery of the objectives of the local nature recovery strategy in carrying out its duty under section (*Local nature recovery strategies*) of the Levelling-up and Regeneration Act 2023 over the period covered by the report,
 - (e) information on any action or omission by the authority in carrying out its duty that materially deviates from the objectives of the local nature recovery strategy or hinders the achievement of those objectives, and
 - (f) information on how the authority has taken proper account of statutory guidance in carrying out its duty under section (*Local nature recovery strategies*) of the Levelling-up and Regeneration Act 2023 over the period covered by the report.””

Member's explanatory statement

This amendment is consequential on the amendment in the name of Baroness Parminter after Clause 85. It ensures the Secretary of State’s guidance to LPAs on how to have regard to LNRSs must include how LPAs can comply with the new duty to ensure their development plan includes policies and procedures to deliver the objectives of the LNRSs and requires reporting by local authorities.

Clause 95

BARONESS TAYLOR OF STEVENAGE

243 Clause 95, page 102, line 35, at end insert –

- “(5) The Secretary of State must, within one year of the day on which this section comes into force, publish a report of a review of the efficacy of Local Heritage Lists and the resources local authorities have to produce them.
- (6) The Secretary of State must, on the day on which this section comes into force, publish the results of the 2018 review of the non-statutory guidance on Assets of Community Value.”

Member's explanatory statement

This means that the Secretary of State must publish a report of a review of Local Heritage Lists and the results of the 2018 review of the non-statutory guidance on Assets of Community Value.

Clause 96

BARONESS TAYLOR OF STEVENAGE

244 Clause 96, page 104, line 5, at end insert –

- “(12) When making a decision on the correct recipient of a temporary stop notice, the authority should have regard to the tenancy status of the occupier and their level of responsibility for any works on the property.”

Member's explanatory statement

This means that when making a decision on the correct recipient of a temporary stop notice, the authority should have regard to the tenancy status of the occupier and their level of responsibility for any works on the property.

Clause 98THE EARL OF LYTTON
THE EARL OF DEVON

245 Clause 98, page 108, line 19, at end insert –

- “(3) Subsections (1) and (2) shall only take effect following an order made by the Secretary of State.
- (4) The Secretary of State may only make the order in subsection (3) once a public consultation on the case for the change, drawing on the results of the Historic England indemnity pilot, has been completed.”

Member's explanatory statement

This amendment ensures that the results of the Historic England pilot are taken into account and that there is public debate and scrutiny before compensation rights are removed.

After Clause 98

BARONESS TAYLOR OF STEVENAGE

246 After Clause 98, insert the following new Clause –

“Assets of Community Value

Within 90 days of this Act receiving Royal Assent, a Minister of the Crown must publish draft legislation to reform processes relating to Assets of Community Value.”

Member's explanatory statement

This means that a Minister must publish draft legislation to reform processes relating to Assets of Community Value.

LORD NORTHBROOK

247 After Clause 98, insert the following new Clause –

“Permitted development: replacement windows in conservation areas

In the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596), Schedule 2, Part 1, Class A.3(a), after “materials” insert “(and, in respect of a replacement window in a conservation area, style and colour)”.”

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”.”

Clause 99LORD YOUNG OF COOKHAM
BARONESS THORNHILL

248 Clause 99, page 108, line 34, at end insert –

“(3) If there is conflict between street voting on development and the development plan, a determination must be made in favour of the development plan.”

Member's explanatory statement

The outcome of a street vote may conflict with the development plan. The amendment provides guidance on how to resolve this conflict.

BARONESS SCOTT OF BYBROOK

248A Clause 99, page 109, leave out lines 12 to 16 and insert—

- “(i) an Authority election, where any part of the street area to which the street vote development order would relate is within the City of London, or
- (ii) an election of councillors of any relevant council (other than the City of London) any part of whose area is within the street area to which the street vote development order would relate,”

Member's explanatory statement

This amendment amends the conditions for an individual to be part of a “qualifying group” for the purposes of new section 61QB of the Town and Country Planning Act 1990 (as inserted by clause 99), to remove the overlap in cases where any part of the street area to which the street vote development order would relate is within the City of London (which is also a “relevant council” for the purposes of the 1990 Act).

BARONESS HAYMAN OF ULLOCK

249 Clause 99, page 109, line 17, after “has” insert “at any time in the past two years had”

Member's explanatory statement

This allows previous residents (from the past two years) to vote in street votes.

BARONESS HAYMAN OF ULLOCK

250 Clause 99, page 112, line 18, after “orders” insert “when there is greater than 20% of support for a referendum”

Member's explanatory statement

This is to probe the minimum support which will be needed for a referendum to happen.

BARONESS HAYMAN OF ULLOCK

251 Clause 99, page 113, line 10, at end insert—

- “(p) as to how referendums could agree a code of construction practice for a development.”

Member's explanatory statement

This is to probe the possibility of residents agreeing a code of construction practice for a development.

BARONESS HAYMAN OF ULLOCK

252 Clause 99, page 113, line 10, at end insert –

“(1A) As part of the threshold mentioned in subsection (1)(o), a SVDO may only be made if a resident in each of at least half of the eligible households votes in favour and at least half of those registered to vote at addresses on the street for at least three years vote in favour.”

Member's explanatory statement

This sets thresholds for street votes to be passed.

BARONESS HAYMAN OF ULLOCK

253 Clause 99, page 113, line 10, at end insert –

“(1A) As part of the threshold mentioned in subsection (1)(o), development of a building using a permission granted through a SVDO may only be carried out if agreed by a majority of the non-developing leaseholders in that building.”

Member's explanatory statement

This is to probe the role of leaseholders in street votes.

LORD STUNELL

253A Clause 99, page 114, line 8, at end insert –

“(aa) a development in an area where a neighbourhood forum as defined by the Localism Act 2011 is in operation;”

Member's explanatory statement

This amendment would prevent street votes from taking place in areas where a neighbourhood forum is already in operation.

BARONESS HAYMAN OF ULLOCK

254 Clause 99, page 117, line 6, leave out “or excluding”

Member's explanatory statement

This is to probe the possibility of street vote development being exempt from biodiversity targets.

BARONESS HAYMAN OF ULLOCK

255 Clause 99, page 117, line 8, at end insert –

“61QLA Engagement with the Association of Electoral Administrators

The Secretary of State has a duty to engage with the Association of Electoral Administrators in relation to street votes.”

Member's explanatory statement

This is to probe whether the Government will engage with the Association of Electoral Administrators in relation to street votes.

BARONESS HAYMAN OF ULLOCK

256 Clause 99, page 117, line 8, at end insert –

“61QLA Conflict of interest

The Secretary of State must publish guidance for local authorities on managing conflicts of interest in relation to street votes.”

Member's explanatory statement

This is to probe the possibility of conflict of interests in relation to street votes.

BARONESS SCOTT OF BYBROOK

256A Clause 99, page 117, line 22, leave out subsections (3) to (13) and insert –

“(3) Schedule (*Street votes: minor and consequential amendments*) contains minor and consequential amendments in connection with this section.”

Member's explanatory statement

This amendment introduces a new Schedule which makes minor and consequential amendments in connection with Clause 99 (street votes).

Clause 100

BARONESS HAYMAN OF ULLOCK

257 Clause 100, page 121, line 37, at end insert –

“(11) A Minister of the Crown must publish an annual estimate of the number of social housing dwellings built as a result of this section.”

Member's explanatory statement

This is to probe whether the small-sites exemption from the Community Infrastructure Levy for the purposes of street votes will lead to more social housing.

After Clause 100

BARONESS SCOTT OF BYBROOK

257A After Clause 100, insert the following new Clause –

“Street votes: modifications of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The Secretary of State may by regulations make provision modifying the application of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/517) in relation to the grant of planning permission by a street vote development order.”

Member's explanatory statement

This amendment provides a power to modify the application of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in relation to the grant of planning permission by a street vote development order.

Clause 101

BARONESS HAYMAN OF ULLOCK

Baroness Hayman of Ullock gives notice of her intention to oppose the Question that Clause 101 stand part of the Bill.

After Clause 101

LORD BERKELEY

258 After Clause 101, insert the following new Clause –

“Application of TCPA 1990 to the Duchy of Cornwall

- (1) Section 293 of TCPA 1990 (application of Act to Crown land: preliminary definitions) is amended as follows.
- (2) In subsection (1), in the definition of “Duchy interest” omit “or belonging to the Duchy of Cornwall”.
- (3) In subsection (2), omit paragraph (d).
- (4) In subsection (3B), omit paragraph (b).”

Member's explanatory statement

This amendment is intended to provide that for the purposes of planning law the Duchy of Cornwall is treated as any private sector entity.

BARONESS HAYMAN OF ULLOCK

258ZA After Clause 101, insert the following new Clause –

“Guidance: Crown Development

Within 60 days of this Act being passed, a Minister of the Crown must publish guidance on the application of section 101 for any relevant authorities.”

Member's explanatory statement

This amendment is to probe whether guidance will be published on Clause 101.

Before Schedule 9

BARONESS SCOTT OF BYBROOK

258A Before Schedule 9, insert the following new Schedule –

“SCHEDULE

Section 99

STREET VOTES: MINOR AND CONSEQUENTIAL AMENDMENTS

Town and Country Planning Act 1990

- 1 (1) TCPA 1990 is amended as follows.
 - (2) In section 5 (the Broads), in subsection (3), for “61Q” substitute “61QM”.
 - (3) In section 56 (time when development begun), in subsection (3) –
 - (a) after “(7),” insert “61QI(8),”;
 - (b) for “108(3E)(c)(i)” substitute “, 108(3E)(c)(i), 108(3DB)(c)(i)”.
 - (4) In section 57 (planning permission required for development), in subsection (3), for “or a neighbourhood development order” substitute “, a neighbourhood development order or a street vote development order”.
 - (5) In section 58 (granting of planning permission: general), in subsection (1)(a), for “or a neighbourhood development order” substitute “, a neighbourhood development order or a street vote development order”.
 - (6) In section 62 (applications for planning permission or permission in principle), in subsection (2A) –
 - (a) at the end of paragraph (a) omit “and”;
 - (b) after paragraph (b) insert “, and
 - (c) applications for consent, agreement or approval where that consent, agreement or approval is required by a condition or limitation imposed under section 61QI(1).”
 - (7) In section 65 (notice of applications for planning permission or permission in principle), in subsection (3A) –
 - (a) at the end of paragraph (a) omit “and”;

- (b) after paragraph (b) insert “, and
 - (c) any application for consent, agreement or approval where that consent, agreement or approval is required by a condition or limitation imposed under section 61QI(1) or any applicant for such consent, agreement or approval.”
- (8) In section 69 (register of applications etc) –
 - (a) after subsection (1)(cza) insert –
 - “(czb) street vote development orders or proposals for such orders;”;
 - (b) in subsection (2)(b), after “Mayoral development order,” insert “street vote development order or proposal for such an order,”.
- (9) In section 71 (consultations in connection with determinations under section 70), in subsection (2ZA) –
 - (a) at the end of paragraph (a) omit “and”;
 - (b) after paragraph (b) insert “, and
 - (c) an application for consent, agreement or approval where that consent, agreement or approval is required by a condition or limitation imposed under section 61QI(1).”
- (10) In section 74 (directions etc as to method of dealing with applications), in subsection (1ZA) –
 - (a) in paragraph (a) –
 - (i) at the end of sub-paragraph (i) omit “and”;
 - (ii) after sub-paragraph (ii) insert –
 - “(iii) a consent, agreement or approval where that consent, agreement or approval is required by a condition or limitation imposed under section 61QI(1), and”;
 - (b) in paragraph (b) –
 - (i) at the end of sub-paragraph (i) omit “and”;
 - (ii) after sub-paragraph (ii) insert “, and
 - “(iii) applications for consent, agreement or approval where that consent, agreement or approval is required by a condition or limitation imposed under section 61QI(1).”.
- (11) In section 77 (reference of applications to Secretary of State), in subsection (1), for “or a neighbourhood development order” substitute “, a neighbourhood development order or a street vote development order”.
- (12) In section 78 (right to appeal), in subsection (1)(c), for “or a neighbourhood development order” substitute “, a neighbourhood development order or a street vote development order”.

- (13) In section 88 (planning permission for development in enterprise zones), in subsection (9), for “or a neighbourhood development order” substitute “, a neighbourhood development order or a street vote development order”.
- (14) In section 91 (general condition limiting duration of planning permission), in subsection (4)(a), for “or a neighbourhood development order” substitute “, a neighbourhood development order or a street vote development order”.
- (15) In section 94 (termination of planning permission by reference to time limit: completion notices), in subsection (1), after paragraph (d) insert “; or
- (e) a planning permission under a street vote development order is subject to a condition that the development to which the permission relates must be begun before the expiration of a particular period, that development has been begun within that period, but that period has elapsed without the development having been completed.”
- (16) In section 108 (compensation) –
- (a) in the heading, for “or neighbourhood development order” substitute “, neighbourhood development order or street vote development order”;
- (b) in subsection (1) –
- (i) in paragraph (a), for “or a neighbourhood development order” substitute “, a neighbourhood development order or a street vote development order”;
- (ii) in the words after paragraph (b), for “or the neighbourhood development order” substitute “, the neighbourhood development order or the street vote development order”;
- (c) in subsection (2), for “or a neighbourhood development order” substitute “, a neighbourhood development order or a street vote development order”;
- (d) in subsection (3B) –
- (i) in paragraph (ba), at the end omit “or”;
- (ii) after that paragraph insert –
- “(bb) in the case of planning permission granted by a street vote development order, the condition in subsection (3DB) is met, or”;
- (e) after subsection (3DA) insert –
- “(3DB) The condition referred to in subsection (3B)(bb) is that –
- (a) the planning permission is withdrawn by the revocation or modification of the street vote development order,
- (b) notice of the revocation or modification was published in the prescribed manner not less than 12 months or more than the prescribed period before the revocation or modification took effect, and
- (c) either –

- (i) the development authorised by the street vote development order had not begun before the notice was published, or
 - (ii) section 61QI(8) applies in relation to the development.”
- (17) In section 109 (apportionment of compensation for depreciation), in subsection (6), in the definition of “relevant planning decision”, for “or the neighbourhood development order” substitute “, the neighbourhood development order or the street vote development order”.
- (18) In section 171H (temporary stop notice: compensation), in subsection (1)(a), for “or a neighbourhood development order” substitute “, a neighbourhood development order or a street vote development order”.
- (19) In section 264 (cases in which land is to be treated as not being operational land), in subsection (5)(ca), for “or a neighbourhood development order” substitute “, a neighbourhood development order or a street vote development order”.
- (20) In section 324 (rights of entry), in subsection (1A)—
 - (a) the words from “the reference” to the end become paragraph (a);
 - (b) after that paragraph insert “, and
 - (b) the reference to a proposal by the Secretary of State to make any order under Part 3 includes a reference to a proposal submitted (or to be submitted) to the Secretary of State for the making of a street vote development order.”
- (21) In section 333 (regulations and orders)—
 - (a) after subsection (3) insert—
 - “(3ZZA) Subsection (3) does not apply to a statutory instrument containing regulations made under any of sections 61QB to 61QJ or section 61QL if a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”;
 - (b) after subsection (3ZA) insert—
 - “(3ZZAA) No regulations may be made under section 61QC(3), 61QH(2) or 61QI(5) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.”
- (22) In Schedule 1 (local planning authorities: distribution of functions), in paragraph 6A, at the end insert “or any of sections 61QA to 61QM (street vote development orders)”.

Planning (Listed Buildings and Conservation Areas) Act 1990

- 2 (1) The Planning (Listed Buildings and Conservation Areas) Act 1990 is amended as follows.

- (2) In section 66 (general duty as respects listed buildings in exercise of planning functions), in subsection (4), after “orders” insert “or street vote development orders (except as provided by SVDO regulations within the meaning given by section 61QM of the principal Act)”.
- (3) In section 72 (general duty as respects conservation areas in exercise of planning functions), in subsection (4), after “orders” insert “or street vote development orders (except as provided by SVDO regulations within the meaning given by section 61QM of the principal Act)”.

Elections Act 2022

- 3 In section 34 of the Elections Act 2022 (campaigners), in subsection (6), in the definition of “local referendum”, after paragraph (d) insert –
 - “(e) section 61QE of the Town and Country Planning Act 1990 (referendums on street vote development orders);”.

The Conservation of Habitats and Species Regulations 2017

- 4 (1) The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) are amended as follows.
 - (2) In regulation 75 (general development orders) –
 - (a) in the heading, after “orders” insert “and street vote development orders”;
 - (b) in the opening words, after “2017” insert “or a street vote development order”.
 - (3) In regulation 76 (opinion of appropriate nature conservation body) –
 - (a) in the heading, after “orders” insert “and street vote development orders”;
 - (b) in paragraph (1), after “order” insert “or a street vote development order”;
 - (c) in paragraph (6), after “order” insert “or a street vote development order”.
 - (4) In regulation 77 (approval of local planning authority), in the heading, after “orders” insert “and street vote development orders”.
 - (5) In regulation 78 (supplementary) –
 - (a) in the heading, after “orders” insert “and street vote development orders”;
 - (b) in paragraph (3)(b), after “order” insert “or development order”.
 - (6) In regulation 85B (assumptions to be made about nutrient pollution standards) –
 - (a) in the heading, after “orders” insert “and street vote development orders”;
 - (b) in paragraph (1)(a) after “orders” insert “and street vote development orders”.

Member's explanatory statement

This amendment inserts a new Schedule which makes minor and consequential amendments in connection with clause 99 (street votes).

Clause 102

LORD LANSLEY

258B Clause 102, page 130, line 28, at end insert –

“(5A) Where a subsequent planning permission (Permission B) is for localised changes to a wider development approved in the existing permission (Permission A), which would not have the effect of rendering the implementation of the Permission A physically impossible, the implementation of permission B does not preclude future reliance upon Permission A (in relation to existing or future development) outside of the area to which permission B relates.”

Member's explanatory statement

This amendment would support the continuation of “drop-in” permissions in large-scale developments, while maintaining the “Pilkington” principle, that they must not render the original permission physically impossible.

BARONESS TAYLOR OF STEVENAGE

259 Clause 102, page 130, leave out from beginning of line 35 to end of line 3 on page 131

Member's explanatory statement

This is to probe inserted subsection (7) in Clause 102.

BARONESS TAYLOR OF STEVENAGE

260 Clause 102, page 131, line 35, at end insert –

“(12A) In relation to an application for planning permission that is made to, or is to be determined by, the Mayor of London, a reference in this section to the local planning authority is to be read as a reference to the Mayor of London.”

Member's explanatory statement

This is to probe the involvement of the Mayor of London in this section.

BARONESS SCOTT OF BYBROOK

260A Clause 102, page 132, line 7, leave out from “section” to “after” on line 8 and insert “62A (applications that may be made directly to the Secretary of State) –

(a) in subsection (2),”

Member's explanatory statement

This amendment paves the way for the second amendment in the Minister's name to Clause 102.

BARONESS SCOTT OF BYBROOK

260B Clause 102, page 132, line 9, at end insert—

- “(b) in subsection (3)(d), after “73(1)” insert “nor an application that is to be determined in accordance with section 73B”.”

Member's explanatory statement

This amendment adds a consequential amendment to Clause 102.

Clause 104

BARONESS TAYLOR OF STEVENAGE

261 Clause 104, page 135, line 13, at end insert—

- “(3A) But notwithstanding subsection (3) the completion notice deadline may be less than 12 months after the completion notice was served if the local planning authority are of the opinion that—
- (a) development has not taken place on the site for a prolonged period,
 - (b) there is no reasonable prospect of development being completed within a reasonable period, and
 - (c) it is in the public interest to issue an urgent completion notice.
- (3B) A completion notice may include requirements concerning the removal of any buildings or works authorised by the permission, or the discontinuance of any use of land so authorised, at the end of the completion period, and the carrying out of any works required for the reinstatement of land at the end of that period.”

Member's explanatory statement

This amendment would enable the issuance of completion notices withdrawing planning permission with a deadline of less than 12 months when certain conditions are met, and enable completion notices to require that building works be removed from a site or a site be reinstated to its previous condition.

Clause 105

BARONESS SCOTT OF BYBROOK

261A Clause 105, page 137, line 29, leave out “all or any part of the land” and insert “land all or any part of which is in the local planning authority's area at the time the current application is made”

Member's explanatory statement

This amendment enables a local planning authority to refuse to determine an application for planning permission in certain cases where there was a previous application relating to land within the authority's area and the development was not begun or has been carried out unreasonably slowly. The current power in the Bill would only be available if the previous application related to all or part of the same land.

After Clause 106

BARONESS PINNOCK

262 After Clause 106, insert the following new Clause –

“Local authorities to be permitted to require that new housing in National Parks and AONBs is affordable

- (1) Notwithstanding the National Planning Policy Framework, a local planning authority may mandate that any new housing in its area that is within –
 - (a) a National Park, or
 - (b) an Area of Outstanding Natural Beauty
 is affordable.
- (2) A local planning authority may define “affordable” for the purposes of subsection (1).”

Member's explanatory statement

This new Clause would enable local authorities to mandate that new housing under their jurisdiction and within a National Park or an Area of Outstanding Natural Beauty is affordable, and to define “affordable” for that purpose.

LORD FOSTER OF BATH
LORD SHIPLEY

263 After Clause 106, insert the following new Clause –

“Planning permission required for use of dwelling as second home

- (1) The Town and Country Planning Act 1990 is amended as follows.
- (2) In section 55 (meaning of “development” and “new development”), after subsection (3)(a) insert –
 - “(aa) the use of a dwelling as a second home following a change in ownership involves a material change in the use of the building (whether or not it was previously used as a second home);”

Member's explanatory statement

This new Clause would mean planning permission would be required for a dwelling to be used as a second home following a change of ownership.

LORD FOSTER OF BATH
LORD SHIPLEY

264 After Clause 106, insert the following new Clause –

“New use classes for second homes

- (1) Part C of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (S.I. 1987/764) is amended as follows.
- (2) In paragraph 3 (dwellinghouses) for “whether or not as a sole or” substitute “as a”.
- (3) After paragraph 3 insert –

“Class C3A. Second homes

Use, following a change of ownership, as a dwellinghouse as a secondary or supplementary residence by –

- (a) a single person or by people to be regarded as forming a single household;
- (b) not more than six residents living together as a single household where care is provided for residents; or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within class C4).

Interpretation of Class C3A

For the purposes of Class C3A “single household” is to be construed in accordance with section 258 of the Housing Act 2004.””

Member's explanatory statement

This amendment would create a new use class for second homes.

LORD FOSTER OF BATH
LORD SHIPLEY

265 After Clause 106, insert the following new Clause –

“New use classes for holiday rentals

- (1) Part C of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (S.I. 1987/764) is amended as follows.
- (2) In paragraph 3 (dwellinghouses) after “residents” insert “other than a use within Class C3A)”.

- (3) After paragraph 3 insert –

“Class C3A Holiday rentals

Use, following a change of ownership, as a dwellinghouse as a holiday rental property.””

Member's explanatory statement

This amendment would create a new use class for holiday rentals.

BARONESS MCINTOSH OF PICKERING
BARONESS HENIG
LORD FOSTER OF BATH

266

After Clause 106, insert the following new Clause –

““Agent of Change”: integration of new development with existing businesses and facilities

- (1) In this section –

“agent of change principle” means the principle requiring planning policies and decisions to ensure that new development can be integrated effectively with existing businesses and community facilities so that those businesses and facilities do not have unreasonable restrictions placed on them as a result of developments permitted after they were established;

“development” has the same meaning as in section 55 of TCPA 1990 (meaning of “development” and “new development”);

“licensing functions” has the same meaning as in section 4(1) of the Licensing Act 2003 (general duties of licensing authorities);

“provision of regulated entertainment” has the same meaning as in Schedule 1 to the Licensing Act 2003 (provision of regulated entertainment);

“relevant authority” means a relevant planning authority within the meaning of section 84 of this Act, or a licensing authority within the meaning of section 3 of the Licensing Act 2003 (licensing authorities).

- (2) In exercising any functions under TCPA 1990 or any licensing functions concerning development which is or is likely to be affected by an existing business or facility, a relevant authority shall have special regard to the agent of change principle.
- (3) An application for development within the vicinity of any premises licensed for the provision of regulated entertainment shall contain, in addition to any relevant requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I. 2015/595), a noise impact assessment.
- (4) In determining whether noise emitted by or from an existing business or community facility constitutes a nuisance to a residential development, the decision-maker shall have regard to –
- (a) the chronology of the introduction of the relevant noise source and the residential development, and

- (b) what steps have been taken by the developer to mitigate the entry of noise from the existing business or facility to the residential development.”

LORD YOUNG OF COOKHAM
BARONESS THORNHILL

267 After Clause 106, insert the following new Clause –

“Local authorities and development management services

- (1) A local planning authority may set a charging regime in relation to its development management services.
- (2) In setting the amount of a charge under subsection (1) a local planning authority must secure that, taking one financial year with another, the authority’s income from charges does not exceed the cost to the authority of delivering the development management services for which the charges are imposed.”

Member's explanatory statement

The amendment would allow local authorities to develop a planning fees schedule that would enable the full costs of delivering its development management services, including the processing of planning applications, to be recovered.

LORD CARRINGTON
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

268 After Clause 106, insert the following new Clause –

“Permission in principle for rural economic development

In article 5A of the Town and Country Planning (Permission in Principle) Order 2017 (S.I. 2017/402) (permission in principle), in paragraph (3) at the end insert “; and

- (c) in relation to rural economic development, specify the scale of any such development which is, in principle, permitted and the use to which it may be put.””

Member's explanatory statement

This amendment would extend the permission in principle planning route to developments which relate to rural economic development.

LORD BEST

269 After Clause 106, insert the following new Clause –

“Large sites for housing development

After section 70 of TCPA 1990 (determination of applications: general considerations) insert –

“70ZA Development of large housing sites

- (1) When considering whether to grant planning permission for development of a large housing site in accordance with section 70, the determining body must ensure doing so would comply with the requirements of a diversification strategy for the development of those sites.
- (2) A development order may make the following provisions in relation to the development of large housing sites –
 - (a) requiring all applications for outline planning permission to specify that housing diversity will be a reserved matter;
 - (b) specifying the following as reserved matters –
 - (i) the types of new housing to be built;
 - (ii) the internal floor space of the new housing to be built;
 - (iii) the amount of new housing to be built in specific tenures;
 - (c) requiring applicants for planning permission to prepare, and comply with, a diversification strategy.
- (3) A diversification strategy for the purposes of subsection (2) must be prepared for the purposes of contributing towards meeting the identified need for social housing within the area of the local planning authority, and in accordance with –
 - (a) the development plan for the area, so far as material, and
 - (b) any national development management policies, so far as material.
- (4) In this section “large housing site” means any site –
 - (a) where 500 or more dwellings are proposed,
 - (b) of more than 5 hectares where the predominant use will be housing, or
 - (c) designated as a large site for housing development within the development plan for the area, on the reasonable assumption that paragraph (a) or (b) will apply.”

Member's explanatory statement

This Clause seeks to ensure that development of large sites captures land value and achieves a mix of new housing that reflects local needs.

BARONESS HAYMAN OF ULLOCK
THE EARL OF DEVON

270 After Clause 106, insert the following new Clause –

“Community resilience to climate change

- (1) A local planning authority when exercising a relevant function under the planning Acts shall have special regard to the need to adapt to climate change.
- (2) For the purposes of this section, adaptation to climate change shall include the achievement of ongoing resilience to the climate-related risks anticipated currently and over the long-term, including –
 - (a) the mitigation of the risks identified in the latest climate change risk assessment conducted under section 56 of the Climate Change Act 2008,
 - (b) the achievement of the objectives of the latest flood and coastal erosion risk management strategy made pursuant to section 7 of the Flood and Water Management Act 2010, and
 - (c) the mitigation of heat stress and overheating in and around buildings.
- (3) In this section “resilience” means the capacity of people and places to plan for, better protect against, respond to, and recover from climate impacts including heat stress and flooding, including making the best land use and development choices, protecting the health, safety and well-being of people, and responding to and recovering from climate impact events whilst all the time adapting to the predicted impacts of climate change.”

Member's explanatory statement

This amendment would both define and prioritise adaptation and resilience in a way which enables greater action to deal with flood risk and overheating.

LORD RAVENSDALE
BARONESS HAYMAN
LORD HUNT OF KINGS HEATH
BARONESS BOYCOTT

271 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
BARONESS PARMINTER

272 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

273 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.

THE EARL OF LYTTON
THE LORD BISHOP OF CHELMSFORD

274 After Clause 106, insert the following new Clause –

“Building Safety Remediation Scheme

- (1) Planning permission must not be granted to any developer or associate responsible for the construction or sale of units in a building with a building safety risk until the Secretary of State has established a Building Safety Remediation Scheme.
- (2) Schedule (*Building Safety Remediation Scheme*) makes further provision for the establishment of a Building Safety Remediation Scheme.
- (3) This section comes into force six months after Royal Assent.
- (4) “Associate” has the meaning given in section 121 of the Building Safety Act 2022.”

Member's explanatory statement

This clause inserts a new Schedule to implement a building safety remediation scheme to ensure that buildings with building safety risks are put right without costs to leaseholders.

BARONESS THORNHILL

274A After Clause 106, insert the following new Clause –

“Provisions to facilitate the development of affordable-led small sites

- (1) Local planning authorities must aim to support opportunities for development on any site where the following conditions are satisfied –
 - (a) the site is below 0.25 hectares in area, and
 - (b) the site contains over 50% affordable housing, as defined in Annex 2 of the National Planning Policy Framework (“NPPF”).
- (2) Where the conditions in subsection (1)(a) and (b) are met –
 - (a) planning permission must be granted unless –
 - (i) the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or
 - (ii) the adverse impacts of doing so would significantly and demonstrably outweigh the benefits;
 - (b) no viability assessment is required for the site.”

Member's explanatory statement

This clause would make provisions for the development of affordable-led small sites and encourage Local Planning Authorities to bring forward small sites for development.

Clause 107

BARONESS HAYMAN OF ULLOCK

- 275 Clause 107, page 142, line 8, after “completed,” insert “or 4 years if there is a significant impact on the local environment,”

Member's explanatory statement

This means that the extended time limits for enforcement of planning controls does not apply when there is a significant impact on the local environment.

THE EARL OF LYTTON
THE EARL OF DEVON

- 276 Clause 107, page 142, line 12, leave out subsection (2)

Member's explanatory statement

This amendment will retain the four-year time period where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse. This recognises the special circumstances that apply in cases where the unauthorised development is somebody's home.

BARONESS HAYMAN OF ULLOCK

- 277 Clause 107, page 142, line 15 after “breach,” insert “or 4 years if there is a significant impact on the local environment,”

Member's explanatory statement

This means that the extended time limits for enforcement of planning controls does not apply when there is a significant impact on the local environment.

THE EARL OF LYTTON
THE EARL OF DEVON

- 278 Clause 107, page 142, line 17, at end insert –

- “(3) Before amending the time limits for enforcement of breach of planning control under subsections (1) and (2), the Secretary of State must consult relevant stakeholders and publish a report on the impact of changing the time limits.
- (4) The Secretary of State must have due regard to the outcome of the consultation before amending any time limits.”

Member's explanatory statement

This amendment would require the Secretary of State to consult with affected parties on amending the time limits for enforcement of breach of planning control from four years to 10 in England, to assess the impact of the change and to give due regard to the outcome of the consultation before amending any time limits.

THE EARL OF LYTTON
THE EARL OF DEVON

279 Clause 107, page 142, line 17, at end insert –

“(3) No enforcement action may be taken against breaches of planning control consisting of –

(a) the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land that are substantially complete, or

(b) the change of use of any building to use as a single dwellinghouse, where the date the operations were substantially completed or the date of the change of use was before four years before the date of the passing of this Act.”

Member's explanatory statement

This amendment preserves the status quo for breaches of planning control that are currently immune from enforcement but (in the absence of transitional provisions) would otherwise potentially be no longer immune from enforcement after the commencement date of the Act. If the amendment in the name of the Earl of Lytton to delete clause 107(2) is accepted, (b) can be omitted from this amendment.

Clause 109

BARONESS TAYLOR OF STEVENAGE

280 Clause 109, page 142, line 32, leave out “an” and insert “a digital”

Member's explanatory statement

This is to probe how the Government can use new technology in the planning process.

After Clause 109

BARONESS TAYLOR OF STEVENAGE

281 After Clause 109, insert the following new Clause –

“Duty to provide sufficient resources to local planning authorities for new burdens: enforcement of planning controls

The Secretary of State must provide commensurate additional financial resources to local planning authorities to enable them to implement the provisions in this Chapter.”

Member's explanatory statement

This would require the Secretary of State to provide sufficient additional resources to local planning authorities to enable them to implement the changes required by Chapter 5 of Part 3.

Clause 112

BARONESS HAYMAN OF ULLOCK

- 281A** Clause 112, page 146, line 10, after “fine” insert “which is greater than any financial profit gained as a result of non-compliance”

Member's explanatory statement

This means that the size of the fine is greater than the amount of profit made from the non-compliance.

Clause 113

BARONESS TAYLOR OF STEVENAGE

- 281B** Clause 113, page 146, line 35, at end insert –
- “(1A) Regulations under subsection (1) may not provide for relief from a planning condition relating to the development of a type or volume of affordable housing in a development.”

Member's explanatory statement

This amendment would exclude planning conditions relating to the delivery of agreed on-site affordable housing in developments from the power to provide relief from the enforcement of planning conditions.

LORD HOPE OF CRAIGHEAD

- 281C** Clause 113, page 146, line 35, at end insert –
- “(1A) The power in subsection (1) may only be exercised in the event of an emergency or other form of serious disruption which makes it necessary for the local planning authority to be provided with this relief.”

Member's explanatory statement

This amendment seeks to put on the face of the Bill the explanation of the purpose of this Clause which is set out in paragraph 676 of the Explanatory Notes.

Clause 115

BARONESS SCOTT OF BYBROOK

- 281CA** Clause 115, page 148, line 30, at end insert –
- “(iii) for “arising in” substitute “in respect of”;

Member's explanatory statement

This amendment is consequential on the amendment inserting a new paragraph (ab) at the end of line 30 of Clause 115 in the minister's name.

BARONESS SCOTT OF BYBROOK

281CB Clause 115, page 148, line 30, at end insert –

“(aa) after subsection (5) insert –

“(5A) Regulations may make provision specifying descriptions of planning permissions or permissions in principle that are, or are not, to be treated as development permission for the carrying out of self-build and custom housebuilding for the purposes of this section.”;

Member's explanatory statement

This amendment allows the Secretary of State to specify descriptions of planning permissions or permissions in principle that will count as development permissions for the purpose of a local planning authority complying with its duty to meet the demand for self-build and custom housebuilding in its area.

BARONESS SCOTT OF BYBROOK

281CC Clause 115, page 148, line 30, at end insert –

“(ab) in subsection (6), for paragraph (a) substitute –

“(a) the demand for self-build and custom housebuilding in an authority's area in respect of a base period is the aggregate of –

(i) the demand for self-build and custom housebuilding arising in the authority's area in the base period; and

(ii) any demand for self-build and custom housebuilding that arose in the authority's area in an earlier base period and in relation to which –

(A) the time allowed for complying with the duty in subsection (2) expired during the base period in question, and

(B) the duty in subsection (2) has not been met;

(aa) the demand for self-build and custom housebuilding arising in an authority's area in a base period is evidenced by the number of entries added during that period to the register under section 1 kept by the authority;”;

Member's explanatory statement

This amendment provides that the demand for self-build and custom housebuilding in an authority's area in a particular 12 month base period should be treated as including any demand from an earlier 12 month base period which has not been met within the time period allowed for complying with the duty to meet that demand.

BARONESS SCOTT OF BYBROOK

281CD Clause 115, page 148, line 31, at end insert –

“(c) in subsection (9)(b), for “arising in” substitute “in respect of”.”

Member's explanatory statement

This amendment is consequential on the amendment inserting a new paragraph (ab) at the end of line 30 of Clause 115 in the minister's name.

BARONESS SCOTT OF BYBROOK

281CE Clause 115, page 148, line 31, at end insert –

“(2) In section 4 of the Self-build and Custom Housebuilding Act 2015 (regulations), in subsection (2), before paragraph (za) insert –

“(zza) section 2A(5A),”.”

Member's explanatory statement

This amendment provides that regulations made under section 2A(5A) (see the amendment inserting a new paragraph (aa) at the end of line 30 in Clause 115 in the minister's name) are subject to the negative resolution procedure.

After Clause 115

BARONESS HAYMAN OF ULLOCK

281D After Clause 115, insert the following new Clause –

“Duty to grant sufficient planning permission for healthy homes

- (1) Relevant authorities have a duty to grant sufficient planning permission for healthy homes.
- (2) In this section “healthy homes” are homes which do not cause negative health outcomes.”

Member's explanatory statement

This is to probe the supply of healthy homes.

Clause 116

BARONESS TAYLOR OF STEVENAGE

282 Clause 116, page 149, line 29, at end insert –

“(8A) When exercising the power, consideration must be given to reducing delays in the planning process.”

Member's explanatory statement

This is to probe whether the changes will speed up the planning process.

After Clause 118

BARONESS YOUNG OF OLD SCONE
BARONESS PARMINTER
BARONESS HAYMAN OF ULLOCK

283

After Clause 118, insert the following new Clause –

“Fees for certain services in relation to local planning authority functions

After section 303A of TCPA 1990 (responsibility of local planning authorities for costs of holding certain inquiries etc) insert –

“303B Fees for prescribed services in relation to local planning authority functions

- (1) The Secretary of State may by regulations make provision for or in connection with the charging of fees by prescribed public authorities in relation to the provision of relevant services.
- (2) A "relevant service" means any advice, information or other assistance (including a response to a consultation) provided in connection with –
 - (a) an application or proposed application –
 - (i) for planning permission,
 - (ii) for any other consent under the Planning Acts,
 - (iii) an order or other authorisation which has the effect of allowing development or reducing the control upon development in a specified location or identified circumstances, or
 - (iv) to make a change to, or revoke, such a permission, consent, order or authorisation,
 - (b) any other prescribed matter relating to planning permission or a consent order or authorisation as identified in paragraph (a),
 - (c) any other prescribed matter relating to the performance by the local planning authority of any planning function they have, or
 - (d) anything done by a local planning authority which is calculated to facilitate or is conducive or incidental to the performance of any such function.
- (3) The regulations under subsection (1) may in particular contain provision –
 - (a) about when a fee (including a supplementary fee) may, and may not, be charged;
 - (b) about the amount which may be charged;
 - (c) about what may, and may not, be taken into account in calculating the amount charged;
 - (d) about who is liable to pay a fee charged;

- (e) about when a fee charged is payable;
 - (f) about the recovery of fees charged;
 - (g) about waiver, reduction or repayment of fees;
 - (h) about the effect of paying or failing to pay fees charged (including provision permitting a public authority prescribed under subsection (1) to withhold a relevant service that they would otherwise be required to provide under an enactment until any outstanding fees for that service are paid);
 - (i) for the supply of information for any purpose of the regulations;
 - (j) conferring a function, including a function involving the exercise of a discretion, on any person.
- (4) The regulations may not permit a public authority to charge fees for the provision of a relevant service to an excluded person, unless the relevant service is provided—
- (a) in connection with an application or proposed application by that person for planning permission,
 - (b) in connection with an application or proposed application by that person for any other consent under the Planning Acts,
 - (c) in connection with an order or other authorisation which has the effect of allowing development or reducing the control upon development in a specified location or identified circumstances granting planning permission, or
 - (d) to make a change to, or revoke, such an permission, consent, order, or authorisation.
- (5) A public authority prescribed under subsection (1) must have regard to any guidance published by the Secretary of State in relation to the exercise of its functions under the regulations.
- (6) In this section—
- “excluded person” means—
 - (a) the Secretary of State;
 - (b) the Mayor of London;
 - (c) a local planning authority;
 - (d) a mayoral combined authority (within the meaning given in section 107A of the Local Democracy, Economic Development and Construction Act 2009);
 - (e) a qualifying neighbourhood body;
 - (f) such other person as may be prescribed;
 - “Planning Acts” means this Act, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 and the Planning and Compulsory Purchase Act 2004;
 - “public authority” means any person certain of whose functions are of a public nature;
 - “qualifying neighbourhood body” means—

- (a) a qualifying body within the meaning given by section 61E(6) (and includes a community organisation which is to be regarded as such a qualifying body by virtue of paragraph 4(2) of Schedule 4C), or
- (b) a qualifying body within the meaning given by section 38A(12) of the Planning and Compulsory Purchase Act 2004.””

Member's explanatory statement

This new Clause would enable statutory consultees, who are required to provide expert advice to Local Planning Authorities and other planning decision makers on the potential risks and impacts of development proposals on sensitive areas (eg SSSIs, flood risk zones) and on opportunities for environmental enhancement, to recover their costs from applicants seeking planning permissions.

After Clause 120

LORD MOYLAN

284 After Clause 120, insert the following new Clause –

“Directions under section 35: review

- (1) The Planning Act 2008 is amended as follows.
- (2) After section 35ZA (directions under section 35: procedural matters) insert –

“35ZB Directions under section 35: review

Within three years of making a direction under section 35(1) and annually thereafter, the Secretary of State must consider progress with implementation of the development contemplated in it and, if the Secretary of State considers that it is unlikely to proceed, the Secretary of State may withdraw the direction.””

Clause 122

LORD NORTHBROOK

285 Clause 122, page 154, line 33, at end insert –

- “(3A) The Secretary of State must ensure that an up-to-date consolidated text of the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596) is available on the website of The National Archives at all times.”

After Clause 122

BARONESS SCOTT OF BYBROOK

285A After Clause 122, insert the following new Clause –

“Power for appointees to vary determinations as to procedure

In paragraph 2 of Schedule 6 to TCPA 1990 (powers and duties of appointed persons), in sub-paragraph (10) –

- (a) for “does not apply” substitute “applies”;
- (b) at the end insert “only for the purposes of subsection (4) of that section”.

Member's explanatory statement

This amendment inserts a new Clause into Chapter 6 of Part 3 of the Bill to amend the Town and Country Planning Act 1990 to enable a planning inspector (as an appointed person) to vary the procedure of certain proceedings under section 319A of that Act.

Clause 123

LORD STUNELL

285AA Clause 123, page 156, line 37, leave out lines 37 to 39 and insert –

“(d) a Combined Mayoral Authority with devolved planning powers.”

Member's explanatory statement

This amendment removes the power in the bill to make incidental provisions in relation to devolved competencies, and inserts combined Mayoral Authorities with devolved planning powers into the exemptions that regulations may not make provision in relation to.

LORD CARRINGTON

Lord Carrington gives notice of his intention to oppose the Question that Clause 123 stand part of the Bill.

After Clause 123

BARONESS SCOTT OF BYBROOK

285B After Clause 123, insert the following new Clause –

“Participation in certain proceedings conducted by, or on behalf of, the Secretary of State

- (1) The Secretary of State may, to the extent not otherwise able to do so, require or permit a person who takes part in relevant proceedings conducted by the Secretary of State to do so (wholly or partly) remotely.

- (2) The references in subsection (1) to the Secretary of State include references to a person appointed by the Secretary of State.
- (3) “Relevant proceedings” means any inquiry, hearing, examination, meeting or other proceedings under an Act (whenever passed or made) which relate to planning, development or the compulsory purchase of land.
- (4) Relevant proceedings include, in particular –
 - (a) any proceedings to which section 319A of TCPA 1990 applies (see subsections (7) to (10) of that section);
 - (b) any proceedings under section 20 of, or paragraph 6 of Schedule 3 to, the Planning (Listed Buildings and Conservation Areas) Act 1990;
 - (c) any proceedings under section 21 of, or paragraph 6 of the Schedule to, the Planning (Hazardous Substances) Act 1990;
 - (d) any proceedings under section 13A of, or paragraph 4A of Schedule 1 to, the Acquisition of Land Act 1981;
 - (e) any proceedings under Part 10A or Part 11 of the Planning Act 2008;
 - (f) an examination under Part 2 of PCPA 2004;
 - (g) an examination under Chapter 2 or 3 of Part 6 of the Planning Act 2008 (including any meetings under Chapter 4 of that Part) in relation to an application for an order granting development consent;
 - (h) an examination under Schedule 4B to the TCPA 1990 in relation to a draft neighbourhood development order.
- (5) For the purposes of this section a person takes part in relevant proceedings remotely if they take part through –
 - (a) a live telephone link,
 - (b) a live television link, or
 - (c) any other arrangement which does not involve the person attending the proceedings in person.”

Member's explanatory statement

This amendment inserts a new Clause into Chapter 6 of Part 3 of the Bill. The Clause confers a power on the Secretary of State to require or permit a person who takes part in certain proceedings relating to planning, development or the compulsory purchase of land to do so wholly or partly remotely. The power can be exercised by a person appointed by the Secretary of State and it is intended that the Planning Inspectorate will be appointed for this purpose.

BARONESS SCOTT OF BYBROOK

285C After Clause 123, insert the following new Clause –

“Power of certain bodies to charge fees for advice in relation to applications under the planning Acts

After section 303ZA of the TCPA 1990 (fees for appeals) insert –

“303ZB Power of certain bodies to charge fees for advice in relation to applications under the planning Acts

- (1) A prescribed body may charge fees for the provision of advice, information or assistance (including the provision of a response to a consultation) in connection with an application within subsection (2) that relates to land in England.
- (2) An application is within this subsection if it is an application, proposed application or proposal for a permission, approval or consent under, or for the purposes of, the planning Acts.
- (3) A prescribed body may not charge fees under subsection (1) in respect of –
 - (a) a response to a consultation that a qualifying neighbourhood body is required to carry out under an enactment;
 - (b) the provision of advice, information or assistance to an excluded person, unless the advice, information or assistance is provided in connection with an application within subsection (2) by that person;
 - (c) the provision of prescribed advice, information or assistance or advice, information or assistance of a prescribed description.
- (4) In subsection (3)(a), a “qualifying neighbourhood body” means –
 - (a) a qualifying body within the meaning given by section 61E(6) (and includes a community organisation which is to be regarded as such a qualifying body by virtue of paragraph 4(2) of Schedule 4C), or
 - (b) a qualifying body within the meaning given by section 38A(12) of the Planning and Compulsory Purchase Act 2004.
- (5) In subsection (3)(b), an “excluded person” means –
 - (a) the Secretary of State;
 - (b) the Mayor of London;
 - (c) a local planning authority;
 - (d) a mayoral combined authority (within the meaning given in section 107A of the Local Democracy, Economic Development and Construction Act 2009).
- (6) A prescribed body may charge fees under subsection (1) only in accordance with a statement published on its website which –
 - (a) describes the advice, information or assistance in respect of which fees are charged,

- (b) sets out the fees (or, if applicable, the method by which the fees are to be calculated), and
 - (c) refers to any provision in an enactment pursuant to which the advice, information or assistance is provided.
- (7) Subsections (8) and (9) apply where a prescribed body decides to charge fees under subsection (1) for advice, information or assistance which the body provides pursuant to a provision in an enactment.
- (8) If a person fails to pay the fee charged under subsection (1), the prescribed body may, notwithstanding any requirement to provide the advice, information or assistance, withhold the advice, information or assistance until the fee is paid.
- (9) The prescribed body must secure that, taking one financial year with another, the income from the fees charged under subsection (1) does not exceed the cost of providing the advice, information or assistance.
- (10) A financial year is the period of 12 months beginning with 1 April.
- (11) Before making regulations under this section, the Secretary of State must consult—
- (a) any body likely to be affected by the regulations, and
 - (b) such other persons as the Secretary of State considers appropriate.
- (12) In this section, “fees” include charges (however described).”

Member's explanatory statement

This amendment inserts a new section 303ZB into the Town and Country Planning Act 1990 which provides a power for certain bodies to charge fees for the provision of advice, information or assistance in connection with applications for a permission, approval or consent under the planning Acts in relation to land in England.

BARONESS PINNOCK

286

After Clause 123, insert the following new Clause—

“Strengthening local powers on new home standards and affordable housing

- (1) The Secretary of State must make Building Regulations under section 1 of the Building Act 1984 (Power to make building regulations) providing that new homes in England must meet the full requirements of the Future Homes Standard from 1 June 2023.
- (2) A local authority in England may choose to require and enforce minimum carbon compliance standards for new homes in its area which exceed the Future Homes Standard from that date.
- (3) Notwithstanding the National Planning Policy Framework, a local planning authority may mandate that any new housing in its area is affordable.
- (4) A local planning authority may define “affordable” for the purposes of subsection (3).”

Member's explanatory statement

This new Clause would bring forward the date for which the Future Homes Standard for carbon compliance of new homes would apply and give local authorities the option of imposing higher standards locally and would enable local authorities to mandate that new housing under their jurisdiction is affordable.

BARONESS PINNOCK

287 After Clause 123, insert the following new Clause –

“Planning Application Fees

- (1) Section 303 of the Town and Country Planning Act 1990 (Fees for planning applications etc.) is amended as follows.
- (2) After subsection (4) insert –
 - “(4A) A local planning authority may make provision as to how a fee or charge under this section is to be calculated (including who is to make the calculation).”

Member's explanatory statement

This new Clause would allow local authorities to set the fees for planning applications, in order that the cost of determining an application is reflected by the fee charged.

BARONESS PINNOCK

288 After Clause 123, insert the following new Clause –

“Public consultation on planning and women’s safety

- (1) The Secretary of State must, within 90 days of the day on which this Act is passed, open a public consultation to establish the impact of proposed changes to the planning system on women’s safety.
- (2) Section 70 of the Town and Country Planning Act 1990 (Determination of applications: general considerations) is amended in accordance with subsection (3).
- (3) After subsection (2A), insert –
 - “(2B) In dealing with an application for planning permission for public development, a local planning authority must establish a review of how the proposed development would impact women’s safety. The review must, in particular, consider the impact of proposed development on –
 - (a) open spaces,
 - (b) layout of buildings,
 - (c) unlit or hidden spaces,
 - (d) visibility of entranceways, and
 - (e) blind spots.

- (2C) The local planning authority must prepare and publish a report setting out the results of the review.””

Member's explanatory statement

This amendment would require the Secretary of State to open a public consultation to establish the impact of proposed changes to the planning system on women's safety and would require local planning authorities to review the impact of new developments on women's safety.

LORD RANDALL OF UXBRIDGE
BARONESS JONES OF WHITCHURCH
BARONESS WILLIS OF SUMMERTOWN
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

289 After Clause 123, insert the following new Clause –

“Wildbelt

- (1) Local planning authorities must maintain a register of wildbelt land in their local areas (see section 106(3)(c) of the Environment Act 2021).
- (2) Wildbelt land must be recognised in local plans based on areas identified in the local nature recovery strategy.
- (3) Local planning authorities must act in accordance with local nature recovery strategy wildbelt designations in the exercise of relevant functions, including land use planning and planning decisions.
- (4) Wildbelt land may not be subject to land use change that hinders the recovery of nature in these areas.”

Member's explanatory statement

This new Clause would secure a land designation in England that provides protection for sites being managed for nature's recovery, identified through the Local Nature Recovery Strategies created by the Environment Act. Sites designated as wildbelt in Local Plans would be subject to only moderate controls, precluding development but allowing farming and other land uses which do not hinder the recovery of nature.

LORD RUSSELL OF LIVERPOOL
LORD YOUNG OF COOKHAM
BARONESS ROYALL OF BLAISDON
BARONESS TYLER OF ENFIELD

290 After Clause 123, insert the following new Clause –

“Developer contributions: childcare

- (1) This section applies where a local authority is making a consideration under –
 - (a) section 106(1)(d) of TCPA 1990 in relation to a “major development”, or
 - (b) Part 4 of this Act.
- (2) When this section applies, the local authority in question may have regard to –

- (a) the current availability and affordability of childcare services in the local area,
 - (b) the impact that any new development will have on the availability and affordability of childcare services in the local area, and
 - (c) the need to promote high-quality affordable childcare in line with sections 6 and 7 of the Childcare Act 2006.
- (3) When setting obligations to which this section applies, the local authority must publish a statement setting out the reasons underpinning their decision to allocate the level of funding or support they have to early years or childcare services and settings.
- (4) Nothing in this section prevents a local authority from having regard to any factor not mentioned in this section when making a relevant consideration.
- (5) “Major development” here has the same meaning as in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I. 2015/595).”

Member's explanatory statement

This amendment would make clear that local authorities are empowered, but not required, to use developer contributions to fund childcare services and settings. It would also require them to publish a statement explaining why – in relation to large developer contributions – they did or did not direct any funding towards childcare services and settings. This would only apply to major developments, as is currently the case for affordable housing considerations.

BARONESS MCINTOSH OF PICKERING
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

291 After Clause 123, insert the following new Clause –

“Sustainable drainage

The Secretary of State must make provision under section 49 of the Flood and Water Management Act 2010 so as to bring Schedule 3 to that Act (sustainable drainage) into force in relation to England before the end of 31 December 2023, insofar as it is not already in force.”

LORD CARRINGTON

292 After Clause 123 insert the following new Clause –

“Duty of care

- (1) It is the duty of any body using compulsory purchase to act fairly towards the owner of any property being acquired and any claimant of compensation.
- (2) The Secretary of State must issue a code of practice specifying how the duty in subsection (1) is to be discharged.”

Member's explanatory statement

This amendment will ensure that legislative provision for compulsory purchase, and the actions of the acquirer, always achieve a correct balance between the interest of the state and that of the property-owning individual.

BARONESS JONES OF MOULSECOOMB
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

293 After Clause 123, insert the following new Clause –

“Ecological surveys prior to planning application & mitigation

- (1) TCPA 1990 is amended as follows.
- (2) After section 57 (planning permission required for development) insert –

“57A Ecological surveys prior to planning permission

- (1) Before making an application for planning permission the applicant must undertake an ecological survey of the proposed site to establish whether the proposed development threatens the habitat of a vulnerable species.
 - (2) The Secretary of State must by regulations make provision about –
 - (a) such ecological surveys and requirements to undertake them,
 - (b) the definition of “vulnerable species” for the purposes of this section,
 - (c) the mitigation hierarchy being duly followed with avoidance, then mitigation on-site being prioritised over compensation, and
 - (d) as a last resort, the relocation of species to suitable alternative habitats where clearance or destruction of the habitat cannot be avoided or mitigated onsite.
 - (3) A person who alters a potential development site –
 - (a) prior to the completion of an ecological survey under this section, and
 - (b) without due regard to potential habitats of vulnerable species on the site,
 commits an offence.
 - (4) A person who commits an offence under subsection (3) is liable on summary conviction to a fine.
 - (5) The Secretary of State may by regulations make provision about offences under subsection (3).”
- (3) After section 58A (permission in principle) insert –

“58B Duty of regard to wildlife habitats in granting permissions

In considering whether to grant planning permission or permission in principle for the development of land in England which threatens the habitat of a vulnerable species under section 57A, the local planning

authority or (as the case may be) the Secretary of State must have special regard to the desirability of preserving or enhancing the habitat.””

Member's explanatory statement

This new Clause would make ecological surveys mandatory in all planning applications. This would ensure that data on vulnerable species is robust and accurate and prevent assumptions being made about the presence or absence of species.

LORD YOUNG OF COOKHAM
THE EARL OF DEVON

294 After Clause 123, insert the following new Clause –

“Short-term rental properties: planning control

- (1) The Secretary of State must make regulations under this section governing changes of use of dwellinghouses used as sole or main residences to short-term rental properties in England.
- (2) The regulations must make provision –
 - (a) for short-term rental properties to be a distinct use class from dwellinghouses used as sole or main residences;
 - (b) for changes of use between dwellinghouses used as sole or main residences, and short-term rental properties, to be permitted development; and
 - (c) for a relevant planning permission for change of use to be a condition of registration of a short-term rental property under section 210(5) of this Act (registration of short-term rental properties).
- (3) In this section “short-term rental property” has the meaning given by section 210 of this Act.”

Member's explanatory statement

The amendment introduces a new use for dwellinghouses enabling local authorities to maintain the stock of long-term rental properties in their area.

BARONESS YOUNG OF OLD SCONE
BARONESS WILLIS OF SUMMERTOWN

295 After Clause 123, insert the following new Clause –

“Purposes of green belt land

An area may be identified as green belt land in a development plan for one or more of the following purposes –

- (a) to check the unrestricted sprawl of large built up areas;
- (b) to prevent neighbouring towns merging into one another;
- (c) to assist in safeguarding the countryside from encroachment;
- (d) to preserve the setting and special character of historic towns;
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land;

- (f) to support climate mitigation and adaptation;
- (g) to combat the decline of biodiversity and enhance its conservation;
- (h) to promote natural capital and ecosystem services;
- (i) to enable the public to access and benefit from green open spaces close to where they live.”

Member's explanatory statement

This clause transposes the existing purposes of green belt land from guidance in the National Planning Policy Framework into statute and adds new purposes in regard to climate change, biodiversity, natural capital and public access.

BARONESS YOUNG OF OLD SCONE
BARONESS HAYMAN OF ULLOCK

296 After Clause 123, insert the following new Clause –

“Tree preservation order: penalty for non-compliance

- (1) Section 210 of TCPA 1990 (penalties for non-compliance with tree preservation order regulations) is amended as follows.
- (2) In subsection (1)(b), omit “in such a manner as to be likely to destroy it”.
- (3) In subsection (3), at the end insert “and the likelihood that the action will destroy a tree”.
- (4) After subsection (3) insert –
 - “(3A) Subsections (1) to (3) do not apply in relation to Wales.”
- (5) Omit subsection (4).”

Member's explanatory statement

This amendment creates a single offence for the breach of a Tree Preservation Order to ensure all fines are commensurate with the potential profits of contravention.

BARONESS YOUNG OF OLD SCONE
BARONESS HAYMAN OF ULLOCK

297 After Clause 123, insert the following new Clause –

“Tree preservation orders: meaning of “amenity”

In section 198 of TCPA 1990 (power to make tree preservation orders), after subsection (1) insert –

- “(1A) In subsection (1), “amenity” includes appearance, age, rarity, biodiversity, and historic, scientific, recreational or other social value.
- (1B) Subsection (1A) does not apply in relation to Wales.””

Member's explanatory statement

The amendment clarifies the meaning of amenity in the context of Tree Preservation Orders.

BARONESS YOUNG OF OLD SCONE
BARONESS HAYMAN OF ULLOCK

298 After Clause 123, insert the following new Clause –

“Power to make tree preservation orders in the public interest

In section 198 of TCPA 1990 (power to make tree preservation orders), after subsection (1) insert –

“(1A) For the avoidance of doubt, the power in subsection (1) may be exercised proactively and before any person intimates that they may destroy or damage a tree.

(1B) Subsection (1A) does not apply in Wales.””

Member's explanatory statement

The amendment empowers Local Planning Authorities to use Tree Preservation Orders to protect trees proactively before they are threatened by development.

BARONESS YOUNG OF OLD SCONE
BARONESS HAYMAN OF ULLOCK

299 After Clause 123, insert the following new Clause –

“Tree preservation orders: removing exemption for dead or dying trees

(1) In section 198 of TCPA 1990 (power to make tree preservation orders), in subsection (6)(a) omit “are dying or dead or”.

(2) In regulation 14 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (S.I. 2012/605) (exceptions), in paragraph (1) –

- (a) in sub-paragraph (a) omit paragraph (i), and
- (b) omit sub-paragraph (b).”

Member's explanatory statement

This amendment removes the exemption that prevents trees which are dead and dying from being eligible for protection by Tree Preservation Orders.

BARONESS YOUNG OF OLD SCONE
BARONESS HAYMAN OF ULLOCK

300 After Clause 123, insert the following new Clause –

“Developments affecting ancient woodland

Within three months of this Act being passed, the Secretary of State must vary The Town and Country Planning (Consultation) (England) Direction 2021 so that it applies in relation to applications for planning permission for development affecting ancient woodland.”

Member's explanatory statement

This amendment requires the introduction of a consultation direction for developments affecting ancient woodlands.

BARONESS YOUNG OF OLD SCONE
BARONESS HAYMAN OF ULLOCK

301 After Clause 123, insert the following new Clause –

“Duty to consult on revocation of tree preservation orders

After regulation 11 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (S.I. 2012/605) (revocation of tree preservation orders) insert –

“Actions to be taken before revocation of an order

11A – (1) Before revoking an order, an authority must –

- (a) serve on the persons interested in the land affected –
 - (i) a draft of the statement under regulation 11(a), and
 - (ii) a notice containing the particulars specified in paragraph (2), and
- (b) comply with the requirement in paragraph (3).

(2) The particulars specified in this paragraph are –

- (a) the reasons for revoking the order,
- (b) a statement that objections or other representations with respect to any trees, groups of trees or woodlands specified in the order may be made to the authority in accordance with regulation 6,
- (c) the date, being at least 28 days after the date of the notice, by which any objection or representation must be received by the authority, and
- (d) a copy of regulation 6.

(3) The documents mentioned in paragraph (1)(a) must be made available for inspection, free of charge, at all reasonable hours, at the offices of the authority; and where an order was made on behalf of an authority, those documents must also be made available for inspection at the offices of the authority on whose behalf it was made.

(4) The authority may not revoke an order unless they have first considered objections and representations made in respect of it and not withdrawn.

(5) Where necessary, such considerations may be the subject of a suitably appointed scrutiny committee.””

Member's explanatory statement

This amendment requires a public consultation process to be undertaken prior to the revocation of a Tree Preservation Order.

LORD HOLMES OF RICHMOND

302 After Clause 123, insert the following new Clause –

“Inclusive design

All planning and development must be predicated on the principle of inclusive design.”

BARONESS HAYMAN OF ULLOCK

303 After Clause 123, insert the following new Clause –

“Minimum requirements for flood mitigation and protection

- (1) The Secretary of State must, before the end of the period of six months beginning on the day this Act is passed, use the power under section 1 of the Building Act 1984 (power to make building regulations) to make building regulations for the purpose set out in subsection (2).
- (2) That purpose is to set minimum standards for new-build public and private properties in England for –
 - (a) property flood resilience,
 - (b) flood mitigation, and
 - (c) waste management in connection with flooding.”

Member's explanatory statement

This new Clause would require the Government to set minimum standards for flood resilience, flood mitigation and flood waste management in building regulations.

BARONESS HAYMAN OF ULLOCK

304 After Clause 123, insert the following new Clause –

“Duty to make flooding data available

- (1) The Secretary of State and local authorities in England must take all reasonable steps to make data about flood prevention and risk publicly available for purposes relating to planning and development.
- (2) The duty under subsection (1) extends to seeking to facilitate use of the data by –
 - (a) insurers for the purpose of accurately assessing risk, and
 - (b) individual property owners for the purpose of assessing the need for property flood resilience measures.”

Member's explanatory statement

This new Clause would place a duty on the Government and local authorities to make data about flood prevention and risk available for the purpose of assisting insurers and property owners.

BARONESS HAYMAN OF ULLOCK

305 After Clause 123, insert the following new Clause –

“Flood prevention and mitigation certification and accreditation schemes

- (1) The Secretary of State must by regulations establish –
 - (a) a certification scheme for improvements to domestic and commercial properties in England made in full or in part for flood prevention or flood mitigation purposes, and
 - (b) an accreditation scheme for installers of such improvements.
- (2) The scheme under subsection (1)(a) must –
 - (a) set minimum standards for the improvements, including that they are made by a person accredited under subsection (1)(b), and
 - (b) provide for the issuance of certificates stating that improvements to properties have met those standards.
- (3) The scheme under subsection (1)(a) may make provision for the certification of improvements that were made before the establishment of the scheme provided those improvements meet the minimum standards in subsection (2)(a).
- (4) Regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (5) A draft statutory instrument containing regulations under this section must be laid before Parliament before the end of the period of six months beginning with the day on which this Act comes into force.”

Member's explanatory statement

This new Clause would require the Government to establish a certification scheme for improvements to domestic and commercial properties in England made for flood prevention or flood mitigation purposes and an accreditation scheme for installers of such improvements.

BARONESS HAYMAN OF ULLOCK

306 After Clause 123, insert the following new Clause –

“Insurance premiums

- (1) The Financial Conduct Authority must, before the end of the period of six months beginning on the day this Act is passed, make rules under the Financial Services and Markets Act 2000 requiring insurance companies to take into account the matters in subsection (2) when calculating insurance premiums relating to residential and commercial properties.
- (2) Those matters are –
 - (a) that certified improvements have been made to a property under section (*Flood prevention and mitigation certification and accreditation schemes*), or
 - (b) that measures that were in full or in part for the purposes of flood prevention or mitigation have been taken in relation to the property that

were requirements of the local planning authority for planning permission purposes.”

Member's explanatory statement

This new Clause would require the Financial Conduct Authority to make rules requiring insurance companies to take into account flood prevention or mitigation improvements that are either certified or planning permission requirements in setting insurance premiums.

BARONESS HAYMAN OF ULLOCK

307 After Clause 123, insert the following new Clause –

“Flood Re Build Back Better Scheme participation

- (1) The Financial Conduct Authority must, before the end of the period of six months beginning on the day this Act is passed, make rules under the Financial Services and Markets Act 2000 requiring insurance companies to participate in the Flood Re Build Back Better Scheme to reimburse flood victims for costs of domestic flood resilience and prevention measures.
- (2) In making those rules the Financial Conduct Authority must have regard to its operational objectives to –
 - (a) protect consumers, and
 - (b) promote competition.”

Member's explanatory statement

This new Clause would require the Financial Conduct Authority to make rules requiring insurance companies to participate in the currently voluntary Build Back Better scheme, which was launched by FloodRe in April 2022.

BARONESS HAYMAN OF ULLOCK

308 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.

LORD TEVERSON

309 After Clause 123, insert the following new Clause –

“Consistency with the mitigation of, and adaptation to, climate change

- (1) The Secretary of State must aim to ensure consistency with the mitigation of, and adaptation to, climate change in preparing –
 - (a) national policy or advice relating to the development or use of land,
 - (b) a development management policy pursuant to section 38ZA of the Planning and Compulsory Purchase Act 2004.
- (2) A relevant planning authority when making a planning decision must aim to ensure the decision is consistent with the mitigation of, and adaptation to, climate change.
- (3) For the purposes of subsection (2), a relevant planning authority is as set out in section 84.
- (4) For the purposes of subsection (2) a planning decision is a decision relating to –
 - (a) development arising from an application for planning permission;
 - (b) the making of a development order granting planning permission;
 - (c) an approval pursuant to a development order granting planning permission.
- (5) For the purposes of this section –
 - (a) the mitigation of climate change must include the achievement of –
 - (i) the target for 2050 set out in section 1 of the Climate Change Act 2008, and
 - (ii) applicable carbon budgets made pursuant to section 4 of the Climate Change Act 2008;
 - (b) adaptation to climate change must include the achievement of long-term resilience to climate-related risks, including –
 - (i) the mitigation of the risks identified in the latest climate change risk assessment conducted under section 56 of the Climate Change Act 2008, and
 - (ii) the achievement of the objectives of the latest flood and coastal erosion risk management strategy made pursuant to section 7 of the Flood and Coastal Water Management Act 2010.
- (6) The meaning of the mitigation of, and adaptation to, climate change given by subsection (5) applies for the purposes of –
 - (a) Parts 2 and Part 3 of the Planning and Compulsory Purchase Act 2004,
 - (b) section 334 of the Greater London Authority Act 1999, and
 - (c) Part 10A of the Planning Act 2008.”

Member's explanatory statement

This new clause would require planning policy prepared by the Secretary of State to inform local plan-making and planning decisions, and planning decisions themselves (including those made

by the Secretary of State) to be consistent with national targets and objectives for the mitigation of, and adaption to, climate change.

LORD LANSLEY
BARONESS JONES OF MOULSECOOMB

310 After Clause 123, insert the following new Clause –

“Planning committees to be allowed to meet virtually

The Secretary of State may by regulations amend the Local Government Act 1972 and other enactments to –

- (a) enable the meeting of a local authority planning committee or sub-committee to take place using electronic, digital or virtual channels;
- (b) regard members attending a meeting remotely as attending the meeting; and
- (c) enable remote attendance at such meetings by members of the public.”

Member's explanatory statement

This new clause would give the Secretary of State the power to permit planning meetings to take place in a virtual format.

LORD NORTHBROOK

311 After Clause 123, insert the following new Clause –

“British standards: publication

Where legislation made under the Planning Acts, or a local authority planning policy, refers to a British standard, the Secretary of State or local authority must take such steps as are necessary to make the relevant standard publicly available online free of charge.”

LORD NORTHBROOK

312 After Clause 123, insert the following new Clause –

“Change of use to café etc

In the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596), Schedule 2, Part 3, after Class B.1 insert –

- “(B.1A) Development is not permitted by Class BB from a use within Class E (a) or (c)-(g) (commercial, business and service) of Schedule 2 to the Use Classes Order, to Class E (b) (the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises).”

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.

BARONESS TAYLOR OF STEVENAGE
BARONESS JONES OF MOULSECOOMB

312B After Clause 123, insert the following new Clause—

“Chief Planning Officers

The Secretary of State must publish guidance for local authorities on the appointment of Chief Planning Officers.”

Member's explanatory statement

This is to probe the role of Chief Planning Officers.

BARONESS TAYLOR OF STEVENAGE

312C After Clause 123, insert the following new Clause –

“Net zero and planning

Within 50 days of this Act being passed, a Minister of the Crown must lay a strategy for planning reform with the aim of achieving net zero emissions.”

Member's explanatory statement

This means that a Minister of the Crown must lay a strategy for planning reform with the aim of net zero emissions.

BARONESS TAYLOR OF STEVENAGE

312D After Clause 123, insert the following new Clause –

“Virtual planning committees

Local planning committees may meet virtually to fulfil any functions under this Part, Part 4 or Part 5.”

Member's explanatory statement

This is to probe the role of virtual meetings.

BARONESS HAYMAN OF ULLOCK
BARONESS BOYCOTT
BARONESS WILLIS OF SUMMERTOWN

312E After Clause 123, insert the following new Clause –

“Report on further legislation in relation to green belt land

- (1) Within 90 days of this Act being passed, a Minister of the Crown must publish a report on the possibility of further legislation in relation to green belt land to support the implementation of this Act.
- (2) The report must consider the possibility of further legislation in relation to –
 - (a) the purpose of green belt land, including but not limited to environmental quality and access for recreation;
 - (b) the introduction of local nature recovery strategies in relation to green belt land;
 - (c) a review of the designation of green belt land to identify locations for the national register of biodiversity net gain delivery sites;
 - (d) a new duty on Ministers to identify and maintain a network of sites for the purpose of restoring and protecting the natural environment;
 - (e) a new power for local authorities to propose wild belt designations.
- (3) The report must be laid before Parliament.

- (4) For the purposes of this section, environmental quality includes but is not limited to enhancing biodiversity, climate change mitigation and adaptation.”

Member's explanatory statement

This to probe the possibility of further legislation in relation to the Green Belt.

BARONESS TAYLOR OF STEVENAGE

312F After Clause 123, insert the following new Clause –

“Review of permitted development rights

- (1) The Secretary of State must, within 12 months of this Act being passed, commission and publish an independent review of permitted development rights under Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596).
- (2) The review must include an assessment of –
- (a) the past effectiveness of permitted development rights in achieving housing targets;
 - (b) the quality of housing delivered under permitted development rights;
 - (c) the impacts of permitted development on heritage, conservation areas and setting;
 - (d) the estimated carbon impact of the use of permitted development rights since the expansion of permitted development to demolition;
 - (e) the relative cost to local planning authorities of processing permitted development compared to full planning consent;
 - (f) potential conflict between existing permitted development rights and the application of national development management policies;
 - (g) the impact of permitted development rights, or other policies in this Act designed to deliver streamlined consent, on the efficacy of levelling-up missions.
- (3) The review must make recommendations.”

Member's explanatory statement

This amendment requires a review of permitted development rights.

BARONESS ANDREWS
LORD SHIPLEY

312G After Clause 123, insert the following new Clause –

“Revocation of permitted development rights for demolition of buildings

- (1) The Secretary of State must, following public consultation, exercise the powers conferred by sections 59, 60, 61, 74 and 333(7) of the TCPA 1990 to remove permitted development rights relating to demolition of buildings as set out in Class B of Part 11 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596).

- (2) A permitted development right for demolition must be retained for small structures under a specified size limit.
- (3) The Secretary of State must make further provision for the purposes of subsection (2) and any other demolition rights to be retained following public consultation.”

Member's explanatory statement

This amendment requires the Secretary of State to remove permitted development rights for the demolition of buildings. The amendment would reduce demolition, consequentially reducing carbon emissions; increase local communities' ability to shape local places; and protect non-designated heritage assets. A permitted development right for demolition would remain for small structures.

BARONESS ANDREWS
LORD SHIPLEY

312H After Clause 123, insert the following new Clause –

“Revocation of permitted development rights for demolition of locally listed assets

The Secretary of State must exercise the powers conferred by sections 59, 60, 61, 74 and 333(7) of TCPA 1990 to remove permitted development rights relating to the demolition of a heritage asset which has been placed on a local planning authority's local list of assets which have special local heritage interest.”

Member's explanatory statement

This amendment removes permitted development demolition rights for locally listed assets. The amendment is intended to protect non designated heritage assets on a local planning authority's local list. The Secretary of State could provide further clarity by setting out a definition of what qualifies as a local list following consultation.

Clause 124

BARONESS HAYMAN OF ULLOCK

313 Clause 124, page 157, line 22, leave out “a” and insert “an optional”

Member's explanatory statement

This is to probe whether the infrastructure levy could be optional.

LORD LANSLEY
LORD YOUNG OF COOKHAM

The above-named Lords give notice of their intention to oppose the Question that Clause 124 stand part of the Bill.

After Clause 124

BARONESS HAYMAN OF ULLOCK

314 After Clause 124, insert the following new Clause –

“Assessment of impact of infrastructure levy on public transport

Within 2 years of this Act receiving Royal Assent, a Minister of the Crown must publish an assessment of the impact of the infrastructure levy on public transport levels in each travel to work area, which must consider whether the levy has reduced car dependency in each travel to work area.”

Member's explanatory statement

This means that a Minister must publish an assessment of the impact of the infrastructure levy on public transport and car dependency in each travel to work area.

BARONESS HAYMAN OF ULLOCK

315 After Clause 124, insert the following new Clause –

“Railway restoration

- (1) Within 2 years of this Act being passed, a Minister of the Crown must publish an assessment of the impact of the infrastructure levy on restoring railways.
- (2) If the assessment finds no significant impact, the Minister must make a statement on the future of the Restoring Your Railway Fund.”

Member's explanatory statement

This is to probe whether the levy will support the restoration of railways.

BARONESS HAYMAN OF ULLOCK

316 After Clause 124, insert the following new Clause –

“Social infrastructure

Within 2 years of this Act being passed, a Minister of the Crown must publish an assessment of the impact of the infrastructure levy on social infrastructure.”

Member's explanatory statement

This is to probe whether the levy will support social infrastructure.

BARONESS TAYLOR OF STEVENAGE

317 After Clause 124, insert the following new Clause –

“Infrastructure Levy pilots

The Secretary of State may by regulations arrange pilot schemes in relation to the infrastructure levy.”

Member's explanatory statement

This means that the Secretary of State may by regulations arrange pilot schemes in relation to the infrastructure Levy.

Before Schedule 11

THE EARL OF LYTTON
THE LORD BISHOP OF CHELMSFORD

318 Before Schedule 11, insert the following new Schedule –

“SCHEDULE

BUILDING SAFETY REMEDIATION SCHEME

Duty to establish the scheme

- 1 (1) The Secretary of State must establish, or make arrangements for the establishment of, a Building Safety Remediation Scheme (“the BSRS”).
- (2) The purpose of the BSRS must be to ensure that residential blocks of flats with building safety risks are made safe, mortgageable and insurable –
 - (a) speedily, efficiently, effectively and proportionately,
 - (b) without recourse to lengthy and expensive legal proceedings,
 - (c) without cost to leaseholders or occupiers, and
 - (d) in accordance with the polluter pays principle.
- (3) For the purposes of this Schedule “the polluter pays principle” is the principle that –
 - (a) so far as reasonably practicable, remediation costs for relevant buildings with building safety risks arising from defective construction or additional building work should be met by the persons responsible for the risks, and
 - (b) where that is not reasonably practicable, or where building safety risks do not arise from defective construction or additional building work, costs should be met by the construction industry.

Scope of the scheme

- 2 The BSRS must be framed so as to apply to relevant buildings which –
 - (a) were constructed, or subject to additional building work, on or after 1 June 1992, and
 - (b) present building safety risks.

Operation of the scheme

- 3 (1) The BSRS must provide for persons (including freeholders and leaseholders) to apply –
 - (a) for a building to be recognised as a relevant building;

- (b) for a relevant building to be recognised as eligible for grants in respect of the cost of remediation works.
- (2) The BSRS must provide –
 - (a) for the appointment of persons (“BSRS assessors”) with appropriate expertise to determine, on behalf of the Secretary of State, applications under sub-paragraph (1)(a) and (b), and
 - (b) for BSRS assessors to be required to exercise operational independence in making determinations under the scheme.
- (3) For the purposes of sub-paragraph (2), the BSRS may provide for appointments to be made by the Secretary of State or by one or more persons designated for that purpose by the Secretary of State under the scheme.
- (4) The BSRS must provide that determinations of BSRS assessors are final (but nothing in this sub-paragraph prevents the exercise by the High Court of its judicial review jurisdiction).

Scheme supplementary regulations

- 4 (1) The Secretary of State must make regulations (“scheme supplementary regulations”) in respect of the BSRS.
- (2) Scheme supplementary regulations, in particular –
 - (a) may make provision for determining what is to be, or not to be, treated as a relevant building for the purposes of the scheme;
 - (b) may make provision for determining the date on which buildings were constructed or subject to additional building work;
 - (c) may make provision for determining who is entitled to make an application under the scheme in respect of a relevant building;
 - (d) may specify criteria to be applied by BSRS assessors in determining whether a relevant building presents building safety risks as a result of defective construction (and the criteria may, in particular, make provision wholly or partly by reference to building regulations or other enactments in force at the time of construction or by reference to specified classes of document);
 - (e) may make provision permitting or requiring BSRS assessors to conduct tests, and requiring owners and occupiers of relevant buildings to cooperate with BSRS assessors in conducting tests;
 - (f) may make provision permitting BSRS assessors to require local authorities or other specified classes of person to provide information or documents, and requiring persons to comply with any requirements imposed;
 - (g) may make provision about the timing of applications and determinations;
 - (h) may make provision about evidence to be adduced in support of an application;
 - (i) may require or permit BSRS assessors to operate a rebuttable presumption of defective construction where specified classes of fact have been proved (for which purpose the regulations may make

- provision similar to, or applying with or without modification, any enactment);
- (j) may make provision about the making, processing and determination of applications under the scheme;
 - (k) may make provision about the giving of notice to developers and others;
 - (l) may make provision about the payment of awards;
 - (m) may make provision about monitoring expenditure on remediation works;
 - (n) may set a threshold for the estimated or quoted cost of remediation works below which an application for recognition cannot be made;
 - (o) may make provision for determining, having regard in particular to the need for proportionality, the nature and extent of remediation costs which may be funded by the scheme (for which purpose “remediation costs” means any class of expenditure related to building safety risks, including, in particular, repair costs, the costs of interim mitigation or safety measures and reimbursement of or compensation for increases in insurance premiums);
 - (p) may make provision for account to be taken of grants provided in respect of remediation works by any other scheme established by enactment or by a public authority;
 - (q) may make provision for financial assistance provided by any other scheme established by enactment or by a public authority to be repaid out of grants under the remediation scheme;
 - (r) may permit or require the amalgamation of multiple applications in respect of one relevant building, or of applications on behalf of the residents of one or more relevant buildings;
 - (s) may permit or require representative applications on behalf of the residents of one or more relevant buildings;
 - (t) may make provision about the qualifications, appointment, remuneration and conduct of BSRS assessors, and the regulations may, in particular –
 - (i) provide for assessors to be remunerated from BSRS funds;
 - (ii) provide for indemnities in respect of decisions taken by assessors (for which purpose the regulations may apply an enactment (with or without modification)); and
 - (u) must include provision requiring the maintenance and publication of records of applications and determinations under the scheme.

Scheme funding regulations

- 5 (1) The Secretary of State must make regulations about the funding of the BSRS Scheme and of grants made under the scheme (“scheme funding regulations”).
- (2) Scheme funding regulations must aim to apply the polluter pays principle so far as practicable.
- (3) For that purpose, scheme funding regulations must aim to ensure that a grant awarded under the scheme is funded –

- (a) so far as possible where building safety risks arise from defective construction or additional building work, by the developer or principal contractor of the building in respect of which the grant is awarded; and
 - (b) failing that (whether by reason of the dissolution of a developer or principal contractor, insolvency or otherwise), or where building safety risks do not arise from defective construction or additional building work, by money paid into a fund maintained through a levy on the construction industry in general, or specified parts of the construction industry.
- (4) For the purposes of achieving the objective in sub-paragraph (3)(a) –
- (a) the reference to the developer of a building includes a reference to any person who arranged for its construction or additional building work and for the sale of units in the building;
 - (b) the reference to the principal contractor is a reference to the person who was responsible to the developer for the construction of a building or undertaking additional building work;
 - (c) scheme funding regulations must permit a BSRS assessor to provide for an award under the scheme to be paid by one or more persons specified by the assessor (and awards may, in particular, provide for joint and several liability);
 - (d) scheme funding regulations must confer a right to appeal to the First-tier Tribunal;
 - (e) scheme funding regulations may include provision permitting a BSRS assessor to permit or require an award for payment by a specified person to be satisfied wholly or partly by a person connected to that person (within the meaning of the regulations, for which purpose the regulations may apply, with or without modification, section 1162 of the Companies Act 2006 (parent and subsidiary undertakings) and any enactment relating to joint ventures); and
 - (f) scheme funding regulations may include provision about enforcement of liability to satisfy awards, which may, in particular –
 - (i) provide for collection of awards as a statutory debt;
 - (ii) include provision for interest or penalties;
 - (iii) provide for liability to make payments pending appeal or review; and
 - (iv) create criminal offences in connection with evasion.
- (5) For the purposes of achieving the objective in sub-paragraph (3)(b), scheme funding regulations –
- (a) must establish one or more levies to be paid by specified businesses or classes of business;
 - (b) must make provision for determining liability to pay the levy;
 - (c) may confer functions on BSRS assessors or other specified persons (which may include the Secretary of State) in respect of determination of liability to pay the levy;
 - (d) must confer on a person determined to be liable to pay the levy the right to appeal to the First-tier Tribunal;

- (e) may provide for different amounts of levy to be paid by different classes of person;
 - (f) may provide for the levy to be paid by way of one-off payments, periodic payments or both;
 - (g) may include provision about enforcement of liability to pay the levy (which may, in particular, provide for collection of the levy as a statutory debt, include provision for interest or penalties and create criminal offences in connection with evasion);
 - (h) must include provision about the administration of the levy by the Secretary of State, including provision as to the maintenance and publication of estimates, accounts and other records; and
 - (i) may include supplemental provision about the levy.
- (6) In making regulations under sub-paragraph (5), and in particular in assessing the proportionality and other fairness of any levy imposed by regulations under sub-paragraph (5), the Secretary of State must –
- (a) have regard to any other levy or similar imposition that appears to have a similar purpose as a levy under the scheme funding regulations, and
 - (b) must consult persons appearing to him or her to represent the interests of persons affected by other relevant levies and impositions.
- (7) Scheme funding regulations may include provision about –
- (a) application of awards, levies and grants, including provision for holding (or return) of surplus funds;
 - (b) the nature and extent of obligations imposed by awards (which may, in particular, provide for payments in money or services or money's worth);
 - (c) processes and procedures to be applied in determining applications for grants and questions of liability to awards (which may, in particular, include provision for determination wholly, partly, absolutely or contingently by arbitration, mediation or any other kind of process or procedure the Secretary of State thinks appropriate);
 - (d) terms and conditions of awards, levies and grants; and
 - (e) appraisals, appeals and enforcement.

Apportionment

- 6 (1) Scheme funding regulations may make provision about apportionment of liability for defective construction.
- (2) In particular, scheme funding regulations may provide that where a person is required to pay an award under the BSRS scheme, that person may bring proceedings to recover a contribution from one or more persons who share responsibility for the defects in respect of which the award is made.
- (3) Provision made by virtue of this paragraph may –
- (a) confer jurisdiction on the First-tier Tribunal or on any other specified court or tribunal;
 - (b) apply (with or without modifications) any enactment about third-party liability.

Interim payments

- 7 (1) The Secretary of State may make interim grants to persons whom the Secretary of State believes are likely to be entitled to benefit from the remediation scheme.
- (2) Interim grants may be made on such terms and conditions (including as to repayment) as the Secretary of State may specify.
- (3) Scheme supplementary regulations—
- (a) may include provision for account to be taken of interim grants under this paragraph; and
 - (b) may include other provision about interim grants under this paragraph (including provision about applications for grants, eligibility for grants and determination of applications for grants).

Interpretation

- 8 For the purposes of this Schedule—
- “construction” includes any kind of building work (whether part of the original construction of a building or not) including works of improvement, repair and extension;
 - “class” includes description;
 - “defective construction or other building work” means construction or additional building work that—
 - (a) contravened building regulations or other enactments in force at the time of the construction or additional building work; or
 - (b) satisfies any other criteria specified in the BSRS or in scheme supplementary regulations;
 - “BSRS funding regulations” has the meaning given by paragraph 5;
 - “BSRS scheme” has the meaning given by paragraph 1;
 - “BSRS assessor” has the meaning given by paragraph 3;
 - “grant” includes loans and any other form of financial assistance (for which purpose a reference to payment includes a reference to the provision of assistance);
 - “polluter pays” has the meaning given by paragraph 1;
 - “remediation costs” has the meaning given by paragraph 4;
 - “relevant building” means a self-contained building, or self-contained part of a building, in England that contains at least two dwellings; and
 - “scheme supplementary regulations” has the meaning given by paragraph 4.

Consultation

- 9 Before making the scheme, the scheme supplementary regulations and the scheme funding regulations, the Secretary of State must consult—
- (a) persons appearing to represent the interests of leaseholders or occupiers of blocks of flats with fire hazards;

- (b) persons appearing to represent the interests of the construction industry and related industries; and
- (c) such other persons as the Secretary of State thinks appropriate.

Regulations

- 10 (1) Scheme supplementary regulations and scheme funding regulations –
- (a) shall be made by statutory instrument;
 - (b) may make provision that applies generally or only for specified purposes;
 - (c) may make different provision for different purposes;
 - (d) may confer functions (including discretionary functions) on specified persons or classes of person, and may provide for the Secretary of State to appoint persons to exercise functions under the regulations or the remediation scheme (whether or not on behalf of the Secretary of State); and
 - (e) may include supplemental, consequential or transitional provision.
- (2) Scheme funding regulations may not be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.
- (3) Scheme supplementary regulations are subject to annulment in pursuance of a resolution of either House of Parliament.”

Member's explanatory statement

This new Schedule would implement a building safety remediation scheme to ensure that buildings with building safety risks are put right without costs to leaseholders.

Schedule 11

LORD LANSLEY

319 Schedule 11, page 339, line 12, leave out from beginning to end of line 12 on page 355 and insert –

- “1 The Planning Act 2008 is amended as follows.
- 1A In section 211(2) (amount of Community Infrastructure Levy), in paragraph (a) for the words from “(whether” to the end substitute “by reference to the infrastructure delivery strategy published under section 212;”.
- 1B For sections 212 and 213 substitute –
- “212 Infrastructure delivery strategy”**

Member's explanatory statement

This and another amendment in the name of Lord Lansley would omit the structure of the Infrastructure Levy, leaving the Community Infrastructure Levy in place; whilst providing for a charging authority under CIL to prepare an Infrastructure Delivery Strategy.

THE EARL OF LYTTON
LORD YOUNG OF COOKHAM

320 Schedule 11, page 339, line 23, at end insert –

“(c) undertaking a relevant measure relating to a relevant defect in any relevant building where funding from other sources is unavailable and leaseholders would otherwise be liable,”

Member's explanatory statement

This amendment will allow local planning authorities to use the proceeds of the Infrastructure Levy to cover the costs of remediating building safety defects and interim safety measures where funding from other sources is unavailable.

BARONESS HAYMAN OF ULLOCK

321 Schedule 11, page 339, line 26, at end insert –

“(2A) The intention of IL is to enable local authorities to raise money from developments to fund infrastructure to support the development of their areas while allowing planning obligations under section 106 of the Town and Country Planning Act 1990 to continue to be used to provide affordable housing and ensure that development is acceptable in planning terms.”

BARONESS ARMSTRONG OF HILL TOP

322 Schedule 11, page 340, line 18, leave out from “2008,” to end of line 20 and insert “which is to be let as social rent housing;

“Social rent housing” has the meaning given in paragraph 7 of the Direction on the rent Standard 2019 together with paragraph 4 of the Direction on the Rent Standard 2023, as modified by paragraph 8 of the Direction on the Rent Standard 2023;”

Member's explanatory statement

The purpose of this amendment is to define the term “affordable housing” for the purposes of Infrastructure levy, as social rent, as defined in Direction on the Rent Standard 2023 and the Direction on the Rent Standard 2019.

BARONESS HAYMAN OF ULLOCK
LORD SHIPLEY

323 Schedule 11, page 340, leave out lines 19 to 20 and insert –

“(b) that which is to be let as social rent housing;

“social rent housing” has the meaning given in article 7 of the Direction on the Rent Standard 2019;”

Member's explanatory statement

This amendment re-defines the term 'affordable housing' for the purposes of the Infrastructure Levy as housing which is to be let at a social rent.

LORD GREENHALGH
LORD MOYLAN
THE LORD BISHOP OF EXETER

324 Schedule 11, page 340, line 20, at end insert –

““emergency and rescue services” means emergency and rescue services provided under any enactment, comprising –

- (a) police,
- (b) ambulance,
- (c) fire services,
- (d) coastguard, and
- (e) such other bodies as the Secretary of State may from time to time designate in regulations;”

THE EARL OF LYTTON
LORD YOUNG OF COOKHAM

325 Schedule 11, page 340, line 22, at end insert –

““relevant building” means a self-contained building, or self-contained part of a building, in England that contains at least two dwellings;

“relevant measure” and “relevant defect” have the same meaning as given in the Building Safety Act 2022.”

Member's explanatory statement

This amendment is consequential on a previous amendment to allow local planning authorities to use the proceeds of the Infrastructure Levy to cover the costs of remediating building safety defects and interim safety measures where funding from other sources is unavailable.

BARONESS WARWICK OF UNDERCLIFFE
THE LORD BISHOP OF CHELMSFORD
BARONESS WATKINS OF TAVISTOCK
BARONESS THORNHILL

326 Schedule 11, page 342, line 32, at end insert –

- “(9) IL regulations must make provision for a right to require for local authorities to determine the portion of the levy they receive from developers in-kind as onsite affordable homes.”

Member's explanatory statement

This amendment would ensure IL regulations introduce a mechanism for the delivery of onsite affordable housing as an in-kind levy payment.

BARONESS WARWICK OF UNDERCLIFFE
THE LORD BISHOP OF CHELMSFORD
BARONESS WATKINS OF TAVISTOCK
BARONESS THORNHILL

327 Schedule 11, page 342, line 32, at end insert –

“(9) IL regulations must provide for an exemption from liability to pay IL in respect of a development which exclusively contains affordable housing.”

Member's explanatory statement

This amendment would provide for an exemption from liability to pay IL in respect of a development which contains 100% affordable housing.

BARONESS HAYMAN OF ULLOCK

328 Schedule 11, page 342, line 32, at end insert –

“(9) IL regulations must provide for exemption from liability to pay IL in respect of a development which exclusively contains 75% or more affordable housing.”

Member's explanatory statement

This amendment would provide for an exemption from liability to pay IL in respect of a development which contains 75 per cent affordable housing.

LORD GREENHALGH
LORD MOYLAN
THE LORD BISHOP OF EXETER

329 Schedule 11, page 343, line 32, at end insert –

“(9) The provision of facilities and equipment for the emergency and rescue services in connection with their duties and functions may not be taken to constitute development for the purposes of this section.”

Member's explanatory statement

This aims to reflect the principle that emergency and rescue services should not be liable for IL in relation to their own projects.

LORD CARRINGTON
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

330 Schedule 11, page 344, line 26, at end insert –

“204FA Agricultural development

IL regulations must provide for an exemption from liability to pay IL in respect of a development if, on completion of that development, the building or infrastructure is used for the purposes of agriculture on the holding.”

Member's explanatory statement

This amendment would exclude new farm buildings and associated agricultural infrastructure from the Infrastructure Levy to encourage farm development that improves food security.

BARONESS PINNOCK

331 Schedule 11, page 344, line 31, at end insert –

“(1A) A charging schedule may –

- (a) require a developer to pay their full IL liability for a development before being permitted to commence work on that development,
- (b) require infrastructure funded by IL associated with a development to be built before work on that development may commence,
- (c) require a developer, at request of the local council, to pay additional money to be held in bond for remedial work.”

Member's explanatory statement

This amendment would enable Infrastructure Levy charging authorities to require a developer to pay their full IL liability, or for infrastructure funded by IL associated with a development to be built, before development may commence. And for developers to be required, at the request of the authority to provide money for remedial work.

LORD ETHERTON
LORD THURLOW

332 Schedule 11, page 344, line 31, at end insert –

“(1A) A charging authority must prepare and publish a Strategic Housing and Market Assessment specifying what affordable housing is needed within the area of the charging authority.

(1B) The charging authority must publish a new Strategic Housing and Market Assessment every three years.”

Member's explanatory statement

Strategic Housing and Market Assessments are prepared by local planning authorities on a three year cycle and specify the affordable housing needed in their area. This amendment makes them compulsory. It is to be read in conjunction with an amendment to page 344, line 32 which would require the rates of IL to be set at a level which, over a period of 3 years, will, in conjunction with other powers of the planning authority deliver the necessary amount of affordable housing.

LORD ETHERTON
LORD THURLOW

333 Schedule 11, page 344, leave out lines 32 to 34 and insert—

“(2) A charging authority must set rates of IL at a level which, in conjunction with the exercise of such other powers as it possesses, is likely to provide not less than the amount of affordable housing specified in its Strategic Housing and Market Assessment over a three year period, and which will also ensure that—”

Member's explanatory statement

This amendment would require the rates of IL to be set at a level which, over a period of three years, will, in conjunction with other powers of the planning authority (such as section 106 of the Town and Country Planning Act 1990) deliver the necessary amount of affordable housing.

BARONESS WARWICK OF UNDERCLIFFE
THE LORD BISHOP OF CHELMSFORD
BARONESS WATKINS OF TAVISTOCK
BARONESS THORNHILL

334 Schedule 11, page 344, leave out lines 32 to 40 and insert—

“(2) A charging authority, in setting rates or other criteria, must ensure that the level of affordable housing which is funded by developers and provided in the authority’s area, is—

- (a) maintained at a level which is equal to or exceeds the level of such housing provided over an earlier specified period of the same length, and
- (b) delivers the level of affordable housing identified in the local development plan to the extent set out in the infrastructure delivery strategy.”

Member's explanatory statement

This amendment would strengthen the requirement for local planning authorities to set IL rates at a level which would not result in a loss of affordable housing.

BARONESS TAYLOR OF STEVENAGE

334A Schedule 11, page 344, line 38, leave out from “period,” to end of line 40 and insert “enables it to meet the level of affordable housing need identified in the local development plan.”

Member's explanatory statement

This amendment would require Infrastructure Levy rates to be set at such a level as to meet the level of affordable housing need specified in a local development plan.

BARONESS WARWICK OF UNDERCLIFFE
THE LORD BISHOP OF CHELMSFORD
BARONESS WATKINS OF TAVISTOCK
BARONESS THORNHILL

335 Schedule 11, page 345, line 28, leave out from beginning to end of line 12 on page 346

Member's explanatory statement

This amendment would prevent IL receipts being spent on unspecified items “other than infrastructure”. It removes the risk of IL regulations which permit the diversion of funds away from affordable housing or infrastructure and towards unspecified items provided by a local authority.

LORD BEST
THE LORD BISHOP OF CHELMSFORD

336 Schedule 11, page 347, line 25, at end insert “which must require the charging authority to take account of evidence of the viability of different types and different natures of development including, but not limited to, older people’s housing,”

Member's explanatory statement

This amendment would enable the Charging Authority to consider additional evidence, to allow them to determine the viability of different types of development including older people’s housing.

LORD BEST
THE LORD BISHOP OF CHELMSFORD

337 Schedule 11, page 347, line 30, leave out from beginning to end of line 9 on page 350

Member's explanatory statement

This and other amendments in the name of Lord Best remove the examination of the charging schedules for infrastructure levy by an appointed examiner.

LORD BEST

338 Schedule 11, page 350, leave out lines 11 to 13

Member's explanatory statement

This and other amendments in the name of Lord Best remove the examination of the charging schedules for infrastructure levy by an appointed examiner.

LORD BEST

339 Schedule 11, page 350, line 14, leave out “subject to subsection (1),”

Member's explanatory statement

This and other amendments in the name of Lord Best remove the examination of the charging schedules for infrastructure levy by an appointed examiner.

BARONESS HAYMAN OF ULLOCK

340 Schedule 11, page 351, line 14, after “of” insert “sustainable”

Member's explanatory statement

This seeks to probe how the levy will support infrastructure which is sustainable.

LORD ETHERTON
LORD THURLOW

341 Schedule 11, page 351, line 14, at end insert “provided always that priority is to be given to achieving the objectives in section 204G(2)”

Member's explanatory statement

This amendment ensures that, in the application of IL, priority is given to the provision of affordable housing. Without such priority, IL, which is intended to fund affordable housing – see section 204G(2) both in its present form and as amended by Lord Etherton – could be applied entirely for all or any of the other matters in section 204N(3).

LORD GREENHALGH
THE LORD BISHOP OF EXETER

342 Schedule 11, page 351, line 14, at end insert “and the charging authority must accord significant weight to the representations of the emergency and rescue services in connection with the application of IL”

Member's explanatory statement

This aims to ensure proper funding of emergency and rescue services and developments necessary for delivery of their critical services.

BARONESS HAYMAN OF ULLOCK

343 Schedule 11, page 351, leave out lines 21 to 34, and insert –

- “(a) roads and other transport facilities, including routes for good quality active travel including cycling, walking and micro-mobility, parking facilities and street infrastructure including benches,
- (b) flood defences,

- (c) schools and other educational facilities including nurseries, play areas and family friendly areas,
- (d) medical facilities including dentists, diagnostic hubs, general practices and other community spaces to address mental health and promote wellbeing,
- (e) sporting and recreational facilities including youth centres and skate parks,
- (f) open spaces,
- (g) affordable houses,
- (h) facilities and equipment for emergency and rescue services,
- (i) facilities and spaces which—
 - (i) preserve or improve the natural environment, or
 - (ii) enable or facilitate enjoyment of the natural environment,
 - (iii) provide outdoor space for communities including allotments and forest schools,
 - (iv) provide flood and drought mitigation,
- (j) space for energy generation,
- (k) space for business incubation,
- (l) community buildings for social, cultural, and religious purposes,
- (m) community facilities including post offices, cafes, libraries, support and advice centres,
- (n) day centres for the elderly or disabled people, including for the purposes of state-provided day or residential care.”

Member's explanatory statement

This amendment broadens the scope of inserted section 204N(3), which defines “infrastructure” for the purposes of the Infrastructure Levy.

LORD BEST
LORD YOUNG OF COOKHAM
THE LORD BISHOP OF CHELMSFORD
LORD SHIPLEY

344 Schedule 11, page 351, line 27, after “housing” insert “to meet the requirement identified in the local plan”

Member's explanatory statement

This and another amendment in the name of Lord Best tie the application of the Infrastructure Levy to the level of affordable housing requirement identified in the local development plan.

BARONESS HAYMAN OF ULLOCK

345 Schedule 11, page 351, line 37, at end insert “, other than to add affordable housing”

Member's explanatory statement

This amendment would prevent affordable housing being added to the list of matters included within the meaning of “infrastructure” at a future date by regulations.

LORD GREENHALGH
THE LORD BISHOP OF EXETER

- 346** Schedule 11, page 354, line 7, at end insert “and such provisions must ensure the timing of payments is appropriate to mitigate the impacts of the development at or prior to the point at which they arise”

Member's explanatory statement

This aims to ensure that lead times for delivery of emergency and rescue services infrastructure are taken into account such that mitigation is in place at the point at which it is required without the emergency and rescue services being required to bridge from existing resources.

LORD GREENHALGH
THE LORD BISHOP OF EXETER

- 347** Schedule 11, page 354, line 26, at end insert—

“(10) Where IL regulations make provision for the passing of IL received in respect of a particular development in an area to a person other than the charging authority that charged the IL, the charging authority must accord significant weight to the representations of the emergency and rescue services in connection with the passing of such IL receipts and the amount charged.”

Member's explanatory statement

This aims to ensure proper funding of emergency and rescue services.

BARONESS SCOTT OF NEEDHAM MARKET

- 348** 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.

BARONESS TAYLOR OF STEVENAGE

349 Schedule 11, page 355, line 17, at end insert –

“(aa) set out how the charging authority intends to use IL to meet the level of affordable housing need identified in the local development plan, and”

Member's explanatory statement

This amendment would require a charging authority to detail the way in which it intends to use the infrastructure levy to meet its identified housing need in preparing and publishing an infrastructure delivery strategy for its area.

LORD BEST
LORD YOUNG OF COOKHAM
THE LORD BISHOP OF CHELMSFORD
LORD SHIPLEY

350 Schedule 11, page 355, line 19, at end insert –

- “(c) allocate at least 75% of the IL to meet the requirement for affordable housing identified in the charging authority’s local development plan, and
- (d) where the proceeds generated by the IL are likely to be insufficient to meet the requirement mentioned in paragraph (c), set out plans for securing additional funds to address the gap between the level of affordable housing required and the level that the IL can support.”

Member's explanatory statement

This and another amendment in the name of Lord Best tie the application of the Infrastructure Levy to the level of affordable housing requirement identified in the local development plan.

LORD GREENHALGH
THE LORD BISHOP OF EXETER

351 Schedule 11, page 356, line 20, at end insert “to address all elements of infrastructure as defined in section 204N(3)”

Member's explanatory statement

This amendment requires infrastructure delivery strategies to show full accounting for all infrastructure types as defined.

LORD GREENHALGH
THE LORD BISHOP OF EXETER

352 Schedule 11, page 356, line 26, at end insert –

“(e) the approval of the form and content of particular sections of infrastructure delivery strategies (including any reviews and amendments thereto) by the relevant bodies responsible for the delivery of such infrastructure.”

Member's explanatory statement

This amendment is intended to provide the emergency service and rescue services and other bodies with the opportunity to approve the parts of infrastructure delivery strategies relevant to them in order to ensure that the infrastructure they are responsible for providing is appropriately and accurately covered in IDS (both initially and upon any review) and charging schedules.

LORD LANSLEY

353 Schedule 11, page 356, line 36, leave out from beginning to end of line 3 on page 367

Member's explanatory statement

See explanatory statement for the amendment in the name of Lord Lansley at page 339, line 12.

LORD BEST

354 Schedule 11, page 362, line 16, leave out “(including an examiner appointed under this Part)”

Member's explanatory statement

This and other amendments in the name of Lord Best remove the examination of the charging schedules for infrastructure levy by an appointed examiner.

BARONESS TAYLOR OF STEVENAGE

355 Schedule 11, page 364, leave out lines 10 to 16.

Member's explanatory statement

This amendment would limit the circumstances under which the Secretary of State could direct a charging authority to review its charging schedule.

BARONESS SCOTT OF BYBROOK

355A Schedule 11, page 365, line 22, at end insert –

“(ea) may make provision treating CIL as if it were IL,”

Member's explanatory statement

This amendment enables IL regulations made under new Part 10A of the Planning Act 2008 (as inserted by Schedule 11 to the Bill) to make provision treating the charge known as the community infrastructure levy under section 205 of that Act to be treated as if it were the charge known as the infrastructure levy.

LORD TEVERSON
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

356 Schedule 11, page 365, line 34, leave out “or are not to be used”

Member's explanatory statement

This amendment seeks to retain section 106 of Town & Country Planning Act 1990 in the planning system, whilst allowing modification through regulations. This is for the purpose of maintaining site specific obligations for strategic biodiversity mitigation measures and nature’s recovery.

BARONESS TAYLOR OF STEVENAGE

357 Schedule 11, page 365, leave out line 38.

Member's explanatory statement

This amendment would prevent IL regulations making unspecified provision about how powers under section 106 of TCPA 1990 (planning obligations) are used.

BARONESS SCOTT OF BYBROOK

357A Schedule 11, page 365, line 38, after “obligations)” insert “(including provision about obtaining sums under subsection (1)(d) of that section for use in connection with IL)”

Member's explanatory statement

This amendment enables IL regulations made under new Part 10A of the Planning Act 2008 (as inserted by Schedule 11 to the Bill) to make provision about the use of the power under section 106(1)(d) of the Town and Country Planning Act 1990 to obtain sums for use in connection with IL.

BARONESS ARMSTRONG OF HILL TOP

358 Schedule 11, page 366, line 2, at end insert –

“(2A) IL regulations must contain provision for ensuring that when planning permission is granted under any of the powers specified in subsection (1) subject to requirements for the delivery of affordable housing schemes on the relevant site, such requirements are fully implemented.”

Member's explanatory statement

The purpose of this amendment is to ensure that when planning permission is granted, affordable housing needs of the local community are delivered at the relevant approved site. This amendment would require regulations to contain provision to ensure that, where an affordable housing scheme is a condition of planning permission, that scheme must be implemented on the site.

LORD BEST
LORD SHIPLEY

359 Schedule 11, page 366, line 2, at end insert –

- “(2A) IL Regulations must contain provision for ensuring that when planning permission is granted under any of the powers specified in subsection (1) subject to requirements for the delivery of affordable housing schemes on the relevant site, such requirements are fully implemented.
- (2B) The requirements for the delivery of affordable housing schemes referred to in subsection (2A) are satisfied only if not less than fifty per cent of the total housing constructed is let as social rent housing.
- (2C) In subsection (2B) “social rent housing” has the meaning given in paragraph 7 of the Direction on the Rent Standard 2019 together with paragraph 4 of the Direction on the Rent Standard 2023, as modified by paragraph 8 of the Direction on the Rent Standard 2023.”

Member's explanatory statement

This amendment seeks to ensure not less than half of affordable housing on relevant sites is let as social rent housing.

LORD GREENHALGH
THE LORD BISHOP OF EXETER

360 Schedule 11, page 366, line 34, at end insert –

- “(7) The emergency and rescue services are entitled to receive the benefit of planning obligations made under section 106 of TCPA 1990 (planning obligations) and Community Infrastructure Levy proceeds under Part 11 of this Act (Community Infrastructure Levy) and IL regulations must make provisions to require that –
 - (a) the local planning authority or charging authority, as the case may be, must accord significant weight to the representations of the emergency and rescue services in connection with the application and passing of such receipts to the emergency and rescue services,
 - (b) the timing of payments to the emergency services must ensure the mitigation of the impacts of the development at or prior to the point at which they arise, and
 - (c) the provision of facilities and equipment for the emergency and rescue services in connection with their duties and

functions may not be taken as development requiring the provision of planning obligations or payment of the Community Infrastructure Levy.”

Member's explanatory statement

This amendment mirrors the IL requirements in CIL and s106 regimes in order to ensure that the emergency services are adequately funded and exempted from liability for their own schemes.

LORD BEST

361 Schedule 11, page 366, line 34, at end insert –

“(7) The regulation making power in subsection (2A) comes into force no later than one year from the date of enactment of this Act.

(8) Regulations must provide that the requirements in subsection (2) do not affect housing schemes for which planning permission has been granted before the passing of this Act.”

Member's explanatory statement

This amendment aims to ensure that where affordable housing is made a condition of the grant of planning permission, the intended housing scheme is actually delivered.

BARONESS SCOTT OF BYBROOK

361A Schedule 11, page 366, line 36, at end insert –

“Local Government Act 1972

1A In section 101 of the Local Government Act 1972 (arrangements for discharge of functions by local authorities), after subsection (6) insert –

“(6ZA) Infrastructure Levy under Part 10A of the Planning Act 2008 is not a rate for the purposes of subsection (6).”

TCPA 1990

1B In section 70(4) of the T CPA 1990 (determination of applications: general considerations), in paragraph (b) of the definition of “local finance consideration”, after “payment of” insert “Infrastructure Levy or”.

Deregulation and Contracting Out Act 1994

1C In section 71(3) of the Deregulation and Contracting Out Act 1994 (functions excluded from sections 69 and 70), omit the word “and” at the end of paragraph (h) and after that paragraph insert –

“(ha) sections 204R and 204S of the Planning Act 2008 (Infrastructure Levy: collection and enforcement); and”.

Member's explanatory statement

This amendment makes amendments to a number of Acts in consequence of new Part 10A of the Planning Act 2008, inserted by Part 1 of Schedule 11 of the Bill, which makes provision for a new Infrastructure Levy.

Clause 126

BARONESS HAYMAN OF ULLOCK

362 Clause 126, page 158, line 34, after “the” insert “sustainable”

Member's explanatory statement

This means that the objective of CLA is to support ‘sustainable’ development.

LORD LANSLEY
LORD YOUNG OF COOKHAM

The above-named Lords give notice of their intention to oppose the Question that Clause 126 stand part of the Bill.

After Clause 126

BARONESS TAYLOR OF STEVENAGE

363 After Clause 126, insert the following new Clause –

“Community Infrastructure Levy

- (1) Within 120 days of this Act being passed, a Minister of the Crown must publish an assessment of the Community Infrastructure Levy
- (2) The Secretary of State must publish guidance on how the Infrastructure Levy compares to the Community Infrastructure Levy.”

Member's explanatory statement

This is to probe whether the Community Infrastructure Levy can be used as a benchmark for the new Infrastructure Levy.

BARONESS TAYLOR OF STEVENAGE

364 After Clause 126, insert the following new Clause –

“Assessment of impact on affordable housing

Within 120 days of this Act being passed, a Minister of the Crown must publish an assessment of the impact of the infrastructure levy on affordable housing levels.”

Member's explanatory statement

This is to probe whether the levy will support affordable housing levels.

BARONESS HAYMAN OF ULLOCK

364A After Clause 126, insert the following new Clause –

“Infrastructure Levy: First Homes scheme

A Minister of the Crown must monitor the impact of the infrastructure levy on the First Homes scheme and on the application of section 106 of TCPA 1990 (planning obligations), and publish an annual report in relation to the findings.”

Member's explanatory statement

This is to probe the impact of the infrastructure levy on first homes and section 106 agreements.

Clause 127

LORD LANSLEY
LORD YOUNG OF COOKHAM

The above-named Lords give notice of their intention to oppose the Question that Clause 127 stand part of the Bill.

Member's explanatory statement

This is to probe the purposes and mechanisms of the CLA and to question its relationship to the plan-making process.

Clause 134

BARONESS HAYMAN OF ULLOCK

365 Clause 134, page 167, line 2, at end insert –

“(2A) The report must also be sent to any combined authority that was involved in the pilot.”

Member's explanatory statement

This means that any relevant combined authority is also given the report to scrutinise.

Clause 136

LORD LUCAS

366 Clause 136, page 168, line 30, at end insert “, unless within that period both Houses of Parliament resolve that it should not.”

Clause 138

BARONESS HAYMAN OF ULLOCK

367 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

368 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

368A Clause 138, page 169, line 30, after “heritage” insert “, historic environment”

Member's explanatory statement

This means that environmental protection includes protection of the historic environment.

BARONESS HAYMAN OF ULLOCK

369 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 JONES OF MOULSECOOMB

369A Clause 138, page 169, line 32, leave out paragraphs (b) to (d) and insert –

- “(b) maintenance, restoration or enhancement of the natural environment, cultural heritage or the landscape;
- (c) protection of people and their long-term health, safety and well-being from the effects of human activity on the natural environment, cultural heritage and the landscape;
- (d) protection of the climate from the effects of human activity;
- (e) monitoring, assessing, considering, advising or reporting on anything in paragraphs (a) to (d).”

BARONESS HAYMAN OF ULLOCK

370 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

371 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.

BARONESS HAYMAN OF ULLOCK

372 Clause 138, page 169, line 37, at end insert –

- “(e) mitigation of the impact of climate change.”

Member's explanatory statement

This amendment means that “Environmental protection” also includes climate mitigation.

LORD STUNELL

372A Clause 138, page 170, line 10, at end insert –

- “(6) No EOR regulations made under subsection (1) may worsen or weaken any standards of environmental protection in force on the day on which this Act is passed.”

Member's explanatory statement

This amendment would mean that EOR regulations must be at least as strong as provisions already in force.

Clause 139

BARONESS HAYMAN OF ULLOCK

373 Clause 139, page 170, line 36, at end insert “relative to the current status of the environment as assessed in a prepared baseline study”

Member's explanatory statement

This amendment would ensure that the preparation of a baseline study which sets the context for assessing the environmental effects of a proposed project remains a core requirement of producing an EOR.

BARONESS SCOTT OF BYBROOK

373A Clause 139, page 170, line 36, at end insert –

“(aa) any proposals for increasing the extent to which a specified environmental outcome is delivered,”

Member's explanatory statement

This amendment is consequential upon the second amendment in the Minister's name to clause 139. It inserts a provision which is equivalent to the sub-paragraph removed by that amendment from clause 139(4)(b).

BARONESS SCOTT OF BYBROOK

373B Clause 139, page 170, line 38, leave out sub-paragraph (i)**Member's explanatory statement**

This amendment removes sub-paragraph (i) from subsection (4)(b) of clause 139, so that subsection (4)(b) better reflects the “mitigation hierarchy” which is currently often applied as part of an environmental assessment.

BARONESS SCOTT OF BYBROOK

373C Clause 139, page 171, line 4, leave out sub-paragraph (iv)**Member's explanatory statement**

This amendment removes sub-paragraph (iv) from subsection (4)(b) of clause 139, so that subsection (4)(b) better reflects the “mitigation hierarchy” which is currently often applied as part of an environmental assessment.

BARONESS SCOTT OF BYBROOK

373D Clause 139, page 171, line 8, leave out “, mitigated or remedied” and insert “or mitigated”**Member's explanatory statement**

This amendment is consequential upon the third amendment in the Minister's name to clause 139.

BARONESS SCOTT OF BYBROOK

373E Clause 139, page 171, line 43, after “(4)” insert “(aa),”

Member's explanatory statement

This amendment is consequential upon the first amendment in the Minister's name to clause 139.

BARONESS SCOTT OF BYBROOK

373F Clause 139, page 172, line 12, after "(4)" insert "(aa),"

Member's explanatory statement

This amendment is consequential upon the first amendment in the Minister's name to clause 139.

Clause 141

BARONESS TAYLOR OF STEVENAGE

374 Clause 141, page 173, line 13, at end insert "based on available data"

Member's explanatory statement

This means that assessment and monitoring must be based on data and available evidence.

BARONESS SCOTT OF BYBROOK

374A Clause 141, page 173, line 16, after "(4)" insert "(aa),"

Member's explanatory statement

This amendment is consequential upon the first amendment in the Minister's name to clause 139.

BARONESS TAYLOR OF STEVENAGE

375 Clause 141, page 173, line 21, leave out paragraph (a)

Member's explanatory statement

This amendment and another at line 26 will bring environmental outcomes reports more into line with the mitigation hierarchy, clarifying that requirement under an EOR should first aim to avoid any impacts on environmental outcomes, then mitigating, remedying, compensating, and lastly, increasing the extent to which other environmental outcomes are delivered.

BARONESS TAYLOR OF STEVENAGE

376 Clause 141, page 173, line 26, at end insert—

“(d) increasing the extent to which a specified environmental outcome is delivered.”

Member's explanatory statement

See explanatory statement to amendment in the name of Baroness Taylor at line 21.

Clause 142

BARONESS HAYMAN OF ULLOCK

- 377 Clause 142, page 173, line 29, leave out from “if” to “by” in line 31 and insert “doing so will result in no diminution of environmental protection as provided for”

Member's explanatory statement

This amendment would ensure that the new system of environmental assessment would not reduce existing environmental protections in any way other than merely maintaining overall existing levels of environmental protection.

BARONESS HAYMAN OF ULLOCK

- 378 Clause 142, page 173, line 32, at end insert –
- “(1A) The Secretary of State may make EOR regulations only if satisfied that making the regulations supports the delivery of the United Nations Sustainable Development Goals.”

Member's explanatory statement

This is to probe with the EORs will support the UN Sustainable Development Goals.

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 143

BARONESS TAYLOR OF STEVENAGE

379 Clause 143, page 174, line 13, leave out “after consulting” and insert “with the consent of”

Member's explanatory statement

This would ensure that EOR regulations which contain provision within devolved competence can only be made with the consent of the relevant devolved administration.

BARONESS TAYLOR OF STEVENAGE

380 Clause 143, page 174, line 26, leave out “after consulting” and insert “with the consent of”

Member's explanatory statement

This would ensure that EOR regulations which contain provision within devolved competence can only be made with the consent of the relevant devolved administration.

BARONESS TAYLOR OF STEVENAGE

381 Clause 143, page 175, line 2, leave out “after consulting” and insert “with the consent of”

Member's explanatory statement

This would ensure that EOR regulations which contain provision within devolved competence can only be made with the consent of the relevant devolved administration.

THE DUKE OF MONTROSE
BARONESS MCINTOSH OF PICKERING

382 Clause 143, page 175, line 17, at end insert –

“(6A) The Secretary of State must publish the results of the consultation under subsections (1), (3) and (5) and give reasons for any decision reached.”

Member's explanatory statement

This amendment requires the Secretary of State to publish the results of the consultation and give reasons for any decision reached.

Clause 148

BARONESS TAYLOR OF STEVENAGE

383 Clause 148, page 177, line 37, at end insert –

“(3) The Secretary of State must issue guidance on making EORs accessible.”

Member's explanatory statement

This means that the Secretary of State must issue guidance on making EORs accessible.

Clause 149

LORD RANDALL OF UXBRIDGE
 BARONESS JONES OF WHITCHURCH
 BARONESS WILLIS OF SUMMERTOWN
 BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 384** Clause 149, page 178, line 6, at beginning insert “Where any requirements made by EOR regulations and environmental outcomes (specified or otherwise) deriving from those requirements are the same as those for existing environmental assessment legislation or the Habitats Regulations,”

Member's explanatory statement

This amendment will align requirements from EOR regulations with requirements from Habitats Regulations and other existing environmental assessment legislation, preventing environmental regression while allowing for any duplications to be resolved.

BARONESS HAYMAN OF ULLOCK

- 385** Clause 149, page 178, line 26, leave out subsection (3)

Member's explanatory statement

This amendment would ensure that EOR regulations cannot be used to amend, repeal or revoke existing environmental assessment legislation.

After Clause 149

BARONESS HAYMAN OF ULLOCK

- 386** After Clause 149, insert the following new Clause —

“Wild belt designations

Within 90 days of this Act being passed, the Secretary of State must publish draft legislation which would allow local authorities to propose wild belt designations for the purpose of improving the results of EORs.”

Member's explanatory statement

This means that the Secretary of State must publish draft legislation to allow local authorities to propose wild belt designations for the purpose of improving the results of EORs.

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.

After Clause 151

LORD RANDALL OF UXBRIDGE
BARONESS JONES OF WHITCHURCH
BARONESS WILLIS OF SUMMERTOWN
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

387 After Clause 151, insert the following new Clause—

“Purposes and plans of protected landscapes

- (1) National Parks, the Broads and Areas of Outstanding Natural Beauty must be managed in order to contribute to—
 - (a) restoring, conserving and enhancing biodiversity and the natural environment;
 - (b) meeting environmental targets under Part 1 of the Environment Act 2021 and the Climate Change Act 2008;
 - (c) the implementation of any relevant local nature recovery strategies under section 104 of the Environment Act 2021;
 - (d) the delivery of an environmental improvement plan prepared under section 8 of the Environment Act 2021; and
 - (e) equitable opportunities for all parts of society to improve their connection to nature of those areas and the enjoyment of their special qualities.
- (2) The purposes included in subsection (1) must be prioritised in addition to the purposes listed in section 5 of the National Parks and Access to the Countryside Act 1949, section 2 of the Norfolk and Suffolk Broads Act 1988 and section 87 of the Countryside and Rights of Way Act 2000.
- (3) Relevant management plans must include targets and actions intended to further the purposes specified in subsection (2).
- (4) Relevant management plans include plans under section 89 of the Countryside and Rights of Way Act 2000, section 66 of the Environment Act 1995 and section 3 of the Norfolk and Suffolk Broads Act 1988.

- (5) In exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty, any relevant authority must further the purposes specified in subsection (2) and the targets and actions in the relevant management plan.
- (6) The Secretary of State must maintain a publicly available list of relevant authorities who are to comply with subsection (5), publish a statement setting out instructions for relevant authorities, and review this list and statement at least every five years.
- (7) A management plan may not be made operational until it is reviewed by Natural England and approved by the Secretary of State.”

Member's explanatory statement

This new Clause supplements the statutory purposes of protected landscapes by giving them additional purposes. Key parts of existing legislation, such as the Sandford Principle, would still apply. The amendment also places stronger duties on relevant authorities and updates requirements for protected landscape management plans, to ensure that all relevant authorities take more action to recover nature and tackle climate change within those landscapes. This implements key recommendations from the Glover Review of Protected Landscapes.

BARONESS HAYMAN OF ULLOCK

388

After Clause 151, insert the following new Clause –

“Super-affirmative procedure for EOR regulations made under Part 6

- (1) If the Secretary of State proposes to make EOR regulations which fall under section 219(5) (regulations subject to the affirmative procedure), the Secretary of State must lay before Parliament a document that –
 - (a) explains the proposal, and
 - (b) sets it out in the form of draft EOR regulations.
- (2) During the period of 60 days beginning with the day on which the document was laid under subsection (1) (“the 60-day period”), the Secretary of State may not lay before Parliament draft regulations to give effect to the proposal (with or without modifications).
- (3) In preparing draft regulations under this Part to give effect to the proposal, the Secretary of State must have regard to any of the following that are made with regard to the draft regulations during the 60-day period –
 - (a) any representations, and
 - (b) any recommendations of a committee of either House of Parliament charged with reporting on the draft regulations.
- (4) When laying before Parliament draft regulations to give effect to the proposal (with or without modifications), the Secretary of State must also lay a document that explains any changes made to the proposal contained in the document laid before Parliament under subsection (1).

- (5) In calculating the 60-day period, no account is to be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned for more than 4 days.”

Member's explanatory statement

This new clause would require EOR regulations made under Part 6 to be subject to the super-affirmative procedure.

BARONESS HAYMAN OF ULLOCK

389

After Clause 151, insert the following new Clause –

“Super-affirmative procedure for EOR regulations made under Part 6

- (1) If the Secretary of State proposes to make EOR regulations which fall under section 219(5) (regulations subject to the affirmative procedure), the Secretary of State must lay before Parliament a document that –
- (a) explains the proposal,
 - (b) summarises the consultation undertaken including with the devolved authorities as required by section 143 and how the Secretary of State has taken account of that consultation, and
 - (c) sets it out in the form of draft EOR regulations.
- (2) During the period of 60 days beginning with the day on which the document was laid under subsection (1) (“the 60-day period”), the Secretary of State may not lay before Parliament draft regulations to give effect to the proposal (with or without modifications).
- (3) In preparing draft regulations under this Part to give effect to the proposal, the Secretary of State must have regard to any of the following that are made with regard to the draft regulations during the 60-day period –
- (a) any representations, and
 - (b) any recommendations of a committee of either House of Parliament charged with reporting on the draft regulations.
- (4) When laying before Parliament draft regulations to give effect to the proposal (with or without modifications), the Secretary of State must also lay a document that explains any changes made to the proposal contained in the document laid before Parliament under subsection (1).
- (5) In calculating the 60-day period, no account is to be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned for more than 4 days.”

Member's explanatory statement

This new clause would require EOR regulations made under Part 6 to be subject to the super-affirmative procedure.

Clause 153

BARONESS WILLIS OF SUMMERTOWN
BARONESS PARMINTER
BARONESS JONES OF WHITCHURCH

390 Clause 153, page 182, line 9, at end insert –

- “(c) In upgrading each nitrogen significant plant and each phosphorus significant plant –
- (i) publish a compliance and investment plan for each plant before upgrades are commenced, setting out how upgrades will be delivered,
 - (ii) within each compliance and investment plan set out how upgrades will, wherever feasible and possible, use catchment-based approaches and nature-based solutions to secure a reduction in nutrient discharges equivalent to those required to meet that limit, and
 - (iii) report annually to the Water Services Regulation Authority, the Environment Agency and the local planning authority on progress against the agreed compliance and investment plan.”

“(1A) The Water Services Regulation Authority and the Environment Agency must advise the local planning authority if compliance and investment plan monitoring suggests that the pollution standard will not be met; and a local planning authority may disapply its obligations under Schedule 12 to this Act on receipt of such advice.”

Member's explanatory statement

This amendment will require sewage undertakers to clearly set out plans for and provide annual reports on progress towards upgrading plants in sensitive catchment areas, including plans to prioritise use of catchment-based approaches and nature-based solutions to reduce nutrient pollution, thereby unlocking wider environmental benefits.

BARONESS HAYMAN OF ULLOCK

391 Clause 153, page 183, line 15, leave out “2000” and insert “500”

Member's explanatory statement

This is to probe the exemptions of this section.

BARONESS HAYMAN OF ULLOCK

392 Clause 153, page 183, line 19, after “standard,” insert “following consultation with the Environment Agency”

Member's explanatory statement

This is to probe the role of the Environment Agency in relation to exemptions of this section.

BARONESS HAYMAN OF ULLOCK

393 Clause 153, page 183, line 26, leave out “250” and insert “200”

Member's explanatory statement

This is to probe the exemptions of this section.

LORD STUNELL

393ZA Clause 153, page 184, line 3, at end insert –

“(5A) No regulations made under subsection (5) may worsen or weaken nutrient pollution standards in force on the day on which this Act is passed.”

Member's explanatory statement

This amendment would mean that regulations in relation to exempt sewage disposal works must be at least as strong as provisions already in force.

BARONESS SCOTT OF BYBROOK

393A Clause 153, page 187, line 18, leave out from “remediate” to end of line 19 and insert “environmental damage (within the meaning of those regulations) that is treated as occurring by regulation 9A of those regulations (nutrient significant sewage disposal works: environmental damage).”

Member's explanatory statement

This amendment is consequential on the Minister’s amendment at page 190, line 36.

Clause 155

BARONESS SCOTT OF BYBROOK

393B Clause 155, page 190, line 36, leave out from “Any” to “caused” in line 2 on page 191 and insert “excess nutrient pollution is to be treated for the purposes of these regulations as damage to the related habitats site that is environmental damage”

Member's explanatory statement

This amendment would change what is treated as environmental damage for the purposes of the Environmental Damage (Prevention and Remediation) (England) Regulations 2015 where a plant is in breach of a nutrient pollution standard to the excess nutrient pollution discharged (instead of the damage caused to a site).

BARONESS SCOTT OF BYBROOK

393C Clause 155, page 191, line 6, at end insert –

“(2A) In paragraph (2)–

“excess nutrient pollution”, in relation to a nutrient significant plant and a related nutrient pollution standard, means the amount by

which the total nutrient pollution discharged in treated effluent by the plant during the period –

- (a) beginning with the upgrade date, and
- (b) ending with the day the plant first meets the related nutrient pollution standard,

exceeds the total nutrient pollution that it would have discharged in treated effluent during that period had it met the related nutrient pollution standard on and after the upgrade date;

“total nutrient pollution” means –

- (a) in relation to the nitrogen nutrient pollution standard, total nitrogen, and
- (b) in relation to the phosphorus nutrient pollution standard, total phosphorus.

(2B) It is for the Environment Agency to determine the excess nutrient pollution discharged by a plant and in doing so the Environment Agency may have regard to –

- (a) the concentration of total nitrogen or concentration of total phosphorus determined for the purposes of section 96F of the Water Industry Act 1991 (see in particular subsection (5) of that section), and
- (b) the volume of treated effluent discharged by the plant, as determined by the Environment Agency.”

Member's explanatory statement

This amendment would define “excess nutrient pollution” for the purposes of the provision that would be inserted by the Minister’s amendment at page 190, line 36.

BARONESS SCOTT OF BYBROOK

393D Clause 155, page 191, leave out lines 7 to 14.

Member's explanatory statement

This amendment would leave out paragraphs (3) and (4) of inserted regulation 9A of the Environmental Damage (Prevention and Remediation) (England) Regulations 2015 which would not be needed as a result of the Minister’s amendment at page 190, line 36.

BARONESS SCOTT OF BYBROOK

393E Clause 155, page 191, line 28, at end insert –

““nitrogen nutrient pollution standard”;

Member's explanatory statement

This amendment is consequential on the Minister’s amendment at page 191, line 6.

BARONESS SCOTT OF BYBROOK

- 393F** Clause 155, page 191, line 29, at end insert –
““phosphorus nutrient pollution standard”;

Member's explanatory statement

This amendment is consequential on the Minister's amendment at page 191, line 6.

BARONESS SCOTT OF BYBROOK

- 393G** Clause 155, page 191, line 32, at end insert –
““treated effluent”;

Member's explanatory statement

This amendment would apply the definition of “treated effluent” from section 96J of the Water Industry Act 1991 for the purposes of the definitions that would be inserted by the Minister's amendment at page 191, line 6.

BARONESS SCOTT OF BYBROOK

- 393H** Clause 155, page 192, line 9, leave out “damage” and insert “excess nutrient pollution”

Member's explanatory statement

This amendment is consequential on the Minister's amendment at page 190, line 36.

BARONESS SCOTT OF BYBROOK

- 393I** Clause 155, page 192, leave out line 22 and insert “excess nutrient pollution”

Member's explanatory statement

This amendment is consequential on the Minister's amendment at page 190, line 36.

BARONESS SCOTT OF BYBROOK

- 393J** Clause 155, page 192, line 26, leave out “damage attributable to the failure” and insert “excess nutrient pollution”

Member's explanatory statement

This amendment is consequential on the Minister's amendment at page 190, line 36.

After Clause 155

LORD CRISP
LORD YOUNG OF COOKHAM
LORD BLUNKETT
LORD STUNELL

394 After Clause 155, insert the following new Clause –

“PART 7A**HEALTHY HOMES****Duty to secure healthy homes**

It is the duty of the Secretary of State to secure the health, safety, wellbeing and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings in England.”

LORD CRISP
LORD YOUNG OF COOKHAM
LORD BLUNKETT
LORD STUNELL

395 After Clause 155, insert the following new Clause –

“Policy statement on healthy homes principles

- (1) The Secretary of State must prepare a statement in accordance with this Part (the “policy statement on healthy homes principles”).
- (2) The statement must explain how the healthy homes principles are to be interpreted and applied by Ministers of the Crown in making, developing and revising their policies.
- (3) The statement may explain how the principles will be implemented and adhered to in a way that takes account of a building development’s urban, suburban or rural location.”

LORD CRISP
LORD YOUNG OF COOKHAM
LORD BLUNKETT
LORD STUNELL

396 After Clause 155, insert the following new Clause –

“Meaning of “healthy homes principles”

In this Part “healthy homes principles” are the principles that –

- (a) all new homes should be safe in relation to the risk of fire,

- (b) all new homes should have, as a minimum, the liveable space required to meet the needs of people over their whole lifetime, including adequate internal and external storage space,
- (c) all main living areas and bedrooms of a new dwelling should have access to natural light,
- (d) all new homes and their surroundings should be designed to be inclusive, accessible, and adaptable to suit the needs of all, with particular regard to protected characteristics under the Equality Act 2010,
- (e) all new homes should be built within places that prioritise and provide access to sustainable transport and walkable services, including green infrastructure and play space,
- (f) all new homes should secure radical reductions in carbon emissions in line with the provisions of the Climate Change Act 2008,
- (g) all new homes should demonstrate how they will be resilient to a changing climate over their full lifetime,
- (h) all new homes should be secure and built in such a way as to minimise the risk of crime,
- (i) all new homes should be free from unacceptable and intrusive noise and light pollution,
- (j) all new homes should not contribute to unsafe or illegal levels of indoor or ambient air pollution and must be built to minimise, and where possible eliminate, the harmful impacts of air pollution on human health and the environment, and
- (k) all new homes should be designed to provide year-round thermal comfort for inhabitants.”

LORD CRISP
LORD YOUNG OF COOKHAM
LORD BLUNKETT
LORD STUNELL

397 After Clause 155, insert the following new Clause –

“Policy statement on healthy homes principles: process

- (1) The Secretary of State must prepare a draft of the policy statement on healthy homes principles.
- (2) The Secretary of State must consult such persons as the Secretary of State considers appropriate in relation to the draft statement.
- (3) The Secretary of State must lay the draft statement before Parliament.
- (4) If, before the end of the period of 21 sitting days beginning with the day after the day on which the draft statement is laid –
 - (a) either House of Parliament passes a resolution in respect of the draft, or
 - (b) a committee of either House, or a joint committee of both Houses, makes recommendations in respect of the draft, the Secretary of State must produce a response and lay it before Parliament.

- (5) The Secretary of State must lay before Parliament, and publish, the final statement, but not before –
 - (a) if subsection (4) applies, the day on which the Secretary of State lays before Parliament the response required by that subsection, or
 - (b) otherwise, the end of the period of 21 sitting days beginning with the day after the day on which the draft statement is laid before Parliament.
- (6) The Secretary of State may revise the policy statement on healthy homes principles at any time (and this section applies in relation to any revised statement).
- (7) “Sitting day” means a day on which both Houses of Parliament sit.”

LORD CRISP
LORD YOUNG OF COOKHAM
LORD BLUNKETT
LORD STUNELL

398 After Clause 155, insert the following new Clause –

“Policy statement on healthy homes principles: effect

- (1) A Minister of the Crown must have regard to the healthy homes principles when making, developing or revising policies dealt with by the statement.
- (2) Relevant responsible authorities must have regard to the policy statement on healthy homes principles when discharging their duties under the planning, building, and public health acts.
- (3) “Relevant responsible authorities” include but are not limited to –
 - (a) local planning authorities;
 - (b) public health authorities;
 - (c) urban development corporations;
 - (d) new town development authorities;
 - (e) the planning inspectorate;
 - (f) Homes England.”

LORD CRISP
LORD YOUNG OF COOKHAM
LORD BLUNKETT
LORD STUNELL

399 After Clause 155, insert the following new Clause –

“Annual monitoring

- (1) The Secretary of State must prepare a progress report for each annual reporting period.
- (2) A progress report for an annual reporting period is a report on progress made in that period about the extent to which all new homes approved and completed

during that period have met the healthy homes principles under section (*Policy statement on healthy homes principles*).

- (3) A progress report must include specific consideration of how the approval and creation of new homes has met the needs of those with protected characteristics under section 4 of the Equality Act 2010.
- (4) A progress report must include consideration of how progress could be improved.
- (5) The Secretary of State must –
 - (a) arrange for the progress report to be laid before Parliament, and
 - (b) publish it.”

BARONESS HAYMAN OF ULLOCK

400 After Clause 155, insert the following new Clause –

“Sewage disposal works: data monitoring

The Secretary of State has a duty to monitor data on sewage disposal works and sewage discharge, and whether faulty monitoring stations are contributing to any changes in data.”

Member's explanatory statement

This to probe whether broken sewage monitoring stations are contributing to sewage discharge.

BARONESS HAYMAN OF ULLOCK

401 After Clause 155, insert the following new Clause –

“Environmental Action Plan

The Secretary of State has a duty to implement the Environmental Action Plan insofar as it relates to Part 7 of this Act.”

Member's explanatory statement

This to probe the implementation of the Environmental Action Plan.

BARONESS HAYMAN OF ULLOCK

402 After Clause 155, insert the following new Clause –

“Rebuilding sewage works

Within 90 days of this Act being passed, the Secretary of State must publish a report on the merit of rebuilding sewage works with new concrete and steel, rather than creating woodlands, reed beds and wetlands, insofar as it relates to Part 7 of this Act.”

Member's explanatory statement

This to probe the potential for rebuilding sewage works with new concrete and steel, rather than creating woodlands, reed beds and wetlands.

Clause 156

BARONESS TAYLOR OF STEVENAGE

403 Clause 156, page 193, line 11, at end insert –

“(c) the Secretary of State has published a strategy for ensuring the development corporation is accountable to local residents”

Member's explanatory statement

This is to probe the accountability of development corporations.

After Clause 156

BARONESS TAYLOR OF STEVENAGE

404 After Clause 156, insert the following new Clause –

“Independent examination of locally-led urban development corporations

- (1) A proposing authority must submit a proposal for designation of a locally-led urban development area in England under section 134A of the Local Government, Planning and Land Act 1980 to the Secretary of State for independent examination.
- (2) The examination must be carried out by a person appointed by the Secretary of State.
- (3) The purpose of the examination is to determine whether the proposal is in general conformity with national planning policy, the local development plan, and any other material considerations.
- (4) Any person who makes representations seeking to change a proposal for designation of a locally-led urban development area must, if they so request, be given the opportunity to appear before and be heard by the person carrying out the examination.”

Member's explanatory statement

This new clause would ensure that proposals to designate land as an urban development area and to establish a locally-led urban development corporation to oversee it would be subject to independent examination at which the public would have a right to be heard.

After Clause 157

BARONESS TAYLOR OF STEVENAGE

405 After Clause 157, insert the following new Clause –

“Independent examination of locally-led new town development corporations

- (1) A proposing authority must submit a proposal for designating an area of land as the site of a proposed new town under section 1ZA of the New Towns Act 1981 to the Secretary of State for independent examination.
- (2) The examination must be carried out by a person appointed by the Secretary of State.
- (3) The purpose of the examination is to determine whether the proposal is in general conformity with national planning policy, the local development plan, and any other material considerations.
- (4) Any person who makes representations seeking to change a proposal for designating an area of land as the site of a proposed new town must, if they so request, be given the opportunity to appear before and be heard by the person carrying out the examination.”

Member's explanatory statement

This new clause would ensure that proposals to designate land as the site of a proposed new town and to establish a locally-led new town development corporation to oversee it would be subject to independent examination at which the public would have a right to be heard.

BARONESS TAYLOR OF STEVENAGE

406 After Clause 157, insert the following new Clause –

“Establishment of new towns

Within 90 days of this Act being passed, the Secretary of State must publish a strategy for establishing further new towns.”

Member's explanatory statement

This is to probe the establishment of new towns.

Clause 163

BARONESS TAYLOR OF STEVENAGE

407 Clause 163, page 205, line 26 at end insert –

- “(4) In the case of a locally-led urban development corporation, the board must include no less than three community members who represent a local qualifying body.
- (5) In this section, “local qualifying body” means a parish or town council, or an organisation or body designated as a neighbourhood forum, authorised for the

purposes of a neighbourhood development plan or such other bodies that reflect the cultural, social or environmental priorities of the locality to be designated as a locally-led urban development area.”

Member's explanatory statement

This amendment would ensure that local communities within the locality to be designated as a locally-led urban development area are represented on the board of a locally-led urban development corporation.

BARONESS TAYLOR OF STEVENAGE

408 Clause 163, page 205, line 39 at end insert—

“(2ZC) In the case of a locally-led development corporation, the board must include no less than three community members who represent a local qualifying body.

(2ZD) In this section, “local qualifying body” means a parish or town council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development plan or such other bodies that reflect the cultural, social or environmental priorities of the locality to be designated as the site of a proposed new town.”

Member's explanatory statement

This amendment would ensure that local communities within the locality to be designated as the site of a proposed new town are represented on the board of a locally-led development corporation.

After Clause 164

BARONESS TAYLOR OF STEVENAGE

409 After Clause 164, insert the following new Clause—

“Urban development corporations: financial situation

Within 90 days of this Act being passed, the Secretary of State must publish a report on the financial situation of urban development corporations.”

Member's explanatory statement

This is to probe the financial situation of urban development corporations.

Clause 165

BARONESS TAYLOR OF STEVENAGE

410 Clause 165, page 207, line 9 at end insert—

“(1C) The Secretary of State may by regulations define “regeneration” if they have consulted local authorities.”

Member's explanatory statement

This is to probe the meaning of regeneration and to highlight that local authorities should be consulted on its definition.

After Clause 165

BARONESS BENNETT OF MANOR CASTLE

411 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.””

BARONESS TAYLOR OF STEVENAGE

412 After Clause 165, insert the following new Clause –

“Acquisition of residential properties

In section 226 of TCPA 1990 (power of local authority to acquire land compulsorily for development and other planning purposes), after subsection (9) insert –

“(10) If a local authority acquires compulsorily any land in their area which currently includes residential properties, the local authority must ensure that a greater number of residential properties are built within the local authority.””

Member's explanatory statement

This would mean that if residential property is compulsory purchased, the local authority must replace it with residential properties elsewhere.

Clause 168

BARONESS SCOTT OF BYBROOK

412A★ Clause 168, page 213, line 21, leave out subsection (4) and insert –

“(4) Schedule (Conditional confirmation and making of compulsory purchase orders: consequential amendments) contains, and makes provision in connection with, amendments in consequence of this section and paragraph 3 of Schedule 15.”

Member's explanatory statement

This amendment introduces the new Schedule in the Minister's name before Schedule 15, and omits one of the provisions superseded by that new Schedule.

Before Schedule 15

BARONESS SCOTT OF BYBROOK

412B★ Before Schedule 15, insert the following new Schedule—

“SCHEDULE

Section 168(4)

CONDITIONAL CONFIRMATION AND MAKING OF COMPULSORY PURCHASE ORDERS:
CONSEQUENTIAL AMENDMENTS*Land Compensation Act 1973 (c. 26)*

- 1 In section 33D of the Land Compensation Act 1973 (exclusions from entitlement to loss payments), for subsection (6) substitute—
- “(6) The relevant time is the time at which any of the following occurs in respect of the compulsory purchase order relating to the person’s interest in the land—
- (a) the order is confirmed, other than conditionally, under section 13 or 13A of the Acquisition of Land Act 1981;
 - (b) the order is made, other than conditionally, under paragraph 4 or 4A of Schedule 1 to that Act;
 - (c) a decision is made under section 13BA(2)(a) of the Acquisition of Land Act 1981 (decision that conditions subject to which order was confirmed have been met);
 - (d) a decision is made under paragraph 4AA(2)(a) of Schedule 1 to that Act (decision that conditions subject to which order was made have been met).”

Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66)

- 2 In section 5(2) of the Compulsory Purchase (Vesting Declarations) Act 1981 (vesting declaration not to be executed before purchase order operative), for “26(1)” substitute “26”.

Acquisition of Land Act 1981 (c. 67)

- 3 (1) The Acquisition of Land Act 1981 is amended as follows.
- (2) In section 7—
- (a) in subsection (3) (regulations subject to negative procedure)—
 - (i) after “13A” insert “or 13BA”;
 - (ii) after “paragraph 4A” insert “or 4AA”;
 - (b) after subsection (3) insert—

“(4) So far as anything is required or authorised to be prescribed as mentioned in subsection (2) in relation to orders that fall to be made or confirmed by the Welsh Ministers—

- (a) the reference in that subsection to the Secretary of State is to be read as a reference to the Welsh Ministers, and
 - (b) the reference in subsection (3) to either House of Parliament is to be read as a reference to Senedd Cymru.”
- (3) In section 26 (date of operation of orders and certificates), for subsections (1) and (2) substitute—
 - “(1A) A compulsory purchase order confirmed under Part 2 becomes operative—
 - (a) if it is confirmed unconditionally, on the date on which a confirmation notice in respect of the order is first published as required by section 15(3)(a);
 - (b) if it is confirmed conditionally, on the date on which a fulfilment notice in respect of the order is first published as required by section 15(4C)(b)(i).
 - (1B) A compulsory purchase order made under Schedule 1 becomes operative—
 - (a) if it is made unconditionally, on the date on which a making notice in respect of the order is first published as required by paragraph 6(3)(a) of that Schedule;
 - (b) if it is made conditionally, on the date on which a fulfilment notice in respect of the order is first published as required by paragraph 6(4C)(b)(i) of that Schedule.
 - (1C) Subsections (1A) and (1B) do not apply to an order to which the Statutory Orders (Special Procedure) Act 1945 applies.
 - (2A) A certificate given under Part 3 becomes operative on the date on which it is first published as required by section 22(a).
 - (2B) A certificate given under Schedule 3 becomes operative on the date on which it is first published as required by paragraph 9(a) of that Schedule.
 - (3) This section is subject to section 24.”

Housing Act 1985 (c. 68)

- 4 (1) The Housing Act 1985 is amended as follows.
- (2) In section 582 (suspension of recovery of possession of certain premises when compulsory purchase order made)—
 - (a) in subsection (2), for paragraph (b) substitute—
 - “(b) any earlier date on which—
 - (i) the Secretary of State notifies the authority that the Secretary of State declines to confirm the order,
 - (ii) the order (having been confirmed conditionally) expires by virtue of section 13BA(2)(b) of the Acquisition of Land Act 1981, or

- (iii) the order is quashed by a court.”;
- (b) in subsection (6), for paragraph (a) substitute—
 - “(aa) the Secretary of State notifies the authority that the Secretary of State declines to confirm the compulsory purchase order,
 - (ab) the order (having been confirmed conditionally) expires by virtue of section 13BA(2)(b) of the Acquisition of Land Act 1981,
 - (ac) the order is quashed by a court, or”.
- (3) In paragraph 3 of Schedule 5A (termination of initial demolition notices)—
 - (a) in sub-paragraph (2), after “(3)(a)” insert “or (aa)”;
 - (b) in sub-paragraph (3)—
 - (i) omit the “or” at the end of paragraph (a);
 - (ii) after paragraph (a) insert—
 - “(aa) a decision under section 13BA(2)(b)(ii) of that Act that conditions subject to which the order was confirmed have not been met, or”;
 - (c) in sub-paragraph (4), after “(3)(a)” insert “or (aa)”;
 - (d) after sub-paragraph (6) insert—
 - “(6A) If—
 - (a) a compulsory purchase order has been made as described in sub-paragraph (2),
 - (b) the order expires by virtue of section 13BA(2)(b)(i) of the Acquisition of Land Act 1981, and
 - (c) the effect of the expiry is that the landlord will not be able, by virtue of that order, to carry out the demolition of the dwelling-house,
 the notice ceases to be in force as from the date when the order expires.”;
 - (e) in sub-paragraph (7), after “(2)” insert “or (6A)”.

Town and Country Planning Act 1990 (c. 8)

- 5 (1) TCPA 1990 is amended as follows.
- (2) In section 137(7)(b) (discontinuance of compulsory purchase for purpose of blight notice exception)—
 - (a) in sub-paragraph (i), after “order” insert “or the order (having been made conditionally) expires by virtue of paragraph 4AA(2) of Schedule 1 to the Acquisition of Land Act 1981”;
 - (b) in sub-paragraph (ii), at the end insert “or (having been confirmed conditionally) it expires by virtue of section 13BA(2)(b) of the Acquisition of Land Act 1981”.
- (3) In Note (2) in paragraph 22 of Schedule 13 (land ceasing to be blighted by proposed compulsory purchase order)—

- (a) omit the “or” at the end of paragraph (a);
- (b) at the end of paragraph (b) insert “; or
- (c) the order (having been confirmed or made conditionally) expires by virtue of section 13BA(2)(b) of, or paragraph 4AA(2) of Schedule 1 to, the Acquisition of Land Act 1981.”

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

- 6 In section 48(6)(b) of the Listed Buildings Act (discontinuance of compulsory purchase for purpose of listed building purchase notice exception) –
- (a) in sub-paragraph (i), at the end insert “or the order (having been made conditionally) expires by virtue of paragraph 4AA(2) of Schedule 1 to the Acquisition of Land Act 1981”;
 - (b) in sub-paragraph (ii), at the end insert “or (having been confirmed conditionally) it expires by virtue of section 13BA(2)(b) of the Acquisition of Land Act 1981”.

Historic Environment (Wales) Act 2023

- 7 (1) In section 111(8)(b) of the Historic Environment (Wales) Act 2023 (discontinuance of compulsory purchase for purpose of listed building purchase notice exception) –
- (a) in the English language text –
 - (i) in sub-paragraph (i), at the end insert “or (having been confirmed conditionally) it expires by virtue of section 13BA(2)(b) of the Acquisition of Land Act 1981”;
 - (ii) in sub-paragraph (ii), at the end insert “or the order (having been made conditionally) expires by virtue of paragraph 4AA(2) of Schedule 1 to that Act”;
 - (b) in the Welsh language text –
 - (i) in sub-paragraph (i), at the end insert “neu pan fydd (ar ôl cael ei gadarnhau’n amodol) yn dod i ben yn rhinwedd adran 13BA(2)(b) o Ddeddf Caffael Tir 1981”;
 - (ii) in sub-paragraph (ii), at the end insert “neu pan fydd y gorchymyn (ar ôl cael ei wneud yn amodol) yn dod i ben yn rhinwedd paragraff 4AA(2) o Atodlen 1 i’r Ddeddf honno”.
- (2) The Secretary of State may, by regulations, amend sub-paragraph (1) before it comes into force in consequence of the provision amended by that sub-paragraph being enacted other than as proposed in the relevant iteration of the Historic Environment (Wales) Bill.
- (3) In sub-paragraph (2) –
- (a) the “Historic Environment (Wales) Bill” means the Bill of that name introduced in Senedd Cymru on 4 July 2022, and
 - (b) the “relevant iteration” of that Bill is the Bill as it stands after consideration by the Legislation, Justice and Constitution Committee of the Senedd on 13 February 2023.”

Member's explanatory statement

This new Schedule brings together various amendments in consequence of the introduction of conditional compulsory purchase orders (some of which are currently elsewhere in the Bill and some of which are new).

Clause 170

BARONESS SCOTT OF BYBROOK

Baroness Scott of Bybrook gives notice of her intention to oppose the Question that Clause 170 stand part of the Bill.

Member's explanatory statement

This Clause is superseded by the new Schedule in the Minister's name before Schedule 15.

Clause 171

BARONESS SCOTT OF BYBROOK

412C★ Clause 171, page 216, line 3, at end insert –

“(4) In section 582 of the Housing Act 1985 (suspension of recovery of possession of certain premises when compulsory purchase order made) –

- (a) in subsection (2)(a), for “third anniversary of” substitute “final day of the period of three years beginning with”;
- (b) after subsection (6) insert –

“(6A) If the compulsory purchase order specifies a period longer than three years under section 13D of the Acquisition of Land Act 1981, the references in this section to the period of three years are to be read as references to the period specified in the order.””

Member's explanatory statement

This amendment adds consequential amendments to Clause 171.

Clause 174LORD CARRINGTON
THE EARL OF LYTTON

The above-named Lords give notice of their intention to oppose the Question that Clause 174 stand part of the Bill.

Member's explanatory statement

This would ensure that land acquired through compulsory purchase continues to be compensated for at the full open market value when acquired.

Clause 175

LORD CARRINGTON
THE EARL OF LYTTON

The above-named Lords give notice of their intention to oppose the Question that Clause 175 stand part of the Bill.

Member's explanatory statement

This would ensure that land acquired through compulsory purchase continues to be compensated for at the full open market value when acquired.

After Clause 175

BARONESS SCOTT OF BYBROOK

412D★ After Clause 175, insert the following new Clause –

“Power to require prospects of planning permission to be ignored

- (1) In the Acquisition of Land Act 1981 –
 - (a) in section 7(3) (regulations subject to negative procedure), before “paragraph 4A” insert “section 15A(11) or”;
 - (b) in section 14A (confirmation by acquiring authority, after subsection (2) insert –
 - “(2A) Nor does it apply to an order directing that compensation is to be assessed in accordance with section 14A of the Land Compensation Act 1961 (see section 15A).”;
 - (c) after section 15 insert –

“Special provision about compensation

15A Directions applying section 14A of the Land Compensation Act 1961

- (1) Subsection (2) applies if –
 - (a) an acquiring authority submits a compulsory purchase order for confirmation, and
 - (b) the authorising enactment is listed in Schedule 2A.
- (2) The acquiring authority may include in the order a direction that compensation is to be assessed in accordance with section 14A of the Land Compensation Act 1961 (cases where prospect of planning permission to be ignored); and if it does so the following provisions of this section apply.
- (3) The acquiring authority must submit to the confirming authority a statement of commitments together with the order.

- (4) A “statement of commitments” is a statement of the acquiring authority’s intentions as to what will be done with the project land should the acquisition proceed, so far as the authority relies on those intentions in contending that the direction is justified in the public interest.
- (5) If the authorising enactment is listed in any of paragraphs 1 to 6 of Schedule 2A, those intentions must include the provision of a certain number of units of affordable housing.
- (6) The statement under section 12(1)(a) must include a statement of the effect of the direction; and paragraphs (ba) and (bb) of the same subsection apply in respect of the statement of commitments as they apply in respect of the compulsory purchase order.
- (7) The confirming authority may permit the acquiring authority to amend the statement of commitments before the decision whether to confirm the order is made.
- (8) But the confirming authority may do so—
 - (a) only if satisfied that the amendment would not be unfair to any person who made or could have made a relevant objection for the purposes of section 13, and
 - (b) if the authorising enactment is listed in any of paragraphs 1 to 6 of Schedule 2A, only if the statement of commitments as amended will still comply with subsection (5).
- (9) If the confirming authority decides to confirm the order in accordance with the applicable provisions of this Part—
 - (a) it may confirm the order with the direction included if satisfied that the direction is justified in the public interest;
 - (b) otherwise, it must modify the order so as to remove the direction.
- (10) If the order is confirmed with the direction included, a confirmation notice under section 15 must (in addition to the matters set out in subsection (4) of that section)—
 - (a) state the effect of the direction,
 - (b) explain how the statement of commitments may be viewed, and
 - (c) explain that additional compensation may become payable if the statement of commitments is not fulfilled.
- (11) In this section—

“the authorising enactment” means the enactment that confers the power to make the compulsory purchase to which the order in question relates;

“the project land” means—

 - (a) the land proposed to be acquired further to the compulsory purchase order, and

- (b) any other land that the acquiring authority intends to be used in connection with that land;
- “unit of affordable housing” means a building or part of a building that is –
- (a) constructed or adapted for use as a separate dwelling, and
- (b) is to be used as –
- (i) social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, or
- (ii) housing of any other description that is prescribed.”;
- (d) after Schedule 2 insert –

“SCHEDULE 2A

Section 15A

ENACTMENTS ELIGIBLE FOR DIRECTIONS APPLYING SECTION 14A OF THE
LAND COMPENSATION ACT 1961

Enactments authorising acquisitions for purposes including housing

- 1 Section 142 of the Local Government, Planning and Land Act 1980 (acquisition by urban development corporation).
- 2 Section 17 of the Housing Act 1985 (acquisition by local housing authority).
- 3 Section 226 of the Town and Country Planning Act 1990 (acquisition by local authority for development or planning purposes).
- 4 Section 333ZA of the Greater London Authority Act 1999 (acquisition by Greater London Authority for housing or regeneration purposes).
- 5 Section 9 of the Housing and Regeneration Act 2008 (acquisition by the Homes and Communities Agency).
- 6 Section 207 of the Localism Act 2011 (acquisition by mayoral development corporation).

Enactments authorising acquisitions for purposes of the NHS

- 7 Paragraph 46 of Schedule 4 to the Health and Social Care (Community Health and Standards) Act 2003 (acquisition by NHS foundation trust).
- 8 Paragraph 27 of Schedule 4 to the National Health Service Act 2006 (acquisition by NHS trust).
- 9 Paragraph 20 of Schedule 2 to the National Health Service (Wales) Act 2006 (acquisition by local health board).

Enactments authorising acquisitions for educational purposes

10 Section 530 of the Education Act 1996 (acquisition by local authority for purposes of educational institution or function).”

(2) In the Land Compensation Act 1961 –

(a) after section 14 insert –

“14A Cases where prospect of planning permission to be ignored

(1) The following provisions apply in relation to an acquisition if the compulsory purchase order authorising the acquisition directs that compensation is to be assessed in accordance with this section.

(2) Section 14 does not apply.

(3) In assessing the value of land in accordance with rule (2) in section 5, it is to be assumed that no planning permission would be granted for development on the relevant land (whether alone or together with other land).

(4) Subsection (3) does not prevent account being taken of planning permission that has already been granted.

(5) Subsection (3) does not apply in relation to development consisting of the use as two or more separate dwellings of any building previously used as a single dwelling.

(6) Schedule 2A provides for the payment of additional compensation in respect of the acquisition in certain circumstances.”;

(b) in section 32 (interest from entry on land), after subsection (2) insert –

“(3) This section does not apply in relation to additional compensation payable under Schedule 2A.”;

(c) after the second Schedule insert –

“SCHEDULE 2A

Section 14A(6)

ADDITIONAL COMPENSATION WHERE SECTION 14A APPLIED

Directions for additional compensation

1 (1) This paragraph applies if –

(a) an interest in land has been acquired further to a compulsory purchase order, and

(b) the order directed that compensation was to be assessed in accordance with section 14A.

(2) The confirming authority must, on an application by an eligible person, make a direction for additional compensation if it appears to the confirming authority that the following conditions are met.

(3) Those conditions are –

- (a) that the statement of commitments has not been fulfilled,
 - (b) either –
 - (i) that the period of 10 years beginning with the date on which the compulsory purchase order became operative has expired, or
 - (ii) that there is no longer any realistic prospect of the statement of commitments being fulfilled within that period, and
 - (c) that the initial direction would not have been confirmed on the basis of a statement of commitments reflecting what has in fact been done with the project land since its acquisition.
- (4) In sub-paragraph (3) –
- “the statement of commitments” means the statement of commitments submitted in connection with the compulsory purchase order under section 15A(3) of the Acquisition of Land Act 1981 (and if the statement was amended after its submission, means the statement as amended);
- “the initial direction” means the direction referred to in sub-paragraph (1)(b) (and that direction was “confirmed” when the compulsory purchase order was confirmed with the inclusion of the direction);
- “the project land” means the land treated as the project land for the purposes of the statement of commitments;
- and that statement is “fulfilled” if what is done with that land after its acquisition is materially in accordance with the statement.
- (5) The effect of a direction for additional compensation is that each eligible person may make a claim to the acquiring authority for any additional compensation in respect of the acquisition payable to the person under this Schedule.
 - (6) A person is an “eligible person” for the purposes of this Schedule if the person was entitled to compensation in respect of the acquisition (and see also paragraph 4(1)).

Amount of additional compensation

- 2 (1) Additional compensation in respect of an acquisition is payable to an eligible person only if, in relation to that person, the alternative amount is greater than the original amount.
- (2) The amount payable is the difference between the two amounts.
- (3) The “original amount” is the amount of compensation awarded or agreed to be paid to the person in respect of the acquisition.

- (4) The “alternative amount” is the amount of compensation that would have been assessed as due to the person in respect of the acquisition had compensation been assessed without the application of section 14A.
- (5) If the original amount was agreed, the relevant valuation date for the purposes of the assessment imagined under sub-paragraph (4) is the date on which the agreement was concluded.
- (6) In relation to the determination of an amount of additional compensation under this Schedule, section 17(2)(b) applies as if its reference to the amount of compensation were to the amount of additional compensation.
- (7) A certificate issued under section 17 (or 18) after the award or agreement referred to in sub-paragraph (3) is to have effect for the purposes of the assessment imagined under sub-paragraph (4) as if it had been issued before that assessment.
- (8) Any amount of compensation that is or would be attributable to disturbance, severance or injurious affection is to be ignored for the purposes of sub-paragraphs (3) and (4).

Time limit for application for direction

- 3 An application under paragraph 1(2) may not be made after the expiry of the period of 13 years beginning with the date on which the compulsory purchase order became operative.

Mortgages

- 4 (1) For the purposes of this Schedule an “eligible person” includes a person who would have been entitled to compensation in respect of the acquisition but for the existence of a mortgage (but the mortgage is in that case still to be taken into account in determining the original and alternative amounts under paragraph 2).
- (2) An amount agreed or awarded to be paid to a mortgagee under section 15 or 16 of the Compulsory Purchase Act 1965 in respect of the acquisition is to be treated for the purposes of this Schedule as compensation in respect of the acquisition.
- (3) The reference in sub-paragraph (2) to an amount paid under section 15 or 16 of the Compulsory Purchase Act 1965 (“the applicable section”) includes an amount paid under section 52ZA or 52ZB of the Land Compensation Act 1973 and taken into account by virtue of section 52ZC(7)(d) of that Act for the purposes of the applicable section.
- (4) Additional compensation payable under this Schedule to a person in the person’s capacity as a mortgagee (or to a person

exercising rights of a mortgagee) is to be applied towards the discharge of the sums secured by the mortgage.

- (5) If there is no remaining sum secured by the mortgage, the additional compensation that would be payable as described in sub-paragraph (4) is instead payable to the person who is an eligible person by virtue of the interest that was subject to the mortgage.
- (6) If the additional compensation that would be payable as described in sub-paragraph (4) exceeds the total of the remaining sums secured by the mortgage, the amount of the excess is instead payable to the person who is an eligible person by virtue of the interest that was subject to the mortgage.

Successors-in-title

- 5 (1) This paragraph applies if, had the compensation to which an eligible person was entitled in respect of the acquisition remained unpaid, the right to be paid it would now vest in some other person (assuming that it remained enforceable and any obligations in respect of the right had been complied with).
- (2) If the eligible person is still alive or in existence, the rights that the eligible person would have under this Schedule are exercisable by the other person and not by the eligible person.
- (3) If the eligible person is no longer alive or in existence, the rights that the eligible person would have under this Schedule if that person were still alive or in existence are exercisable by the other person.
- (4) The right exercisable by the other person under sub-paragraph (2) or (3) is subject to any restriction, condition or other incident to which the right vested in that person as imagined under sub-paragraph (1) would be subject.
- (5) Additional compensation paid to the other person by virtue of sub-paragraph (2) or (3) must be dealt with by the person in any way in which the person would have to deal with compensation paid to that person further to the right vested in that person as imagined under sub-paragraph (1).
- (6) If a person is an eligible person by virtue of paragraph 4(1), the reference in sub-paragraph (1) to compensation to which the person was entitled is to be read as a reference to the compensation to which the person would have been entitled but for the mortgage.

Consequential losses

- 6 (1) The relevant authority may by regulations provide for additional compensation payable on a claim under paragraph 1(5) to include

(in addition to any amount payable under paragraph 2) an amount to make good qualifying losses.

- (2) “Qualifying losses” are financial losses shown to have been suffered by an eligible person, or a person entitled to exercise the rights of the eligible person under paragraph 5, as a result of the compensation initially payable to the eligible person in respect of the acquisition being of the original amount rather than the alternative amount.
- (3) In the case of an eligible person who is so by virtue of an interest that was subject to a mortgage, the reference in sub-paragraph (2) to compensation payable to the eligible person is to be taken to include compensation payable to the mortgagee of that interest.
- (4) Regulations under this paragraph may limit the qualifying losses in respect of which additional compensation is payable under the regulations by reference to—
 - (a) a description of loss,
 - (b) an amount, or
 - (c) any other circumstance.

Procedure etc

- 7 (1) The relevant authority may by regulations make provision—
 - (a) about the procedure for applications under paragraph 1(2) or claims under paragraph 1(5) (including provision about the costs of such applications or claims);
 - (b) about steps that must be taken by the acquiring authority or the confirming authority for the purposes of publicising or giving notice of a direction for additional compensation;
 - (c) for interest to be applied to amounts of additional compensation that are payable;
 - (d) about how or when additional compensation (and any interest) is to be paid.
- (2) Regulations under this paragraph about costs of claims under paragraph 1(5)—
 - (a) may modify or disapply section 29 of the Tribunals, Courts and Enforcement Act 2007 (costs or expenses) or provisions in Tribunal Procedure Rules relating to costs;
 - (b) may apply (with or without modifications) section 4 of this Act;

and section 4 of this Act does not apply in relation to such a claim unless so applied.

Regulations

- 8 (1) For the purposes of this Schedule “the relevant authority” is—
- (a) the Secretary of State, in relation to England;
 - (b) the Welsh Ministers, in relation to Wales.
- (2) Regulations under this Schedule may make—
- (a) consequential, supplementary, incidental, transitional or saving provision;
 - (b) different provision for different purposes.
- (3) Regulations under this Schedule are to be made by statutory instrument.
- (4) A statutory instrument containing such regulations is subject to annulment in pursuance of—
- (a) a resolution of either House of Parliament, in the case of regulations made by the Secretary of State, or
 - (b) a resolution of Senedd Cymru, in the case of regulations made by the Welsh Ministers.

Interpretation

- 9 (1) In this Schedule—
- (a) “the confirming authority” means—
 - (i) the person who confirmed the compulsory purchase order, or
 - (ii) any successor to that person’s function of confirming compulsory purchase orders of the type in question;
 - (b) references to “the acquisition” or “the compulsory purchase order” are to the acquisition or order by virtue of which paragraph 1 applies;
 - (c) references to the acquisition of an interest in land include—
 - (i) the creation of such an interest, and
 - (ii) the acquisition or creation of a right in or over land;and references to interests in land are to be read accordingly.
- (2) In the case of a compulsory purchase order made under section 10(1) of, and Part 1 of Schedule 4 to, the New Towns Act 1981 (compulsory acquisition by new town development corporation in usual cases), the reference in paragraph 1(4) to section 15A(3) of the Acquisition of Land Act 1981 is to be read as a reference to paragraph 5A(2) of Schedule 4 to the New Towns Act 1981.
- (3) In the case of a compulsory purchase order made under section 13(1)(a) of, and Part 1 of Schedule 5 to, the New Towns Act 1981

(compulsory acquisition by new town development corporation of statutory undertakers' operational land) –

- (a) the reference in paragraph 1(4) to section 15A(3) of the Acquisition of Land Act 1981 is to be read as a reference to paragraph 5A(2) of Schedule 5 to the New Towns Act 1981, and
- (b) the references in paragraph 1(4) and sub-paragraph (1)(a) to the confirmation of the order are to be read as references to the making of the order.

(4) If –

- (a) an interest in land is acquired further to section 154(2) of the Town and Country Planning Act 1990 (deemed compulsory acquisition further to blight notice), and
- (b) the land falls within paragraph 22 of Schedule 13 to that Act (land blighted by compulsory purchase order),

the interest is to be treated for the purposes of this Schedule as having been acquired further to the compulsory purchase order by virtue of which the land falls within that paragraph.”

(3) In the New Towns Act 1981 –

- (a) in Schedule 4 (procedure for compulsory acquisition by new town development corporation in usual cases), after paragraph 5 insert –

“5A (1) A development corporation submitting an order to the Secretary of State under this Part of this Schedule may include in the order a direction that compensation is to be assessed in accordance with section 14A of the Land Compensation Act 1961 (cases where prospect of planning permission to be ignored); and if it does so the following provisions of this paragraph apply.

- (2) The corporation must submit a statement of commitments together with the order.
- (3) A “statement of commitments” is a statement of the corporation’s intentions as to what will be done with the project land should the acquisition proceed, so far as the corporation relies on those intentions in contending that the direction is justified in the public interest.
- (4) Those intentions must include the provision of a certain number of units of affordable housing.
- (5) The notice under paragraph 2(1) must –
 - (a) state the effect of the direction, and
 - (b) name a place where a copy of the statement of commitments may be seen at any reasonable hour.
- (6) The Secretary of State may permit the corporation to amend the statement of commitments before the decision whether to confirm the order is made.
- (7) But the Secretary of State may do so –

- (a) only if satisfied that the amendment would not be unfair to any person who duly made or could duly have made an objection for the purposes of paragraph 4, and
 - (b) only if the statement of commitments as amended will still comply with sub-paragraph (4).
- (8) If the Secretary of State decides to confirm the order under paragraph 3, the Secretary of State –
- (a) may confirm the order with the direction included if satisfied that the direction is justified in the public interest;
 - (b) otherwise, must modify the order so as to remove the direction.
- (9) If the order is confirmed with the direction included, the notice under paragraph 5 must –
- (a) state the effect of the direction,
 - (b) explain how the statement of commitments may be viewed, and
 - (c) explain that additional compensation may become payable if the statement of commitments is not fulfilled.
- (10) In this paragraph –
- “the project land” means –
- (a) the land proposed to be acquired further to the compulsory purchase order, and
 - (b) any other land that the corporation intends to be used in connection with that land;
- “unit of affordable housing” means a building or part of a building that is –
- (a) constructed or adapted for use as a separate dwelling, and
 - (b) is to be used as –
 - (i) social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, or
 - (ii) housing of any other description that is prescribed.”;
- (b) in Schedule 5 (procedure for compulsory acquisition by new town development corporation of statutory undertaker’s operational land), after paragraph 5 insert –
- “5A (1) A development corporation making an application under this Part of this Schedule may include in the application a request for a direction that compensation is to be assessed in accordance with section 14A of the Land Compensation Act 1961 (cases where prospect of planning permission to be ignored); and if it does so the following provisions of this paragraph apply.

- (2) The corporation must submit a statement of commitments together with the application.
- (3) A “statement of commitments” is a statement of the corporation’s intentions as to what will be done with the project land should the acquisition proceed, so far as the corporation relies on those intentions in contending that the direction would be justified in the public interest.
- (4) Those intentions must include the provision of a certain number of units of affordable housing.
- (5) The notice under paragraph 2 must—
 - (a) state that the request has been made and what the effect of the direction would be, and
 - (b) name a place where a copy of the statement of commitments may be seen at all reasonable hours.
- (6) The Secretary of State and the appropriate Minister may permit the corporation to amend the statement of commitments before the decision whether to make an order on the application is made.
- (7) But they may do so—
 - (a) only if satisfied that the amendment would not be unfair to any person who duly made or could duly have made an objection for the purposes of paragraph 3, and
 - (b) only if the statement of commitments as amended will still comply with sub-paragraph (4).
- (8) If the Secretary of State and the appropriate Minister decide to make an order on the application under paragraph 3, they may include the direction in the order only if satisfied that the direction is justified in the public interest.
- (9) If an order is made with the direction included, the notice under paragraph 5 must—
 - (a) state the effect of the direction,
 - (b) explain how the statement of commitments may be viewed, and
 - (c) explain that additional compensation may become payable if the statement of commitments is not fulfilled.
- (10) In this paragraph—
 - “the project land” means—
 - (a) the land proposed to be acquired further to the compulsory purchase order, and
 - (b) any other land that the corporation intends to be used in connection with that land;
 - “unit of affordable housing” means a building or part of a building that is—

- (a) constructed or adapted for use as a separate dwelling, and
 - (b) is to be used as –
 - (i) social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, or
 - (ii) housing of any other description that is prescribed.”
- (4) In section 157 of TCPA 1990 (special provisions as to compensation for acquisitions further to blight notices), before subsection (1) insert –

“(A1) Where –

- (a) an interest in land is acquired in pursuance of a blight notice,
 - (b) the interest is one in respect of which a compulsory purchase order is in force, and
 - (c) the order directs that compensation is to be assessed in accordance with section 14A of the Land Compensation Act 1961,
- the compensation payable for the acquisition is to be assessed in accordance with that direction and as if the notice to treat deemed to have been served in respect of the interest under section 154 had been served in pursuance of the compulsory purchase order.””

Member's explanatory statement

This new Clause allows a Minister confirming a compulsory purchase order to direct, in certain cases involving affordable housing, health or education, that compensation should be assessed on the basis that no new planning permission would be granted for the land. It also allows the effect of that direction to be reversed if the land is not subsequently used as planned.

BARONESS TAYLOR OF STEVENAGE

413 After Clause 175, insert the following new Clause –

“Incorrect compulsory purchase compensation

The Secretary of State must publish an annual report on the extent of compulsory purchase compensation incorrectly reflecting the value of the property.”

Member's explanatory statement

This is to probe the extent of compulsory purchase compensation incorrectly reflecting the value of the property.

BARONESS TAYLOR OF STEVENAGE
LORD SHIPLEY

414 After Clause 175, insert the following new Clause –

“Secretary of State’s power to give direction concerning prospects of alternative development

- (1) The Land Compensation Act 1961 is amended as follows.
- (2) In section 14, after subsection (1), insert –
 - “(1A) This section does not apply where a direction is given by the Secretary of State under section 14A.”
- (3) After section 14, insert-

“14A Direction as to prospects of alternative development

- (1) This section applies for the purpose of determining the open market value of land in accordance with rule (2) in section 5 in order to assess compensation in respect of the compulsory acquisition of an interest in land by a public authority.
- (2) A public authority may apply to the Secretary of State for a direction that the value of the land which is subject to a specified scheme for the construction of or redevelopment for social rent housing is to be determined on the assumption that there is no prospect of appropriate alternative development within the meaning of section 17(1A) (a) and (b) in relation to the acquisition.
- (3) The ground on which an application for a direction under subsection (2) may be made is that the acquisition of the relevant land will enable the authority to alleviate homelessness and housing need in its area by the provision of social rent housing.
- (4) A public authority seeking a direction in accordance with subsection (2) must provide such information as required by regulations made under this section which must include–
 - (a) a detailed description of the scheme proposed;
 - (b) an estimate of the amount representing the land value that would be recovered or retained by the authority as a result of a direction for the scheme being issued in the form requested;
 - (c) confirmation that provision for the scheme in question is included in the updated version of the authority’s local plan;
 - (d) evidence that the amount captured under paragraph (b) will be applied to the development of the scheme and its supporting infrastructure including additional infrastructure serving the purposes of the scheme; and
 - (e) any other effects which a direction in the form requested is likely to have on the implementation of the scheme for the public benefit.

- (5) In considering the matters referred to in subsection (4), the Secretary of State must have regard to the proposals for the relief of homelessness and housing need identified in the updated local plan and to the public benefit, and must ensure that the assessment of land values makes provision for supportive infrastructure costs only in so far as these are ancillary to the housing development scheme in question.
- (6) If the Secretary of State considers that the land value should include an element of appropriate alternative development in respect of the infrastructure costs specified in subsection (5), the Secretary of State must further consider whether the amount attributable to such development should be limited to a specified proportion of the existing use value of the land.
- (7) Nothing in this section has the effect that compensation payable to the owner of land which is the subject of compulsory acquisition is less than existing use value.
- (8) In considering an application under this section the Secretary of State may in his or her discretion appoint a person or persons with relevant expertise to make recommendations as to whether a direction should be issued, and if so, as to the terms of the direction.
- (9) Regulations under this section must make provision for a copy of the application to be served on all parties having an interest in the land and for receiving representations from such parties, and must prescribe the procedure to be followed in considering the application.
- (10) If the Secretary of State is satisfied that in the light of all relevant circumstances the ground for requesting a direction under this section is made out, the Secretary of State must make a direction accordingly.
- (11) Nothing in this section prevents a public authority from entering into an agreement with a person for the acquisition of an interest in land for the purposes of a specified scheme at a value which includes some provision for appropriate alternative development.
- (12) In this section –
 - (a) “public authority” has the same meaning as in section 3 of the Freedom of Information Act 2000;
 - (b) “local plan” means a document prepared in accordance with section 15C of the Planning and Compulsory Purchase Act 2004; and
 - (c) “social rent housing” has the meaning given in article 7 of the Direction on the Rent Standard 2019.

14B Public benefit

- (1) In determining whether it is in the public interest for a scheme which is the subject of an application under section 14A(2) to proceed on the basis of the direction requested, the Secretary of State must have regard to the scale of homelessness and housing need in the local area, and in particular

to the number of households registered on the authority’s waiting list for an allocation of social housing.

- (2) In the light of the evidence considered under subsection (1), it must be assumed that a scheme whose primary purpose is to provide housing for social rent in accordance with the local plan is for the public benefit unless the contrary is shown.””

Member's explanatory statement

This amendment permits public authorities to seek a direction from the Secretary of State disallowing or limiting hope value.

Clause 176

BARONESS TAYLOR OF STEVENAGE

415 Clause 176, page 222, line 14, at end insert –

“(2A) Designations under subsections (1) and (2) may only be made following consultation with the local community.”

Member's explanatory statement

This amendment would require designation of a high street or town centre to be consulted upon.

BARONESS TAYLOR OF STEVENAGE

416 Clause 176, page 222, line 14, at end insert –

“(2A) Designations under subsections (1) and (2) can only be made following consultation with local business on possible incentives to address vacant premises.”

Member's explanatory statement

This is to probe the possibility of new incentives for filling empty shops.

BARONESS TAYLOR OF STEVENAGE

417 Clause 176, page 222, line 14, at end insert –

“(2A) The local community may make application for designations under subsections (1) and (2) to be made.”

Member's explanatory statement

This amendment would allow the local community to apply for a street or area to be designated as a high street or town centre.

Clause 178

LORD ETHELTON
LORD THURLOW

- 418 Clause 178, page 223, line 37, at end insert “unless proceedings have been commenced for possession, in which case the premises are to be treated as occupied prior to the termination of such proceedings”

Member's explanatory statement

This amendment makes clear that a property is not to be treated as vacant, even though occupied by a trespasser or by a person who is living in non-residential property if and so long as there are proceedings by the landlord to obtain possession.

BARONESS HAYMAN OF ULLOCK

- 419 Clause 178, page 223, line 38, leave out subsections (5) and (6)

Member's explanatory statement

This amendment would remove the Henry VIII power for the Secretary of State to alter the circumstances of vacancy.

Clause 179

BARONESS HAYMAN OF ULLOCK

- 420 Clause 179, page 224, line 13, at end insert “for the purposes of regeneration”.

Member's explanatory statement

This means that a property can only be let if it supports regeneration.

Clause 180

BARONESS HAYMAN OF ULLOCK

- 421 Clause 180, page 224, line 22, leave out "ten weeks" and insert "28 days"

Member's explanatory statement

This amendment would reduce the period after which an initial letting notice would expire to 28 days.

Clause 181

BARONESS HAYMAN OF ULLOCK

- 422 Clause 181, page 224, line 31, at end insert –

“(c) transfer the premises to a related entity.”

Member's explanatory statement

This amendment would prevent the landlord from transferring the premises between related entities while the initial letting notice is in force.

Clause 183

BARONESS HAYMAN OF ULLOCK

423 Clause 183, page 226, line 6, leave out "eight" and insert "two"

Member's explanatory statement

This amendment would reduce the period of time before a final letting notice can be issued to two weeks.

Clause 186

BARONESS HAYMAN OF ULLOCK

424 Clause 186, page 228, line 6, leave out subsection (5)

Member's explanatory statement

This amendment would remove the Henry VIII power that allows the Secretary of State to add or remove grounds of appeal.

Schedule 16

THE EARL OF LYTTON

425 [Withdrawn]

THE EARL OF LYTTON

426 Schedule 16, page 386, line 27, at end insert—

“8 That the landlord has used all reasonable endeavours to let the property at a fair market rent and on such other terms as may be reasonably necessary to be attractive to potential occupiers and has demonstrated this to the reasonable satisfaction of the local authority; provided that—

- (a) the landlord is not obliged to undertake works to the premises or offer incentives to any incoming occupier such as would be commercially uneconomic;
- (b) nothing in the proposed terms of any letting obliges the landlord to breach pre-existing contracts with third parties in relation to the property; and
- (c) in the event of disagreement over any matter of reasonableness or commercial economics or legal arrangements with third parties, the matter may be referred on the application of either the landlord or the

local authority to an independent expert knowledgeable in matters of high street property letting and valuation and appointed by the President of the Royal Institution of Chartered Surveyors or such other body with relevant expertise as may be nominated for the purpose by the Secretary of State.”

Member's explanatory statement

The Bill makes no allowance for the range of circumstances that might, despite all reasonable endeavours, prevent the successful letting of retail premises including: market shifts, planning, disrepair, inadequacy or critical failure of essential services, legal landlord/tenant issues etc. This amendment is intended to allow debate to explore the parameters, the Government's intentions and potential consequences, given an apparent lack of industry wide consultation.

Clause 188

BARONESS HAYMAN OF ULLOCK

427 Clause 188, page 229, line 40, at end insert –

“(10) The regulations must first be laid before Parliament before the end of the period of 90 days beginning with the day on which this Act is passed.”

Member's explanatory statement

This amendment would require the Secretary of State to lay any regulations under this section before Parliament within a period of 90 days.

Before Clause 199

BARONESS PINNOCK
LORD SHIPLEY

428 Before Clause 199, insert the following new Clause –

“Review into business rates system

- (1) The Chancellor of the Exchequer must undertake a review of the business rates system.
- (2) The review must consider the extent to which the business rates system –
 - (a) is achieving its objectives;
 - (b) is conducive to the achievement of the levelling-up and regeneration objectives of this Act.
- (3) The review must consider whether alternatives of local business taxation would be more likely to achieve the objectives in subsections (2)(a) and (b).
- (4) The review must in particular consider the effects of business rates and alternative local business taxation systems on –
 - (a) high streets, and
 - (b) rural areas.

- (5) The review must consider the merits of devolving more control over local business taxation to local authorities.
- (6) The Chancellor of the Exchequer must lay a report of the review before each House of Parliament before the end of the period of one year beginning with the day on which this Act is passed.”

Member's explanatory statement

This new Clause would require the Secretary of State to review the business rates system.

Clause 201

BARONESS HAYMAN OF ULLOCK

429 Clause 201, page 237, line 8, at end insert –

- “(1A) Compensation for damage under subsection (1) does not include damage that reasonably occurred gaining access to the site or premises where a landlord fails to grant such access.”

Member's explanatory statement

This amendment would exempt from compensation damage that is caused when the authority, or their agent, needs to force access to a site following the failure to allow such access by the landlord.

After Clause 202

BARONESS HAYMAN OF ULLOCK

430 After Clause 202, insert the following new Clause –

“Resources

- (1) Within the period of 90 days beginning with the day on which this Act is passed the Secretary of State must publish a report detailing the new resources made available by His Majesty’s Government to local authorities in order to exercise Part 11 powers.
- (2) In order to discharge the powers under Part 8, local authorities may charge landlords for associated reasonable costs.”

BARONESS TAYLOR OF STEVENAGE

431 After Clause 202, insert the following new Clause –

“Business rates and council tax

Within 90 days of this Act being passed, a Minister of the Crown must publish an assessment of the impact of business rates and council tax on the number of vacant high-street premises.”

Member's explanatory statement

This is to probe the impact of business rates and council tax on the number of vacant high-street premises

BARONESS TAYLOR OF STEVENAGE

432 After Clause 202, insert the following new Clause –

“Pedestrianisation

Within 90 days of this Act being passed a Minister of the Crown must publish an assessment of the impact of pedestrianisation on the number of vacant high-street premises.”

Member's explanatory statement

This is to probe the impact of pedestrianisation on the number of vacant high-street premises.

BARONESS HAYMAN OF ULLOCK

433 After Clause 202, insert the following new Clause –

“Vacant pubs

Within 90 days of this Act being passed, a Minister of the Crown must publish an assessment of the impact of vacant pubs on the number of vacant high-street premises.”

Member's explanatory statement

This is to probe the impact of vacant pubs on the number of vacant high-street premises.

BARONESS HAYMAN OF ULLOCK

434 After Clause 202, insert the following new Clause –

“Access to cash and high street banks

Within 90 days of this Act being passed, a Minister of the Crown must publish an assessment of the impact of access to cash and high street banks on the number of vacant high-street premises.”

Member's explanatory statement

This is to probe the impact of access to cash and high street banks on the number of vacant high-street premises.

BARONESS TAYLOR OF STEVENAGE

435 After Clause 202, insert the following new Clause –

“Disparity in costs between online and high street retail

Within 90 days of this Act being passed, a Minister of the Crown must publish an assessment of the impact of disparity in costs between online and high street retail on the number of vacant high-street premises.”

Member's explanatory statement

This is to probe the impact of disparity in costs between online and high street retail on the number of vacant high-street premises.

BARONESS TAYLOR OF STEVENAGE

436 After Clause 202, insert the following new Clause –

“Dwell time

- (1) Within 90 days of this Act being passed, a Minister of the Crown must publish a review of how leisure, culture, sport and tourism in town centres can increase dwell time for the purpose of regeneration.
- (2) For the purposes of this section “dwell time” is defined as the amount of time spent in high-street premises.”

Member's explanatory statement

This is to probe how increasing dwell time can support regeneration.

Clause 203

BARONESS HAYMAN OF ULLOCK

437 Clause 203, page 238, line 2 at end insert –

“(2A) “The local community” means persons resident in the vicinity of premises.”

Member's explanatory statement

This defines local community.

After Clause 203

LORD BEST

438 After Clause 203, insert the following new Clause –

“Vacant higher value local authority housing

In the Housing and Planning Act 2016, omit Chapter 2 of Part 4 (vacant higher value local authority housing).”

Member's explanatory statement

This amendment would remove all sections relating to the sale of vacant higher value local authority housing in the Housing and Planning Act 2016 (sections 69 to 79). This is intended to implement the Government's commitment to not take forward the powers to require councils to sell higher value council homes.

Before Clause 204

BARONESS SCOTT OF BYBROOK

438A★ Before Clause 204, insert the following new Clause –

“Power to require provision of certain classes of information

- (1) Regulations may require the provision of information that is within the scope of a permitted purpose.
- (2) So far as the regulations are to extend to England and Wales, the permitted purposes are –
 - (a) the beneficial ownership purpose (see section *(The beneficial ownership purpose)*),
 - (b) the contractual control purpose (see section *(The contractual control purpose)*), and
 - (c) the national security purpose (see section *(The national security purpose)*).
- (3) So far as the regulations are to extend to Scotland or Northern Ireland, the only permitted purpose is the national security purpose.
- (4) Regulations under this section must, for each requirement they impose, specify –
 - (a) the person on whom the requirement falls,
 - (b) the occurrence or circumstances that gives or give rise to the requirement,
 - (c) the time limit for complying with the requirement, and
 - (d) the person to whom the required information is to be provided.
- (5) The occurrence or circumstances specified under subsection (4)(b) –
 - (a) must, in the case of a requirement to provide information within the scope of the national security purpose, and
 - (b) in any other case may,
 be (or include) the giving of a notice in accordance with the regulations to the person on whom the requirement falls.
- (6) In relation to such cases, the regulations may also make provision deeming notice to have been given at a certain time in certain circumstances.
- (7) The person specified under subsection (4)(d) must be –
 - (a) the Chief Land Registrar, or
 - (b) another person exercising public functions on behalf of the Crown.
- (8) Regulations under this section may –

- (a) make provision about how information is to be provided (including provision requiring it to be provided by electronic means specified in the regulations);
- (b) provide for, or make provision about, the application of the regulations to persons outside, or information held outside, the United Kingdom;
- (c) relate to things done or arising before the coming into force of this section.”

Member's explanatory statement

This new Clause and the other new Clauses in the Minister's name before Clause 204 recast the powers in Part 11 so as to make them exercisable only for stated purposes (along with other minor changes).

BARONESS SCOTT OF BYBROOK

438B★ Before Clause 204, insert the following new Clause—

“The beneficial ownership purpose

- (1) Information is within the scope of the beneficial ownership purpose if it appears to the Secretary of State that the information would be useful for the purpose of—
 - (a) identifying persons who are beneficial owners of land in England or Wales, or
 - (b) understanding the relationship of those persons with the land that they beneficially own.
- (2) For the purposes of this section, a person beneficially owns land if either of the following subsections applies.
- (3) This subsection applies where—
 - (a) the land is owned by a body corporate or partnership, and
 - (b) the person is, in relation to that body corporate or partnership, a beneficial owner within the meaning given by regulation 5 of the Money Laundering Regulations.
- (4) This subsection applies where—
 - (a) the land is owned as part of—
 - (i) a trust, foundation or similar legal arrangement, or
 - (ii) the estate of a deceased person in the course of administration, and
 - (b) the person is, in relation to that trust, foundation, arrangement or estate, a beneficial owner within the meaning given by regulation 6 of the Money Laundering Regulations.
- (5) In this section—
 - (a) expressions that are also used in regulation 5 or 6 of the Money Laundering Regulations have the same meaning as in that regulation;
 - (b) references to ownership of land (except references to beneficial ownership) are to the legal ownership of a freehold or leasehold estate in the land;

- (c) “the Money Laundering Regulations” means the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692).”

Member's explanatory statement

See the explanatory statement for the first new Clause in the Minister's name before Clause 204.

BARONESS SCOTT OF BYBROOK

438C★ Before Clause 204, insert the following new Clause –

“The contractual control purpose

- (1) Information is within the scope of the contractual control purpose if it appears to the Secretary of State that the information would be useful for the purpose of understanding relevant contractual rights.
- (2) For the purposes of subsection (1), understanding relevant contractual rights includes identifying the persons holding them and understanding the circumstances in which they were created or acquired.
- (3) “Relevant contractual rights” are rights that –
 - (a) arise under a contract,
 - (b) relate to the development, use or disposal of land in England or Wales, and
 - (c) are held for the purposes of an undertaking.
- (4) In this section –
 - “contract” includes a deed (whether or not made for consideration);
 - “undertaking” includes –
 - (a) a business,
 - (b) a charity or similar endeavour, and
 - (c) the exercise of functions of a public nature.”

Member's explanatory statement

See the explanatory statement for the first new Clause in the Minister's name before Clause 204.

BARONESS SCOTT OF BYBROOK

438D★ Before Clause 204, insert the following new Clause –

“The national security purpose

- (1) Information is within the scope of the national security purpose if –
 - (a) the information relates to land that falls within subsection (2),
 - (b) the information is within subsection (3), and
 - (c) it appears to the Secretary of State that requiring the provision of the information under section (*Power to require provision of certain classes of information*) would be justified in the interests of national security.

- (2) Land is within this subsection if it appears to the Secretary of State that a threat to national security arises in connection with the location of the land or anything situated or done on it.
- (3) Information is within this subsection if it appears to the Secretary of State that the information would be useful for the purpose of –
- (a) identifying persons who –
 - (i) own relevant interests in the land,
 - (ii) have relevant rights concerning the land, or
 - (iii) have the ability, or are in a position that may involve the ability, to control or influence (directly or indirectly) the owner of a relevant interest in the land, or a person with a relevant right concerning the land, in the exercise of that ownership or right, or
 - (b) understanding the relationship of those persons with the land.
- (4) In subsection (3) –
- (a) references to ownership include legal and beneficial ownership;
 - (b) “control or influence” includes control or influence by reason of interests or rights in or under a company, partnership, trust, foundation, or legal structure or arrangement similar to any of those.”

Member's explanatory statement

See the explanatory statement for the first new Clause in the Minister's name before Clause 204.

Clause 204

BARONESS SCOTT OF BYBROOK

Baroness Scott of Bybrook gives notice of her intention to oppose the Question that Clause 204 stand part of the Bill.

Member's explanatory statement

This Clause is no longer required as a result of the new Clauses in the Minister's name before Clause 204.

After Clause 204

BARONESS HAYMAN OF ULLOCK

439 After Clause 204, insert the following new Clause –

“Information requests to Secretary of State

The Secretary of State has a duty to respond to information requests relating to Section 204.”

Member's explanatory statement

This is to probe how local communities can request land ownership information.

Clause 205

BARONESS SCOTT OF BYBROOK

- 439A★** Clause 205, page 239, line 16, leave out “Regulations may require the provision of” and insert “The information that may (if it falls within the scope of a permitted purpose) be required to be provided under section (*Power to require provision of certain classes of information*) includes”

Member's explanatory statement

This amendment makes it clear that details of transactions involving land can be obtained under Part 11 (notwithstanding the recasting of the powers of that Part by the new Clauses in the Minister's name before Clause 204).

Clause 206

BARONESS HAYMAN OF ULLOCK

- 440** Clause 206, page 240, line 8, leave out subsection (4)

Member's explanatory statement

This is to probe the retrospective application of the section.

BARONESS SCOTT OF BYBROOK

Baroness Scott of Bybrook gives notice of her intention to oppose the Question that Clause 206 stand part of the Bill.

Member's explanatory statement

This Clause is no longer required as a result of the first new Clause in the Minister's name before Clause 204.

Clause 207

BARONESS SCOTT OF BYBROOK

- 440ZA★** Clause 207, page 240, line 13, leave out “section 204 or 205” and insert “section (*Power to require provision of certain classes of information*)”

Member's explanatory statement

This amendment is consequential on the first new clause in the Minister's name before clause 204.

BARONESS SCOTT OF BYBROOK

- 440ZB★** Clause 207, page 240, line 16, at end insert –
- “(1A) In the case of a requirement to provide information within the scope of the national security purpose, regulations under subsection (1) may be made so as to apply to

information provided further to the requirement only so far as appears to the Secretary of State to be justified in the interests of national security.”

Member's explanatory statement

This amendment provides that information obtained under Part 11 in the interests of national security may only be dealt with in those interests.

BARONESS SCOTT OF BYBROOK

440ZC★ Clause 207, page 240, line 19, leave out “section 204 or 205” and insert “section (*Power to require provision of certain classes of information*)”

Member's explanatory statement

This amendment is consequential on the first new Clause in the Minister’s name before Clause 204.

LORD HOPE OF CRAIGHEAD

440A Clause 207, page 240, line 22, after “arise” insert “, as respects those persons to whom the information is provided,”

Member's explanatory statement

This amendment seeks, in the interests of legal certainty, to identify the persons to whom the exemption from civil liability is provided by this Clause.

BARONESS SCOTT OF BYBROOK

440B★ Clause 207, page 240, line 24, leave out “section 204 or 205” and insert “section (*Power to require provision of certain classes of information*)”

Member's explanatory statement

This amendment is consequential on the first new Clause in the Minister’s name before Clause 204.

After Clause 207

BARONESS SCOTT OF BYBROOK

440C★ After Clause 207, insert the following new Clause –

“Offences

- (1) A person who, without reasonable excuse, fails to comply with a requirement imposed under section (*Power to require provision of certain classes of information*) commits an offence.
- (2) A person commits an offence if –
 - (a) the person provides information in response to a requirement imposed under section (*Power to require provision of certain classes of information*),

- (b) the information is false or misleading in a material particular, and
 - (c) the person knows that the information is false or misleading or is reckless as to whether it is.
- (3) But an offence under this section is committed under the law of a given jurisdiction only if the requirement in question is imposed by regulations extending to that jurisdiction.
- (4) A person who commits an offence under subsection (1) is liable—
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the maximum term for summary offences or a fine (or both);
 - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding level 5 on the standard scale (or both);
 - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).
- (5) In subsection (4)(a), “the maximum term for summary offences” means—
- (a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 comes into force, 6 months;
 - (b) if the offence is committed after that time, 51 weeks.
- (6) A person guilty of an offence under subsection (2) is liable—
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
 - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
 - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);
 - (d) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both).
- (7) If—
- (a) an entity within subsection (8) commits an offence under this section, and
 - (b) a person who is, or is purporting to act as, a relevant officer of the entity authorises or permits, participates in, or fails to take all reasonable steps to prevent the commission of the offence,
- that person also commits the offence.
- (8) The entities within this subsection are those specified in the first column of the following table; and “relevant officer”, in relation to such an entity, means a person acting in a capacity specified in the corresponding entry in the second column.

Entity	“Relevant officer”
A company.	A director, manager, secretary or similar officer.

A partnership.	A partner.
A body corporate (other than a company) or unincorporated body whose affairs are managed by a governing body.	A member of the governing body.
A body corporate (other than a company) or unincorporated body whose affairs are managed by its members.	A member.

- (9) An offence under this section committed under the law of Scotland by a person outside Scotland may be prosecuted in—
- (a) a sheriff court district in which the person is apprehended or in custody, or
 - (b) a sheriff court district determined by the Lord Advocate, as if the offence had been committed in that district (and in that event the offence is for all incidental or consequential purposes deemed to have been committed in that district).
- (10) In subsection (9), “sheriff court district” is to be read in accordance with section 307(1) of the Criminal Procedure (Scotland) Act 1995.”

Member's explanatory statement

This new Clause provides offences of non-compliance with regulations under Part 11.

Clause 208

BARONESS SCOTT OF BYBROOK

440D★ Clause 208, page 240, line 27, leave out subsections (1) and (2)

Member's explanatory statement

This amendment removes provision superseded by the new Clause in the Minister’s name after Clause 207.

BARONESS SCOTT OF BYBROOK

440E★ Clause 208, page 241, line 1, leave out “section 204 or 205” and insert “section (*Power to require provision of certain classes of information*)”

Member's explanatory statement

This amendment is consequential on the first new Clause in the Minister’s name before Clause 204.

Clause 209

BARONESS SCOTT OF BYBROOK

440F★ Clause 209, page 241, leave out lines 11 and 12***Member's explanatory statement****This amendment removes a definition that is no longer required as a result of the new Clauses in the Minister's name before Clause 204.*

BARONESS SCOTT OF BYBROOK

440G★ Clause 209, page 241, line 17, leave out "England and Wales" and insert "the United Kingdom"***Member's explanatory statement****This amendment and the second amendment in the Minister's name to Clause 209 are consequential on the extension of Part 11 to Scotland and Northern Ireland as well as England and Wales (see the second amendment in the Minister's name to Clause 221, page 250, line 32).*

BARONESS SCOTT OF BYBROOK

440H★ Clause 209, page 241, line 21, leave out "England and Wales" and insert "the United Kingdom"***Member's explanatory statement****See the explanatory statement for the first amendment in the Minister's name to Clause 209.***Clause 210**LORD MOYLAN
LORD BEST
LORD STUNELL
LORD BERKELEY**441** Clause 210, page 241, line 25, leave out "requiring or permitting" and insert "permitting a local planning authority at its discretion to undertake"***Member's explanatory statement****This and certain other amendments in the name of Lord Moylan probe the Government's intentions as to the detailed character and implementation of the proposed register of properties available for short-term letting.*

BARONESS HAYMAN OF ULLOCK

442 Clause 210, page 241, line 26, at end insert –

“(1A) Local authorities may request further regulations on short term rental properties.”

Member's explanatory statement

This is to probe whether local authorities may request that the SoS limits the number of short-term lets in their area.

LORD MOYLAN
LORD BEST
BARONESS THORNHILL
LORD BERKELEY

443 Clause 210, page 241, line 33, at end insert –

“(iv) for a period of no less than 90 days in a calendar year, and”

Member's explanatory statement

This and certain other amendments in the name of Lord Moylan probe the Government's intentions as to the detailed character and implementation of the proposed register of properties available for short-term letting.

LORD MOYLAN
LORD BEST
BARONESS THORNHILL
LORD BERKELEY

444 Clause 210, page 241, line 36, at end insert –

“(2A) Nothing in this section applies to accommodation consisting of a room or rooms in a dwelling occupied by the host as their sole or primary home.”

Member's explanatory statement

This and certain other amendments in the name of Lord Moylan probe the Government's intentions as to the detailed character and implementation of the proposed register of properties available for short-term letting.

LORD FOSTER OF BATH

445 Clause 210, page 242, line 2, at end insert –

“(4A) Regulations under this section must, subject to subsection (4C), include a requirement for a host to ensure that electrical safety inspection and testing for the property is carried out at least every five years by a competent and qualified person, which must include –

- (a) an electrical installation condition report (EICR), and
- (b) portable appliance testing (PAT) on portable appliances provided as part of the let.

(4B) The regulations must include provisions for completing any remedial work identified by the electrical safety inspection and testing.

- (4C) The regulations must include an exemption that the host is not required to have an EICR if there is in relation to the property an electrical installation certificate (EIC) for which the date of next inspection and test indicated on the certificate has not elapsed and does not exceed five years from the EIC date of issue.”

Member's explanatory statement

This amendment ensures that the host of a property made available for short-term lets must ensure safety checks on electrical installations and appliances are carried out at least every five years.

LORD FOSTER OF BATH

- 445A** Clause 210, page 242, line 26, after “provision” insert “, sharing”

Member's explanatory statement

This amendment clarifies that information collected may be shared as well as published, to allow for data-sharing agreements between public authorities to support local analysis or enforcement.

LORD FOSTER OF BATH

- 445B** Clause 210, page 242, line 36, at end insert –

“(m) safety provisions that must be satisfied for a specified short-term rental property to be registered, which may include provisions on gas safety, fire safety and carbon monoxide safety.”

Member's explanatory statement

This amendment is intended to ensure that hosts of a property made available for short-term lets must ensure the gas safety, fire safety and carbon monoxide safety of the property.

BARONESS HAYMAN OF ULLOCK

- 445C** Clause 210, page 242, line 36, at end insert –

“(m) the establishment of a licensing scheme for the purpose of allowing local authorities to control the number of short-term rental properties in their area.”

Member's explanatory statement

This amendment would allow regulations to be introduced to license short-term rental properties.

LORD MOYLAN
LORD BEST
LORD BERKELEY

- 446** Clause 210, page 243, line 1, at end insert “but any fees or other charges must be set so as to aim to achieve an overall income no greater than the cost to the local planning authority of administering the registration scheme”

Member's explanatory statement

This and certain other amendments in the name of Lord Moylan probe the Government's intentions as to the detailed character and implementation of the proposed register of properties available for short-term letting.

LORD FOSTER OF BATH

447 Clause 210, page 243, line 10, at end insert –

““electrical installation certificate” is a certificate issued by a qualified person stating that a new installation (rewire) or new circuits in an existing installation are in accordance with BS 7671, current at the time of the installation work;

“electrical installation condition report” is a report on the condition and age of the whole fixed electrical installation, carried out within the previous five years and completed and issued by a skilled person, competent in such work according to BS 7671 (IET Wiring Regulations);”

Member's explanatory statement

This amendment provides definitions for an “electrical installation certificate” and an “electrical installation condition report”.

Clause 211

BARONESS TAYLOR OF STEVENAGE

448 Clause 211, page 243, line 20, at end insert –

“(2) Schedule 18 may not come in to force until an assessment has been made of its impact on accessibility.”

Member's explanatory statement

This means that schedule 18 does not come in to force until an assessment has been made of the impact on accessibility.

Schedule 18

LORD HOLMES OF RICHMOND

449 Schedule 18, page 388, line 8, at end insert –

“1A In section 1 of the 2020 Act (pavement licences), in subsection (5)(b), for “or maintained by Network Rail” substitute “and which is not publicly maintainable”.”

Member's explanatory statement

This amendment would ensure that pavement licences may not be granted over a privately-maintainable highway, where the highway is not vested in the highway authority but belongs to the owner of the subsoil.

LORD HOLMES OF RICHMOND

450 Schedule 18, page 388, line 8, at end insert –

“1A In section 1 of the 2020 Act (pavement licences), in subsection (5), at the end insert –

“or any part of a vehicular highway which is adjacent to such a highway.””

Member's explanatory statement

This amendment enables the pavement licence to include part of the carriageway, where the carriageway is adjacent to, for example, an eligible pavement. This would enable a licensing authority to grant licences which occupy part of the highway shared between space for pedestrians and vehicles.

LORD HOLMES OF RICHMOND

451 Schedule 18, page 388, line 23, at end insert “, together with any profit share, the maintenance fee and the cleansing fee.”

Member's explanatory statement

This amendment and the amendment in the name of Lord Holmes of Richmond at line 26 would enable the local authority to share in the additional profit accruing from a licence enabling the licensed business to trade on the highway, and to recharge to the licensee the cost of maintaining and cleansing the licensed part of the highway.

LORD HOLMES OF RICHMOND

452 Schedule 18, page 388, line 26, at end insert –

“(1C) In subsection (1A) –

- (a) “the profit share” is such sum as the person who applies for a pavement licence, as part of an entity employing more than 250 people, and the local authority may agree represents one half of the additional profits arising from the grant of the licence during its term, or such sum as the local authority may reasonably determine to represent that amount in default of agreement;
- (b) “the maintenance fee” is such sum as the person who applies for a pavement licence and the local authority may agree represents the cost of maintaining that part of the highway comprised in the licence during its term, or such sum as the local authority may reasonably determine to represent that amount in default of agreement;
- (c) “the cleansing fee” is such sum as the person who applies for a pavement licence and the local authority may agree represents the cost of sweeping and cleansing that part of the highway comprised in the licence during its term, or such sum as the local authority may reasonably determine to represent that amount in default of agreement.”

Member's explanatory statement

See explanatory statement to amendment in the name of Lord Holmes at line 23.

LORD HOLMES OF RICHMOND

453 Schedule 18, page 389, line 2, at end insert—

“(2A) In subsection (7), for “it is sent to” substitute “a receipt for the application is sent to the person who applies for a pavement licence by”.”

Member's explanatory statement

This amendment would cause the public consultation period to begin from the date on which the local authority sends a receipt to the applicant.

LORD HOLMES OF RICHMOND
LORD MOYLAN

454 Schedule 18, page 389, leave out line 13 and insert ““28”.”

Member's explanatory statement

This amendment would extend the public consultation period for pavement licences to 28 days, in line with the Highways Act.

LORD HOLMES OF RICHMOND
LORD BLENCATHRA
BARONESS TAYLOR OF STEVENAGE

455 Schedule 18, page 389, line 14, leave out paragraph 7 and insert—

“7 (1) Section 3 of the 2020 Act (determination) is amended as follows.

(2) After subsection (8) insert—

“(8A) A local authority, in deciding whether to grant a pavement licence under subsection (3), must have regard to the desirability of maintaining the free flow of pedestrians and other road users along the highway, and the avoidance of inconvenience to such persons.”.”

Member's explanatory statement

This amendment would require a local authority to have regard to the needs of road users in deciding whether to grant a pavement licence.

LORD HOLMES OF RICHMOND
LORD MOYLAN
LORD BLENCATHRA
BARONESS RANDERSON

456 Schedule 18, page 389, line 15, leave out “14” and insert “28”

Member's explanatory statement

This amendment would extend the public consultation period for pavement licences to 28 days, in line with the Highways Act.

LORD HOLMES OF RICHMOND
LORD MOYLAN
LORD BLENCATHRA
BARONESS RANDESON

457 Schedule 18, page 389, line 15, at end insert –

“7A In section 3 of the 2020 Act (determination) in subsection (9), for “granted” substitute “rejected”.”

Member's explanatory statement

This amendment would remove the automatic approval of licences after the determination period has concluded.

LORD HOLMES OF RICHMOND
LORD BLENCATHRA
BARONESS RANDESON

458 Schedule 18, page 389, line 25, at end insert –

“8A (1) Section 5 of the 2020 Act (conditions) is amended as follows.

(2) After subsection (7) insert –

“(7A) The conditions to which a licence granted by a local authority may be subject include –

(a) a condition that any furniture which may be placed on the highway under the licence must be removed from the highway at times when the premises are not open to the public;

(b) a condition that, where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must ensure that smoking or vaping does not affect others.”

(3) After subsection (8) insert –

“(9) But regulations under subsection (8) must not prevent a local authority imposing a condition, nor affect a condition imposed by a local authority for the purposes of subsection (7A)(b).”

Member's explanatory statement

This amendment would allow a local authority to require that furniture is removed from the highway when it is not in use, as well as imposing a condition to require the licensee to prevent smoke-drift affecting those in the vicinity.

LORD YOUNG OF COOKHAM
LORD FAULKNER OF WORCESTER
BARONESS NORTHOVER
LORD HUNT OF KINGS HEATH

459 Schedule 18, page 389, line 25, at end insert –

“8A In section 5 of the 2020 Act (conditions), after subsection (6) insert –

“(6A) Pavement licences may only be granted by a local authority subject to the condition that smoking is prohibited.””

Member's explanatory statement

The purpose of the amendment is to ensure that all pavement licences are smoke free.

LORD HOLMES OF RICHMOND

460 Schedule 18, page 389, line 25, at end insert –

“8A In section 5 of the 2020 Act (conditions), after subsection (6) insert –

“(6A) Pavement licences may only be granted by a local authority subject to the condition that licensed area must be clearly and safely demarked with either tactile marking or designated physical barriers, or both.””

BARONESS TAYLOR OF STEVENAGE

461 Schedule 18, page 389, line 25, at end insert –

“8A (1) Section 5 of the 2020 Act (conditions), is amended as follows.

(2) After subsection (7) insert –

“(7A) The conditions to which a licence granted by a local authority may be subject include –

(a) a condition that any furniture which may be placed on the highway under the licence must be removed from the highway at times when the premises are not open to the public;

(b) a condition that, where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must ensure that smoking or vaping does not affect others.”

(3) After subsection (8) insert –

“(9) But regulations under subsection (8) must not prevent a local authority imposing a condition, nor affect a condition imposed by a local authority for the purposes of subsection (7A)(b).””

Member's explanatory statement

This amendment would allow a local authority to require that furniture is removed from the highway when it is not in use, as well as imposing a condition to require the licensee to prevent smoke-drift affecting those in the vicinity.

BARONESS TAYLOR OF STEVENAGE

462 Schedule 18, page 391, line 4, at end insert—

- “(4A) If the person leaves or puts removable furniture on the relevant highway in contravention of the notice, the local authority may issue a fixed penalty notice of £500 to the person in accordance with guidance issued by the Secretary of State.
- (4B) Subsection (4A) applies whether or not the local authority has taken the action specified in subsection (4).”

Member's explanatory statement

This amendment would enable local authorities to issue £500 fixed penalty notices to persons who leave or put removable furniture on a street in contravention of a notice.

BARONESS TAYLOR OF STEVENAGE

463 Schedule 18, page 391, line 4, at end insert—

- “(4A) It is an offence to leave or put removable furniture on the highway in contravention of a notice issued under subsection (3).
- (4B) A person guilty of an offence under subsection (4A) is liable on summary conviction to a fine.
- (4C) A person may be prosecuted for an offence under subsection (4A) notwithstanding whether or not the local authority has taken action against the person under subsection (4).”

Member's explanatory statement

This amendment would make it an offence to contravene a local authority notice requiring a person to remove furniture or to refrain from putting it on the highway.

BARONESS TAYLOR OF STEVENAGE

464 Schedule 18, page 391, line 30, at end insert—

- “17A In Section 3(2)(c) of the 2020 Act, at end insert “(d) consider to what extent it will increase high street footfall for the purpose of regeneration.”

Member's explanatory statement

This is to probe to what extent pavement licenses can increase high street footfall for the purpose of regeneration.

BARONESS TAYLOR OF STEVENAGE

465 Schedule 18, page 392, line 3, at end insert –

“Impact Assessment

- 20 (1) Within 30 days of this Act being passed a Minister of the Crown must publish a report to consider the impact of this Schedule.
- (2) The report must consider whether further legislation is required on pavement licences, including in relation to –
- (a) the relevant consultation periods in the Highways Act
 - (b) the introduction of mandatory tactile markers or physical barriers around licensed areas
 - (c) the removal of automatic approval of licences.”

Member's explanatory statement

This is to probe whether further legislation is necessary in relation to pavement licences.

Clause 213

LORD SIKKA

466 [Withdrawn]

LORD SIKKA

467 [Withdrawn]

THE EARL OF LYTTON
THE EARL OF CAITHNESS
BARONESS HAYMAN OF ULLOCK
BARONESS HAYTER OF KENTISH TOWN

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.

BARONESS HAYTER OF KENTISH TOWN

Baroness Hayter of Kentish Town gives notice of her intention to oppose the Question that Clause 213 stand part of the Bill.

Clause 214

BARONESS SCOTT OF BYBROOK

- 467B★** Clause 214, page 246, line 3, leave out “(6)” and insert “(6A)”

Member's explanatory statement

This amendment is consequential on the amendment in the Minister's name inserting new subsection (6A) into Clause 214.

BARONESS SCOTT OF BYBROOK

- 467C★** Clause 214, page 247, line 10, at end insert –
- “(6A) In section 110A (fees: oil and gas activities for which marine licence needed), in subsection (4) –
- (a) after “67,” insert “72(3), 72(7) or 72A(2)(a) or (b),”;
 - (b) after “67(2)” insert “or 72A(4)”;
 - (c) after “67(5)” insert “or 72A(6).”

Member's explanatory statement

This amendment makes amendments to section 110A of the Marine and Coastal Access Act 2009 (“the 2009 Act”) to clarify the interaction between the different fee charging powers under the 2009 Act in consequence of the expansion of the Secretary of State's fee charging powers under the 2009 Act by Clause 214.

After Clause 214

BARONESS SCOTT OF BYBROOK

467D★ After Clause 214, insert the following new Clause –**“Power to replace Health and Safety Executive as building safety regulator**

- (1) The Secretary of State may by regulations make provision for a body (“the new regulator”) to replace the Health and Safety Executive as the building safety regulator for the purposes of the Building Safety Act 2022.
- (2) The new regulator may be –
 - (a) a body established by the regulations, or
 - (b) another body specified in the regulations.
- (3) The Secretary of State may by regulations make further provision in connection with subsection (1), including provision –
 - (a) conferring new functions on, or modifying existing functions of, the new regulator;
 - (b) establishing or modifying the constitutional arrangements of the new regulator;
 - (c) establishing or modifying the funding arrangements of the new regulator;
 - (d) conferring a power on the Secretary of State to give directions to the new regulator.
- (4) Regulations under this section may amend, repeal or revoke any provision made by or under an Act.
- (5) No regulations may be made under this section after –
 - (a) the end of the period of 24 months beginning with the day on which the final report of the Grenfell Tower Inquiry is presented to Parliament in accordance with section 26 of the Inquiries Act 2005, or
 - (b) such later time as may be specified or described by the Secretary of State in regulations made before the end of that period.
- (6) In this section –

“constitutional arrangements”, in relation to the new regulator, include matters relating to –

 - (a) the name and status of the body;
 - (b) the chair, members and staff of the body (including qualifications and procedures for appointment and functions);
 - (c) the body’s powers to employ staff;
 - (d) remuneration, allowances and pensions for the body’s members and staff;
 - (e) governing procedures and arrangements (including the role and membership of committees and sub-committees);
 - (f) reports and accounts (including audit);

“funding arrangements”, in relation to the new regulator, include provision for it to be funded by a Minister of the Crown and the extent of such funding;

“Grenfell Tower Inquiry” means the public inquiry into the fire at Grenfell Tower on 14 June 2017 as set up on 15 August 2017 for the purposes of section 5 of the Inquiries Act 2005;

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.”

Member's explanatory statement

This new Clause provides a power for the Secretary of State to replace the Health and Safety Executive as the building safety regulator and a power to make further provision in connection with such regulations. The regulations must be made before the end of 24 months from the day the final report of the Grenfell Tower Inquiry is presented to Parliament, or such later time as may be specified in regulations made before the end of that period.

BARONESS SCOTT OF BYBROOK

467E★ After Clause 214, insert the following new Clause –

“Transfer schemes in connection with regulations under section (*Power to replace Health and Safety Executive as building safety regulator*)

- (1) The Secretary of State may, in connection with regulations under section (*Power to replace Health and Safety Executive as building safety regulator*)(1), make one or more schemes for the transfer of property, rights and liabilities (“transfer schemes”).
- (2) A transfer scheme in connection with regulations under section (*Power to replace Health and Safety Executive as building safety regulator*)(1) may provide for the transfer of property, rights or liabilities to the new regulator from the Health and Safety Executive.
- (3) The things that may be transferred under a transfer scheme include –
 - (a) property, rights and liabilities that could not otherwise be transferred;
 - (b) property acquired, and rights and liabilities arising, after the making of the scheme;
 - (c) criminal liabilities.
- (4) A transfer scheme may –
 - (a) create rights, or impose liabilities, in relation to property or rights transferred;
 - (b) make provision about the continuing effect of things done by, on behalf of or in relation to the Health and Safety Executive in respect of anything transferred;
 - (c) make provision about the continuation of things (including legal proceedings) in the process of being done by, on behalf of or in relation to the Health and Safety Executive in respect of anything transferred;

- (d) make provision for references to the Health and Safety Executive in an instrument or other document in respect of anything transferred to be treated as references to the new regulator;
 - (e) make provision for the shared ownership or use of property;
 - (f) make provision which is the same as or similar to the TUPE regulations;
 - (g) make other consequential, supplementary, incidental or transitional provision.
- (5) A transfer scheme may provide—
- (a) for modifications by agreement;
 - (b) for modifications to have effect from the date when the original scheme came into effect.
- (6) In subsection (4)(f), “the TUPE regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246).
- (7) For the purposes of this section—
- (a) references to rights and liabilities include rights and liabilities relating to a contract of employment;
 - (b) references to the transfer of property include the grant of a lease.
- (8) For the purposes of subsection (7)(a)—
- (a) an individual who holds employment in the civil service of the State is to be treated as employed by virtue of a contract of employment, and
 - (b) the terms of the individual’s employment in the civil service of the State are to be treated as constituting the terms of the contract of employment.
- (9) In this section “new regulator” has the meaning given in section (*Power to replace Health and Safety Executive as building safety regulator*)(1).”

Member's explanatory statement

This Clause provides the Secretary of State with a power to make schemes for the transfer of property, rights or liabilities from the Health and Safety Executive to the new body replacing them as the building safety regulator. See the new Clause inserted by the amendment in the Minister’s name after Clause 214 (Power to replace the Health and Safety Executive as building safety regulator).

BARONESS SCOTT OF BYBROOK

467F★ After Clause 214 insert the following new Clause—

“Transfer of land by local authorities

- (1) In Schedule 1 to the Academies Act 2010 (Academies: land), after paragraph 9 insert—

“Compulsory transfer to trustees

9A (1) This paragraph applies where Conditions A to D are met.

- (2) Condition A is that a local authority make premises (“the new premises”) available to be used by an Academy school.
- (3) Condition B is that the new premises are made available as an alternative to premises (“the existing premises”) which have previously been used by –
 - (a) the Academy school, or
 - (b) a maintained school, Academy or sixth form college that has been or is to be discontinued and that the Academy school replaces.
- (4) Condition C is that the existing premises are held on trust by a person or persons (“the trustees”) for the purposes of (as the case may be) –
 - (a) the Academy school, or
 - (b) the discontinued maintained school, Academy or sixth form college.
- (5) Condition D is that the trustees –
 - (a) having sold the existing premises, pay to the local authority a sum that –
 - (i) is just, having regard to the value of the local authority’s interest in the new premises, but
 - (ii) does not exceed the total of the proceeds of sale and any interest that has accrued to the trustees on those proceeds, or
 - (b) if the local authority agree to accept the trustees’ interest in the existing premises, transfer that interest to the local authority.
- (6) The local authority must transfer their interest in the new premises to the trustees to be held by them on trust for the purposes of the Academy school.
- (7) The local authority must pay to the trustees to whom the transfer is made their reasonable costs in connection with the transfer.
- (8) Any question relating to the duty in sub-paragraph (6) may, if not agreed by the local authority and the trustees, be referred by the local authority or the trustees to the adjudicator (see section 25 of the School Standards and Framework Act 1998).
- (9) The questions referred to in sub-paragraph (8) include in particular –
 - (a) the extent of the premises an interest in which is to be transferred by the local authority,
 - (b) whether a sum proposed by any person to be paid by the trustees as specified in sub-paragraph (5)(a) is just having regard to the value of the local authority’s interest in the new premises,
 - (c) the amount of any interest that has accrued to the trustees on proceeds of sale as referred to in sub-paragraph (5)(a)(ii), and
 - (d) the identity of the trustees to or by whom a payment or transfer should be made.

- (10) The local authority and the trustees respectively must provide to the adjudicator any information the adjudicator may request from them for the purpose of exercising the functions the adjudicator has by virtue of this paragraph.
- (11) Any sum paid to the local authority as referred to in sub-paragraph (5)(a) is to be treated for the purposes of section 14 of the School Sites Act 1841 (which relates to the sale or exchange of land held on trust for the purposes of a school) as a sum applied in the purchase of a site for the school, Academy or sixth form college referred to in sub-paragraph (3)(a) or (b).
- (12) In this paragraph, references to premises do not include playing fields.”
- (2) In section 25 of the School Standards and Framework Act 1998 (adjudicators), in subsection (2), after “2006” insert “or paragraph 9A of Schedule 1 to the Academies Act 2010”.
- (3) In Schedule 5 to that Act (adjudicators), in paragraph 5(1), after “2006” insert “or paragraph 9A of Schedule 1 to the Academies Act 2010”.
- (4) In Part 2 of Schedule 22 to that Act (maintained schools: disposals on discontinuance), in paragraph 5, after sub-paragraph (1A) insert –
- “(1B) This paragraph also does not apply where the school mentioned in sub-paragraph (1)(a) is (with or without other schools) to be replaced by an Academy school in circumstances where paragraph 9A(1) of Schedule 1 to the Academies Act 2010 applies.””

Member's explanatory statement

This amendment inserts a new Clause amending Schedule 1 to the Academies Act 2010. Schedule 1 of that Act makes provision for the transfer of land in relation to academies. The new paragraph sets out the circumstances where a local authority is required to transfer their interest in new premises for an academy school to the site trustees who already hold existing premises. The Clause also makes consequential amendments.

BARONESS SCOTT OF BYBROOK

467G★ After Clause 214, insert the following new Clause –

“Open access mapping

- (1) The Countryside and Rights of Way Act 2000 is amended as follows.
- (2) After section 9 (maps in conclusive form) insert –

“9A Review of maps (England)

- (1) This section applies where a map has been issued in conclusive form for the purposes of this Part in respect of any area in England.
- (2) Natural England must before 1 January 2031, to the extent that they consider appropriate, carry out a review of whether –

- (a) any land shown on that map as open country or registered common land is open country or registered common land at the time of the review, and
 - (b) any land in that area which is not so shown ought to be so shown.
- (3) Regulations may require Natural England to carry out subsequent reviews, in respect of such matters and in respect of such circumstances as may be prescribed.”
- (3) In section 10 (review of maps) –
 - (a) at the end of the heading insert “(Wales)”;
 - (b) in subsection (1), after “area” insert “in Wales”;
 - (c) in subsection (2), for paragraphs (a) and (b) substitute –
 - “(a) in the case of the first review, not more than ten years after the issue of the map in conclusive form, and
 - (b) in the case of subsequent reviews, not more than fifteen years after the previous review.”
- (4) In section 11 (regulations relating to maps) –
 - (a) in subsection (2), after paragraph (j) insert –
 - “(ja) the procedure to be followed on a review under section 9A (including provision as to the period within which, and the manner in which, representations may be to Natural England in relation to such a review);”;
 - (b) after subsection (3) insert –
 - “(3A) Regulations made by virtue of subsection (2)(ja) may make provision –
 - (a) for appeals in relation to a review, including by making provision applying, or corresponding to, any provision of, or made under, Schedule 1A to the National Parks and Access to the Countryside Act 1949 (coastal access reports) (with or without modifications);
 - (b) enabling Natural England to make a determination in preparing a map on a review that any boundary of an area of open country is to be treated as coinciding with a particular physical feature (whether the effect is to include other land as open country or to exclude part of an area of open country).”

Member's explanatory statement

This amendment inserts a new provision into the Countryside and Rights of Way Act 2000 to make provision about when Natural England must carry out reviews following the issue of a map of any area in England in conclusive form, and the matters that such a review must cover. The amendment also makes provision for regulations to set out the procedure on a review and makes consequential amendments.

BARONESS PINNOCK
BARONESS RANDERSON

468 After Clause 214, insert the following new Clause –

“Disability accessibility standards for railway stations

- (1) The Secretary of State must take all reasonable steps to ensure that railway stations in England –
 - (a) provide step-free access from street to train, and
 - (b) meet in full and as soon as possible the disability access standards in the Design Standards for Accessible Railway Stations Code of Practice published by the Department for Transport and Transport Scotland in March 2015.
- (2) Any requirements made in conjunction with that duty may not make any exemptions or concessions for small or remote stations.
- (3) In undertaking the duty in subsection (1) the Secretary of State may –
 - (a) make an application to the Office of Rail and Road under section 16A (provision, improvement and development of railway facilities) of the Railways Act 1993;
 - (b) revise the code of practice under section 71B (code of practice for protection of interests of rail users who are disabled) of the Railways Act 1993;
 - (c) amend the contractual conditions of any licenced railway operator;
 - (d) instruct Network Rail to take any action the Secretary of State considers necessary in connection to the duty.
- (4) The Secretary of State must report annually to Parliament on performance against the duty.”

Member's explanatory statement

This new Clause places a duty on the Secretary of State to ensure that railway stations meet disability access standards.

BARONESS PINNOCK
BARONESS RANDERSON

469 After Clause 214, insert the following new Clause –

“Strengthening local powers on bus services

Notwithstanding section 66 of the Transport Act 1985, a local authority in England shall have power to provide a service for the carriage of passengers by road which requires a PSV operator’s licence.”

Member's explanatory statement

This new Clause would confer new powers on local authorities to run their own bus services.

LORD BERKELEY
BARONESS SCOTT OF NEEDHAM MARKET
THE EARL OF LYTTON

470 After Clause 214, insert the following new Clause –

“Electric vehicle charging points

In section 3A(2)(a) of the Electricity Act 1989 (The principal objective and general duties of the Secretary of State and the Authority), after “met” insert “, and in particular the facilitation of accelerated roll-out of Electric Vehicle charging points for domestic and commercial customers”.

Member's explanatory statement

This amendment would add an additional duty to the Secretary of State of State and the Board of OFGEM to ensure that customers across the country have adequate access to EV charging points.

LORD HODGSON OF ASTLEY ABBOTTS
BARONESS SCOTT OF NEEDHAM MARKET
LORD BERKELEY

471 After Clause 214, insert the following new Clause –

“Extinguishment of unrecorded rights of way

In the Countryside and Rights of Way Act 2000, the following sections are repealed –

- (a) section 53 (Extinguishment of unrecorded rights of way);
- (b) section 54 (Excepted highways and rights of way);
- (c) section 55 (Bridleway rights over ways shown as bridleways);
- (d) section 56 (Cut-off date for extinguishment etc).”

Member's explanatory statement

This new Clause would enact a Government commitment to repeal the deadline for recording unrecorded rights of way.

LORD MOYLAN

472 After Clause 214, insert the following new Clause –

“Duty to consult on the licensing of hackney carriages and private hire vehicles

- (1) The Secretary of State must consult such persons as the Secretary of State considers appropriate about the merits of amending Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 (hackney carriages and private hire vehicles) such that only upper-tier authorities in England, outside of Greater London and the City of Plymouth, would become permitted to grant licences to –
 - (a) hackney carriages,
 - (b) drivers of hackney carriages,
 - (c) private hire vehicles,

- (d) drivers of private hire vehicles, or
 - (e) operators of private hire vehicles.
- (2) In this section –
- “upper-tier authority” means –
 - (a) a unitary authority, or
 - (b) a combined authority;
 - “unitary authority” has the meaning given in regulation 2(3) of the Local Government Changes for England Regulations 1994 (S.I. 1994/867);
 - “combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.”

Member's explanatory statement

This new Clause would require the Secretary of State to consult within a reasonable timeframe on the proposal of the Government within its Levelling Up White Paper of February 2022 "...to explore transferring control of taxi and private hire vehicle licensing to both combined authorities and upper-tier authorities".

LORD HOLMES OF RICHMOND
LORD SCRIVEN

473 After Clause 214, insert the following new Clause –

“Regional mutual banks

- (1) The Secretary of State must report to Parliament, within 3 months of the date of the passing of this Act, on existing barriers to the establishment of regional mutual banks in the United Kingdom.
- (2) The report must consider –
 - (a) current capital adequacy requirements,
 - (b) other limiting features of the current regime,
 - (c) regional mutual bank structures in jurisdictions outside the United Kingdom and the adoption and adaptation to the United Kingdom of best practice, and
 - (d) the use of dormant assets as seed capital for the establishment of such regional mutual banks.”

LORD ETHERTON
 BARONESS TAYLOR OF STEVENAGE
 LORD RAVENSDALE
 BARONESS RANDERSON

474 After Clause 214, insert the following new Clause –

“Review of business rates

- (1) Within three months of this Act being passed, the Secretary of State must instigate a review of the arrangements and charges for non-domestic rates.
- (2) The Secretary of State must undertake a public consultation for that purpose.
- (3) The Secretary of State must, within six months of the conclusion of the consultation, take such steps as may be necessary or appropriate to reform non-domestic rates so as to make them fairer to businesses and to sustain economic activity and growth, especially in high streets and town centres.”

Member's explanatory statement

This amendment provides for the Secretary of State to undertake a general review of business rates, with public consultation as part of that review, with the objective of giving economic support to businesses, especially in high streets and town centres.

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
 BARONESS JONES OF WHITCHURCH

475 After Clause 214, insert the following new Clause –

“Access to nature: wild camping

- (1) In section 114(1) of the National Parks and Access to the Countryside Act 1949 (interpretation), in the definition of “open-air recreation” at the end insert “but does include wild camping”.
- (2) In section 2(1) of the Dartmoor Commons Act 1985 (interpretation), after the definition of “newspaper advertisement” insert –
 ““open-air recreation” includes wild camping.”
- (3) Within six months of the day on which this Act is passed the Secretary of State must undertake a review of access to wild camping in National Parks, and make a recommendation as to whether further measures should be taken, in addition to those in this section, to extend that access.”

Member's explanatory statement

This amendment would amend existing legislation to ensure the definition of “open-air recreation” includes wild camping. This would ensure wild camping can take place in Dartmoor National Park in particular, but would also require the Secretary of State to review whether wild camping rights should be extended.

BARONESS HAYMAN OF ULLOCK

476 After Clause 214, insert the following new Clause –

“Letterbox height: England

- (1) In this section “local authority” means –
 - (a) a district council in England;
 - (b) a county council in England for an area for which there is no district council;
 - (c) a London borough council;
 - (d) the Common Council of the City of London.
- (2) A local authority within subsection (1)(a) or (b) may, by order, direct that dwellings may not include a letterbox which is less than 70cm from the ground.”

Member's explanatory statement

This would allow local authorities in England to direct that dwellings may not include a letterbox which is less than 70cm from the ground.

BARONESS TAYLOR OF STEVENAGE

477 After Clause 214, insert the following new Clause –

“Devolution Bill

- (1) Within 120 days of the passing of this Act, a Minister of the Crown must publish draft legislation titled the Devolution Bill.
- (2) The Bill must include provisions for CCAs to request further powers for the purposes of supporting local economic growth, rebalancing the economy and equalising living standards across the United Kingdom.
- (3) The powers may relate to, but are not limited to –
 - (a) housing;
 - (b) energy;
 - (c) childcare;
 - (d) buses;
 - (e) trains;
 - (f) skills, training and employment.
- (4) The Bill must also include provisions for a new framework of cooperation between CCAs and the Government based on mutual respect.”

Member's explanatory statement

This would ensure a Minister publishes draft legislation for a Devolution Bill.

BARONESS HAYMAN
 BARONESS SHEEHAN
 LORD BOURNE OF ABERYSTWYTH
 BARONESS BLACKSTONE

478 After Clause 214, insert the following new Clause –

“Solar panel requirements for new homes and buildings

The Secretary of State must, within the period of six months beginning on the day this Act is passed, exercise the power under section 1 of the Building Act 1984 (power to make building regulations) to make building regulations, including appropriate exemptions, for the purpose of requiring that all new homes and buildings built in England on or after 1 April 2025 must have solar panels installed.”

Member's explanatory statement

This new Clause would require new homes and buildings in England from 1 April 2025 to have solar panels.

BARONESS HAYMAN OF ULLOCK

479 After Clause 214, insert the following new Clause –

“Interaction with the Retained EU Law (Revocation and Reform) Act 2023

Within 90 days of this Act being passed, the Secretary of State must publish an assessment of the interaction of this Act with any Act of Parliament resulting from the Retained EU Law (Revocation and Reform) Bill that was introduced into the House of Commons on 22 September 2022.”

Member's explanatory statement

This means that the Secretary of State must publish an assessment of the interaction of this Act with the Retained EU Law (Revocation and Reform) Bill.

BARONESS BENNETT OF MANOR CASTLE

480 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

481 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

482 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
BARONESS YOUNG OF OLD SCONE
THE EARL OF CAITHNESS

483 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.

LORD RAVENSDALE
LORD STUNELL
BARONESS HAYMAN OF ULLOCK
LORD BEST

484

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.

THE LORD BISHOP OF BRISTOL
LORD CORMACK
LORD BEST
BARONESS ANDREWS

485 After Clause 214, insert the following new Clause –

“Removal of prohibition on local authority from making grants to churches etc.

In section 8(1)(i) of the Local Government Act 1894 (works to church property), omit “, not being property relating to affairs of the church or held for an ecclesiastical charity”.”

Member's explanatory statement

This amendment would remove the prohibition concerning churches and ecclesiastical charities in section 8(1)(i) of the Local Government Act 1894 and would ensure that local authorities' spending power under section 8(1)(k) could be used to make grants to places of worship.

BARONESS RANDESON

486 After Clause 214, insert the following new Clause –

“Electric vehicle charging network

- (1) Within six months of the day on which this Act is passed, and every six months thereafter, the Secretary of State must lay before both Houses of Parliament a statement containing an update on the Government’s electric vehicle (“EV”) infrastructure strategy.
- (2) The statement under subsection (1) must outline the progress the strategy has made in developing a comprehensive network of publicly accessible EV charge-points, with particular reference to –
 - (a) areas with higher density housing, and
 - (b) discrepancies in access to EV charge-points across the country.
- (3) The statement must outline whether the Government is intending to introduce further measures to improve the EV charging network.”

Member's explanatory statement

This amendment would require the Government to update Parliament on its electric vehicle infrastructure strategy (published in March 2022) and any future measures intended to improve

the EV charging network, with particular reference to discrepancies in access to EV charge-points across the country.

BARONESS TAYLOR OF STEVENAGE

487 After Clause 214, insert the following new Clause –

“Minimum Infrastructure Targets

- (1) A Minister of the Crown must consult with local authorities to produce a statement of minimum infrastructure targets.
- (2) The statement must include targets for a minimum level of –
 - (a) hospitals;
 - (b) schools;
 - (c) leisure centres;
 - (d) libraries;
 - (e) parks;
 - (f) nurseries;
 - (g) railway stations;
 - (h) bus routes;in each travel to work area.”

Member's explanatory statement

This means that minimum infrastructure targets must be created for each travel to work area.

BARONESS HAYMAN OF ULLOCK

488 After Clause 214, insert the following new Clause –

“Assessment of infrastructure in coastal and rural communities

Within 120 days of this Act being passed, a Minister of the Crown must publish an assessment of infrastructure levels in coastal and rural communities.”

Member's explanatory statement

This means that a Minister must publish an assessment of infrastructure levels in coastal and rural communities.

BARONESS TAYLOR OF STEVENAGE

489 After Clause 214, insert the following new Clause –

“High street and town centre signage

The Secretary of State may by regulations allow local authorities to designate permissible town centre signage for the purpose of regeneration.”

Member's explanatory statement

This is to probe how better signage can contribute to town centre regeneration.

BARONESS HAYMAN OF ULLOCK

490 After Clause 214, insert the following new Clause –

“Town markets

Within 90 days of this Act being passed, a Minister of the Crown must publish a review of support available to town markets for the purpose of regeneration.”

Member's explanatory statement

This is to probe the support available to town markets.

BARONESS TAYLOR OF STEVENAGE

491 After Clause 214, insert the following new Clause –

“Homes and workspaces

- (1) Within 90 days of this Act being passed, a Minister of the Crown must publish a review of how homes and workspaces in town centres can support regeneration.
- (2) The review must consider whether further legislation should be introduced to designate empty units as working spaces.”

Member's explanatory statement

This is to probe whether homes and workspaces in town centres can support regeneration.

BARONESS TAYLOR OF STEVENAGE

492 After Clause 214, insert the following new Clause –

“No fault evictions

Within one year of this Act being passed, a Minister of the Crown must publish a review of whether legislating to prohibit no fault evictions would support the implementation of this Act.”

BARONESS HAYMAN OF ULLOCK

493 After Clause 214, insert the following new Clause –

“Regeneration of market towns

Within one year of this Act being passed, a Minister of the Crown must publish a strategy for the regeneration of market towns.”

Member's explanatory statement

This means a Minister must publish a strategy for the regeneration of market towns.

BARONESS HAYMAN OF ULLOCK

494 After Clause 214, insert the following new Clause –

“Regeneration of coastal communities

Within one year of this Act being passed, a Minister of the Crown must publish a strategy for the regeneration of coastal communities.”

Member's explanatory statement

This means a Minister must publish a strategy for the regeneration of coastal communities.

BARONESS HAYMAN OF ULLOCK

495 After Clause 214, insert the following new Clause –

“Regeneration of new towns

Within one year of this Act being passed, a Minister of the Crown must publish a strategy for the regeneration of new towns established under the New Towns Act 1946 and New Towns Act 1965.”

Member's explanatory statement

This means a Minister must publish a strategy for the regeneration of new towns.

BARONESS HAYMAN OF ULLOCK

496 After Clause 214, insert the following new Clause –

“Clean air targets

Within one year of this Act being passed, a Minister of the Crown must publish clean air targets for the purposes of levelling up.”

Member's explanatory statement

This means a Minister must publish new clean air targets for the purposes of levelling up.

BARONESS HAYMAN OF ULLOCK

497 After Clause 214, insert the following new Clause –

“Green Prosperity Plan

Within one year of this Act being passed, a Minister of the Crown must publish a Green Prosperity Plan to –

- (a) decarbonise the economy,
- (b) create jobs, and

- (c) boost energy,
insofar as those objectives support levelling up and regeneration.”

Member's explanatory statement

This means a Minister must publish a Green Prosperity Plan for the purposes of levelling up and regeneration.

BARONESS TAYLOR OF STEVENAGE

498 After Clause 214, insert the following new Clause –

“Social mobility

- (1) Within one year of this Act being passed, a Minister of the Crown must publish a strategy for increasing social mobility which includes an assessment, in respect of each local authority, of –
- (a) the number of pupils previously in receipt of free school meals now attending university,
 - (b) available careers guidance, and
 - (c) access to apprenticeships.
- (2) The strategy must consider the impact of this Act on social mobility.”

Member's explanatory statement

This means a Minister must publish a strategy for increasing social mobility.

BARONESS HAYMAN OF ULLOCK

499 After Clause 214, insert the following new Clause –

“Cost of living in rural and urban areas

Within one year of this Act being passed, a Minister of the Crown must publish an assessment of the disparities in cost of living between rural and urban areas and the impact of this on implementing this Act.”

BARONESS TAYLOR OF STEVENAGE

500 After Clause 214, insert the following new Clause –

“Social housing targets

Within one year of this Act being passed, a Minister of the Crown must publish targets for constructing social housing insofar as they relate to levelling up.”

BARONESS HAYMAN OF ULLOCK

501 After Clause 214, insert the following new Clause –

“Nature and levelling up

- (1) Within one year of this Act being passed, a Minister of the Crown must publish a report on the link between nature and levelling-up.
- (2) The report must include an assessment on the extent to which the following support the implementation of this Act –
 - (a) targets for improving access to nature for deprived communities,
 - (b) duties on public authorities to support the recovery of nature, and
 - (c) nature restoration targets.”

BARONESS HAYMAN OF ULLOCK

502 After Clause 214, insert the following new Clause –

“Levelling Up Fund

Within one year of this Act being passed, a Minister of the Crown must publish a review of the effectiveness of the levelling up fund bidding processes.”

BARONESS HAYMAN OF ULLOCK

503 After Clause 214, insert the following new Clause –

“Civil service redistribution

Within one year of this Act being passed, a Minister of the Crown must publish a review of whether redistributing civil service to different locations throughout the United Kingdom would support in the implementation of this Act.”

LORD NORTHBROOK

504 After Clause 214, insert the following new Clause –

“Control of Pollution Act 1974: publication of notices and consents

In the Control of Pollution Act 1974 –

- (a) in section 60(2) for “may if it thinks fit publish notice of the requirements in such way as appears to the local authority to be appropriate” substitute “must publish notice of the requirements promptly and permanently on its planning website”;
- (b) in section 61(6) for “may if it thinks fit publish notice of the consent, and of the works to which it relates, in such way as appears to the local authority to be appropriate” substitute “must publish notice of the consent, and of the works to which it relates, promptly and permanently on its planning website”.

BARONESS HAYMAN OF ULLOCK

504A After Clause 214, insert the following new Clause –

“Powers of local authority in relation to the provision of childcare

In section 8 of the Childcare Act 2006 (powers of local authority in relation to the provision of childcare), omit subsections (3) to (5).”

Member's explanatory statement

This amendment allows local authorities opening their own childcare provision.

BARONESS HAYMAN OF ULLOCK

504B After Clause 214, insert the following new Clause –

“National Parks and Areas of Outstanding Natural Beauty

In exercising functions under Part 3, 4 or 5, consideration must be given to the impact on National Parks and Areas of Outstanding Natural Beauty.”

Member's explanatory statement

This is to probe the impact on National Parks and Areas of Outstanding Natural Beauty.

BARONESS HAYMAN OF ULLOCK

504C After Clause 214, insert the following new Clause –

“Skills, resources and capabilities

Within 50 days of this Act being passed, a Minister of the Crown must lay an estimate of whether there are sufficient skills, resources and capabilities for the purposes of delivering Parts 3, 4 and 5.”

Member's explanatory statement

This is to probe whether there are sufficient skills, resources and capabilities for the purposes of delivering Parts 3 to 5.

BARONESS HAYMAN OF ULLOCK

504D After Clause 214, insert the following new Clause –

“Environment Agency: decisions

The Secretary must publish an annual report of when decisions have been taken against the advice of the Environment Agency insofar as they relate to Part 3, 4 or 5.”

Member's explanatory statement

This means that the Secretary of State must publish an annual report of when decisions have been taken against the advice of the Environment Agency insofar as they relate to Parts 3 to 5.

BARONESS HAYMAN OF ULLOCK

504E After Clause 214, insert the following new Clause –

“Office for Risk and Resilience

Within 50 days of this Act being passed, a Minister of the Crown must establish a body corporate named the Office for Risk and Resilience to fulfil responsibilities in relation to Parts 3, 4 and 5.”

Member's explanatory statement

This amendment is to establish the Office for Risk and Resilience.

BARONESS YOUNG OF OLD SCONE
LORD FOSTER OF BATH
BARONESS WILLIS OF SUMMERTOWN

504F After Clause 214, insert the following new Clause –

“Duty to produce a land use framework

- (1) The Secretary of State must, no later than one year following the passing of this Act, lay a land use framework for England before Parliament.
- (2) The framework must –
 - (a) outline government objectives and principles in relation to the multifunctional use of land;
 - (b) be based on the principle of multifunctional land use and take account of the whole range of land uses, including agriculture, climate change, biodiversity, access, development, housing, infrastructure, water, energy, natural capital and ecosystem services;
 - (c) promote collaboration and integration across the statutory organisations impacting on land use;
 - (d) provide guidance on the application of the framework to enable decision making at national, regional and local levels and to assist individual landowner decision;
 - (e) provide accessible data on land use to support decision makers at national, regional and local levels, including the decisions of individual landowners.
- (3) Before laying the framework before Parliament, the Secretary of State must publish a draft framework and consult with such bodies as have relevant interests in land use and also with the general public.
- (4) Subsections (2) and (3) apply to a revised framework as they apply to a framework laid under subsection (1).”

Member's explanatory statement

The new Clause would require government to publish a land use framework for England to improve the ability of decision makers at all levels, including individual landowners and managers, to reconcile conflicting land use pressures, make better decisions about conflicting land uses and enable scarce land resources to be used to deliver for multiple objectives.

BARONESS YOUNG OF OLD SCONE
LORD FOSTER OF BATH
BARONESS WILLIS OF SUMMERTOWN

504G After Clause 214, insert the following new Clause –

“Land Use Commission for England

- (1) Within six months of the passing of this Act, the Secretary of State must establish a Land Use Commission for England.
- (2) The Commission is to be an independent arms length body reporting to the Cabinet Office.
- (3) The Commission is to consist of the following members –
 - (a) an independent chair appointed by the Cabinet Office;
 - (b) a majority of independent commissioners;
 - (c) additional commissioners appointed by relevant government departments, including those responsible for policy on agriculture, climate change, biodiversity, water, transport, energy, access, development, housing, and infrastructure.
- (4) The functions of the Commission are –
 - (a) to prepare and publish for consideration by Government the draft land use framework for England;
 - (b) to ensure the marshalling and updating of accessible data on land use to support decision makers at all levels to reconcile conflicting land uses and enable scarce land resources to deliver for multiple objectives;
 - (c) to advise on the consultation on the draft framework;
 - (d) to review and monitor progress on delivery of the framework and produce a report annually on multifunctional land use to be laid before Parliament for debate;
 - (e) to conduct deep dive reviews of particular areas of land use policy or practice where improvement is required, such areas to be selected by the Commission or at the request of Government, and to report on these to Government;
 - (f) to encourage collaboration across relevant government departments, local authorities, and relevant public bodies on land use issues to enable an integrated approach;
 - (g) to promote dialogue on issues of land use with stakeholders, landowners and managers and the public;
 - (h) to promote best practice at regional and local level.”

Member's explanatory statement

This new Clause would require government to establish a Land Use Commission for England which would prepare a draft land use framework, provide data and reports on multifunctional land use issues, promulgate integration across government departments and statutory bodies on land use policy and practice and support good decision making on conflicting land use pressures at national, regional and local levels.

BARONESS MCINTOSH OF PICKERING

504GA After Clause 214, insert the following Clause –

“Areas of outstanding natural beauty: local communities

- (1) Section 87 of the Countryside and Rights of Way Act 2000 (general purposes and powers) is amended as follows.
- (2) In subsection (1) at the end of paragraph (b) insert “and
 - (c) the purpose of promoting the economic and social well-being of local communities and businesses in Areas of Outstanding Natural Beauty,”.
- (3) In subsection (2) omit the words from “seek to foster” to “for that purpose”.

BARONESS MCINTOSH OF PICKERING

504GB After Clause 214, insert the following Clause –

“National Parks: local communities

- (1) The National Parks and Access to the Countryside Act 1949 is amended as follows.
- (2) In section 5(1) (National Parks), at the end of paragraph (b) insert “and
 - (c) promoting the economic and social well-being of local communities and businesses in National Parks,”.
- (3) In section 11A(1) omit the words from “seek to foster” to “for that purpose”.

BARONESS BLOWER

504GC After Clause 214, insert the following new Clause –

“Adult literacy

- (1) Within 90 days of this Act being passed, a Minister of the Crown must publish a report on the impact of geographical disparities in adult literacy on levelling-up and regeneration.
- (2) Within 90 days of the report being must published, the Secretary of State must also publish a strategy setting out steps they intend to take to improve levels of adult literacy and eradicate illiteracy in the United Kingdom, for the purposes of levelling-up and regeneration.”

BARONESS HAYMAN OF ULLOCK

504GD After Clause 214, insert the following new Clause –

“Capital projects

Within 120 days of this Act being passed, a Minister of the Crown must publish a report on whether greater cooperation between the Department for Levelling Up, Housing and Communities and the Treasury on capital projects approval can support the implementation of this Act.”

Member's explanatory statement

This is to probe whether reports that DLUHC require approval from HM Treasury for new capital projects will impact the implementation of this Act.

BARONESS HAYMAN OF ULLOCK

504GE After Clause 214, insert the following new Clause –

“Levelling Up Fund: Equalities Analysis

Within 60 days of this Act being passed, a Minister of the Crown must publish any equalities analysis received in respect of places selected for levelling-up funding compared with places which are not selected.”

Member's explanatory statement

This is to probe whether equalities analysis has impacted levelling up fund decisions.

BARONESS HAYMAN
LORD FOSTER OF BATH
LORD BOURNE OF ABERYSTWYTH
LORD HUNT OF KINGS HEATH

504GF After Clause 214, insert the following new Clause –

“National Warmer Homes and Businesses Action Plan

- (1) The Secretary of State must, before the end of the period of 6 months beginning with the day on which this Act is passed, publish a Warmer Homes and Businesses Action Plan, to set out how it intends to deliver on –
 - (a) achieving a low-carbon heat target of 100% of installations of relevant heating appliances and connections to relevant heat networks by 2035,
 - (b) achieving EPC band C by 2035 in all UK homes where practical, cost-effective and affordable,
 - (c) achieving EPC band B by 2028 in all non-domestic properties, and
 - (d) introducing the Future Homes Standard for all new builds in England by 2025.

- (2) The Secretary of State must, in developing the Warmer Homes and Businesses Action Plan, consult the Climate Change Committee and its sub-committee on adaptation.”

Member's explanatory statement

This amendment imposes a duty on the Secretary of State to bring forward a plan with timebound proposals for low carbon heat, energy efficient homes and non-domestic properties and higher standards on new homes.

LORD RAVENSDALE
BARONESS HAYMAN OF ULLOCK

504GG After Clause 214, insert the following new Clause –

“Town centre investment zones

- (1) The Secretary of State may by regulations make provision for the designation by the Secretary of State of an area as a town centre investment zone if the local authority responsible for the area has made an application to the Secretary of State and the conditions in subsection (2) have been met.
- (2) The conditions in this subsection are that, in its application under subsection (1), the local authority can demonstrate that –
- (a) the local authority has a clear long-term vision for the town centre investment zone,
 - (b) the local authority has a clear strategy for bringing together local initiatives and council services,
 - (c) there are existing or historic town centre features within the area,
 - (d) local residents and business stakeholders have been, and will be, included in the planning of the town centre investment zone, and
 - (e) the local authority has an underpinning master plan, Business Neighbourhood Plan or Town Centre Area Action Plan.
- (3) The regulations must provide that a local authority may apply a discount to business rates for businesses operating in the local authority’s town centre investment zone.
- (4) By default the discount is to be set at 80% of the business rate charge that would otherwise be applied.
- (5) A local authority may set a discount of 100% of the business rate charge that would otherwise be applied.”

Member's explanatory statement

This amendment enables a new partnership model for regenerating high streets, called Town Centre Investment Zones (TCIZ). The TCIZ is a designated area within which local stakeholders would gain new policy powers and incentives to enhance investment viability and encourage businesses to set up in the area.

LORD MAWSON

504GH After Clause 214, insert the following new Clause –

“Independent review of implementation

- (1) The Secretary of State must commission a person who is independent of His Majesty’s Government (“the independent reviewer”) to review the implementation this Act and to assess the extent to which it has been, and will be, effective in respect of local areas.
- (2) The independent reviewer must undertake reviews as set out in subsection (1) in respect of –
 - (a) the period of 12 months beginning with the day on which this Act is passed,
 - (b) the period of 12 months beginning immediately after the period in paragraph (a), and
 - (c) the period of 12 months beginning immediately after the period in paragraph (b).
- (3) In respect of each review period under subsection (2), the independent reviewer must prepare a report of their findings and recommendations and send it to the Secretary of State as soon as reasonably practicable after the period to which it relates.
- (4) In preparing each report the independent reviewer must assess the extent to which each of the following principles have been implemented –
 - (a) the clear goal principle;
 - (b) the measurement principle;
 - (c) the partnership principle;
 - (d) the efficacy principle;
 - (e) the flexibility principle;
 - (f) the adaptiveness principle;
 - (g) the devolution principle.
- (5) The clear goal principle means that each local project should have a specific local levelling-up issue it wishes to address and a clear strategy to deliver it.
- (6) The measurement principle means clear and meaningful methods should be used to measure impact.
- (7) The partnership principle means that each local project should have at least three partners drawn from the private, social, and public sector, forming a genuine partnership where all three have significant roles.
- (8) In respect of the partnership principle, the independent reviewer must assess what percentage of projects are led by the public sector and, if the independent reviewer finds that more than 75% are, propose a plan to reduce this in future.
- (9) The efficacy principle means that each programme should be competitive, using clear and transparent criteria, including criteria requiring –

- (a) organisations and individuals who are leading and delivering the proposed work to have performed well previously,
 - (b) innovation,
 - (c) local impact, and
 - (d) where appropriate, learning nationally.
- (10) The flexibility principle means that both small-scale and larger, more strategic projects should be allowed, using different approaches and with different learning.
 - (11) The adaptiveness principle means that, while accepting a certain tolerance for failure, problems should be addressed creatively and flexibly with a willingness to change direction to secure unplanned benefits.
 - (12) The devolution principle means that there should be close cooperation among His Majesty’s Government, devolved authorities and local authorities across the United Kingdom to support local interpretation and delivery of innovation programmes.
 - (13) The independent reviewer must report on examples of collaboration between government departments and devolved authorities that have enabled a local project to proceed and capture the learning that might be applied to future government programmes.
 - (14) The Secretary of State must publish each report and lay it before Parliament as soon it is received.
 - (15) A Minister of the Crown must make arrangements to move a motion to debate each report in each House of Parliament.”

LORD MAWSON

504GI After Clause 214, insert the following new Clause –

“Departmental implementation review and learning network

- (1) As soon as reasonably practicable after this Act is passed, the Secretary of State must instruct the Department for Levelling Up, Housing and Communities to undertake a review on how best to implement it.
- (2) The review must include a short exercise to draw together experience from across government departments of what has and has not worked with regard to successful competitive programmes that have specifically promoted joined-up working and innovation.
- (3) The review must, in particular, consider what mechanisms were and were not in place to take the learning from these programmes to inform future programme design by central and regional government.
- (4) The review must also evaluate the most straightforward processes to use in implementing this Act, using the methodology that every question to bidders has an opportunity cost.

- (5) The review must involve input from experienced practitioners from outside government in the design of the programme of implementation, the assessment of applications, including meeting the leaders of shortlisted proposed projects as well as assessing written proposals.
- (6) Following the review, the Secretary of State must –
 - (a) establish a learning network for those delivering projects and other stakeholders, and
 - (b) take steps to secure that government departments are taking part and learning lessons at all levels,
 in respect of the implementation of this Act.”

BARONESS HAYMAN OF ULLOCK

504GJ After Clause 214, insert the following new Clause –

“Strategy in relation to skills and competency capacity

Within 50 days of this Act being passed, a Minister of the Crown must lay before each House of Parliament a strategy in relation to the capacity of skills and competencies in the United Kingdom workforce insofar as they relate to delivering levelling up.”

Member's explanatory statement

This is to probe the Government’s strategy in relation to the capacity of skills and competencies insofar as they relate to delivering levelling up.

Clause 219

BARONESS SCOTT OF BYBROOK

504GK★ Clause 219, page 249, line 17, at end insert –

“(ja) under section (*Power to replace Health and Safety Executive as building safety regulator*);”

Member's explanatory statement

*This amendment provides that any regulations made under the new Clause inserted by the amendment in the Minister’s name after Clause 214 (*Power to replace Health and Safety Executive as building safety regulator*) are subject to the affirmative procedure.*

BARONESS SCOTT OF BYBROOK

504H Clause 219, page 249, line 32, at end insert –

“(ea) under section (*Street votes: modifications of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017*);”

Member's explanatory statement

This amendment provides that the new power in the amendment in the minister's name to make regulations to modify the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 is subject to the negative resolution procedure.

BARONESS SCOTT OF BYBROOK

504HA★ Clause 219, page 249, line 37, at end insert –

“(k) under paragraph 7(2) of Schedule (Conditional confirmation and making of compulsory purchase orders: consequential amendments).”

Member's explanatory statement

This amendment applies the negative procedure to regulations under paragraph 7(2) of the new Schedule in the Minister's name before Schedule 15.

Clause 221

BARONESS SCOTT OF BYBROOK

504I Clause 221, page 250, line 25, leave out “section 123 extends” and insert “sections (Street votes: modifications of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017) and 123 extend”

Member's explanatory statement

This amendment provides that the new power in the amendment in the minister's name to make regulations to modify the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 extends to England and Wales, Scotland and Northern Ireland.

BARONESS SCOTT OF BYBROOK

504J Clause 221, page 250, line 26, at end insert –

“(d) section (Participation in certain proceedings conducted by, or on behalf of, the Secretary of State) extends to England and Wales and Scotland.”

Member's explanatory statement

This amendment provides that new Clause (participation in certain proceedings conducted by, or on behalf of, the Secretary of State) in the minister's name extends to England and Wales and Scotland.

BARONESS SCOTT OF BYBROOK

504K★ Clause 221, page 250, line 32, leave out “to 11” and insert “and 10”

Member's explanatory statement

This amendment is consequential on the second amendment in the Minister's name to Clause 221, page 250, line 32.

BARONESS SCOTT OF BYBROOK

- 504L★** Clause 221, page 250, line 32, at end insert –
“(8A) Part 11 extends to England and Wales, Scotland and Northern Ireland.”

Member's explanatory statement

This amendment provides for Part 11 to extend across the UK (but see the first new Clause in the Minister's name before Clause 204).

BARONESS SCOTT OF BYBROOK

- 504M★** Clause 221, page 250, line 34, leave out “section 212” and insert “sections 212, (*Power to replace Health and Safety Executive as building safety regulator*) and (*Transfer schemes in connection with regulations under section (Power to replace Health and Safety Executive as building safety regulator)*)”

Member's explanatory statement

*This amendment provides that the new Clauses inserted by the amendments in the Minister's name after Clause 214 (*Power to replace Health and Safety Executive as building safety regulator*) and (*Transfer schemes in connection with regulations under section (Power to replace Health and Safety Executive as building safety regulator)*) extend to England and Wales only.*

BARONESS SCOTT OF BYBROOK

- 504N★** Clause 221, page 250, line 34, leave out “section 212” and insert “sections 212 and (*Transfer of land by local authorities*)”

Member's explanatory statement

*This amendment provides that the new Clause inserted by the amendment in the Minister's name after Clause 214 (*Transfer of land by local authorities*) extends to England and Wales.*

BARONESS SCOTT OF BYBROOK

- 504O★** Clause 221, page 250, line 34, leave out “section 212” and insert “sections 212 and (*Open access mapping*)”

Member's explanatory statement

*This amendment provides that the new Clause relating to open access mapping inserted by the amendment in the Minister's name after Clause 214 (*Open access mapping*) extends to England and Wales.*

THE LORD BISHOP OF BRISTOL
LORD BEST
LORD CORMACK
BARONESS ANDREWS

- 505 Clause 221, page 250, line 34, leave out “section 212” and insert “, sections 212 and (*Removal of prohibition on local authority from making grants to churches etc.*)”

Member's explanatory statement

This consequential amendment would provide for the new Clause amendment after Clause 214 in the name of the Lord Bishop of Bristol to extend only to England and Wales.

After Clause 221

BARONESS TAYLOR OF STEVENAGE

- 506 After Clause 221, insert the following new Clause –

“Extension of Act

Within one year of this Act being passed, a Minister of the Crown must publish a review of whether the provisions of this act should be extended in relation to parish councils and town councils in England, and community councils in Wales and Scotland.”

Member's explanatory statement

This means that a Minister of the Crown must publish a review of whether the provisions of this Act should be extended in relation to parish councils and town councils in England, and community councils in Wales and Scotland.

Clause 222

BARONESS SCOTT OF BYBROOK

- 507 Clause 222, page 251, line 6, at end insert –

“(aa) in Schedule 4 –

- (i) if a provision amended by any of paragraphs 51, 55, 56 and 57 has not come into force before the end of the period mentioned in paragraph (b), that paragraph comes into force when the provision that it amends comes into force (but otherwise it comes into force at the end of that period);
- (ii) paragraphs 59 to 63 come into force on such day as the Secretary of State may by regulations appoint;”

Member's explanatory statement

This amendment makes provision for the commencement of certain amendments made by Schedule 4 in cases where the provisions amended are not yet in force.

BARONESS SCOTT OF BYBROOK

- 508 Clause 222, page 251, line 20, leave out “sections 70 to 72 come” and insert “section 70 comes”

Member's explanatory statement

This amendment is consequential on the amendment in the Minister's name inserting provision after line 21 of Clause 222.

BARONESS SCOTT OF BYBROOK

- 509 Clause 222, page 251, after line 21 insert –
- “(ia) section (*disposal of land*) comes into force on such day as the Secretary of State may by regulations appoint;
 - (ib) sections 71 and 72 come into force at the end of the period of two months beginning with the day on which this Act is passed;”

Member's explanatory statement

*This amendment provides for new Clause (*disposal of land*) to be brought into force by regulations made by the Secretary of State and makes other consequential amendments to Clause 222.*

BARONESS SCOTT OF BYBROOK

- 509A Clause 222, page 251, line 31, after “sections” insert “(*Street votes: modifications of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017*),”

Member's explanatory statement

This amendment provides that the new power in the amendment in the minister's name to make regulations to modify the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 comes into force two months after Royal Assent.

BARONESS SCOTT OF BYBROOK

- 509B Clause 222, page 251, line 33, leave out “and 123” and insert “, (*Power for appointees to vary determinations as to procedure*), 123 and (*Participation in certain proceedings conducted by, or on behalf of, the Secretary of State*)”

Member's explanatory statement

*This amendment provides that new Clauses (*power for appointees to vary determinations as to procedure*) and (*participation in certain proceedings conducted by, or on behalf of, the Secretary of State*) in the minister's name come into force two months after Royal Assent.*

BARONESS SCOTT OF BYBROOK

- 509C★ Clause 222, page 252, line 7, leave out “, section 212 and section 214” and insert “and sections 212, 214 and (*Transfer of land by local authorities*)”

Member's explanatory statement

This amendment provides that the new clause inserted by the amendment in the Minister's name after Clause 214 (Transfer of land by local authorities) comes into force in accordance with regulations.

BARONESS SCOTT OF BYBROOK

- 509D★** Clause 222, page 252, line 9, leave out “and 213” and insert “, 213, (Power to replace Health and Safety Executive as building safety regulator) and (Transfer schemes in connection with regulations under section (Power to replace Health and Safety Executive as building safety regulator))”

Member's explanatory statement

This amendment provides that the new Clauses inserted by the amendments in the Minister's name after Clause 214 (Power to replace Health and Safety Executive as building safety regulator) and (Transfer schemes in connection with regulations under section (Power to replace Health and Safety Executive as building safety regulator)) come into force 2 months after Royal Assent.

BARONESS SCOTT OF BYBROOK

- 509E★** Clause 222, page 252, line 9, leave out “and 213” and insert “, 213 and (Open access mapping)”

Member's explanatory statement

This amendment provides that the new Clause relating to open access mapping inserted by the amendment in the Minister's name after Clause 214 (Open access mapping) comes into force 2 months after Royal Assent.

THE LORD BISHOP OF BRISTOL
LORD BEST
LORD CORMACK
BARONESS ANDREWS

- 510** Clause 222, page 252, line 9, after “213” insert “and (Removal of prohibition on local authority from making grants to churches etc.)”

Member's explanatory statement

This consequential amendment would provide for the new Clause amendment after Clause 214 in the name of the Lord Bishop of Bristol to come into force two months after Royal Assent.

BARONESS TAYLOR OF STEVENAGE

- 511** Clause 222, page 252, line 22, at end insert –
“(15) The Secretary of State must inform each local authority of any new responsibilities before the commencement of relevant provisions likely to affect them.”

Member's explanatory statement

This means that the Secretary of State must inform each local authority of any new responsibilities before the commencement of relevant provisions.

Title

THE LORD BISHOP OF BRISTOL
LORD BEST
LORD CORMACK
BARONESS ANDREWS

- 512** In the Title, line 8, after “permanent;” insert “about the power of a local authority to make grants to churches;”

Member's explanatory statement

This consequential amendment would amend the long title to include express reference to the subject matter of the new Clause amendment after Clause 214 in the name of the Lord Bishop of Bristol.

BARONESS SCOTT OF BYBROOK

- 513★** In the Title, line 10, after “licences;” insert “for a body to replace the Health and Safety Executive as the building safety regulator;”

Member's explanatory statement

This amendment amends the long title to reflect the new Clause inserted by the amendment in the Minister’s name after Clause 214 (Power to replace Health and Safety Executive as building safety regulator).

BARONESS SCOTT OF BYBROOK

- 514★** In the Title, line 10, after “licences;” insert “about the transfer of land for Academy schools;”

Member's explanatory statement

This amendment amends the long title to reflect the new Clause inserted by the amendment in the Minister’s name after Clause 214 (Transfer of land by local authorities).

BARONESS SCOTT OF BYBROOK

- 515★** In the Title, line 10, after “licences;” insert “about the review of maps of open country and registered common land;”

Member's explanatory statement

This amendment amends the long title to reflect the new Clause relating to open access mapping inserted by the amendment in the Minister’s name after Clause 214 (Open access mapping).

Levelling-up and Regeneration Bill

FIFTH MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

13 March 2023

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