

Levelling-up and Regeneration Bill

AMENDMENTS
TO BE MOVED
ON REPORT

After Clause 3

LORD HOLMES OF RICHMOND

After Clause 3, insert the following new Clause –

“Reporting on missions: robotics and automation

Within 90 days of a Minister of the Crown laying a statement of levelling-up missions for the first time which contains reference to the use of automation, a Minister of the Crown must publish a report which considers whether introducing a taskforce would help to increase effective use of robotics and automation, and reduce disparities between geographical areas in this regard.”

After Clause 88

LORD RAVENSDALE
BARONESS HAYMAN OF ULLOCK

After Clause 88, insert the following new Clause –

“Duties in relation to mitigation of, and adaptation to, climate change in relation to planning

- (1) The Secretary of State must have special regard to the mitigation of, and adaptation to, climate change in preparing –
 - (a) national policy, planning policy or advice relating to the development or use of land,
 - (b) a national development management policy pursuant to section 38ZA of the Planning and Compulsory Purchase Act 2004.
- (2) When making a planning decision relating to development arising from an application for planning permission, the making of a development order granting planning permission or an approval pursuant to a development order granting planning permission, a relevant planning authority (as defined in section 85 (interpretation of chapter 1)) must have special regard to the mitigation of, and adaptation to, climate change.

- (3) For the purposes of interpretation of this section, Part 3 of this Act, and Schedules 7 and 12 to this Act –
- “the mitigation of climate change” includes the achievement of –
- (a) the target for 2050 set out in section 1 of the Climate Change Act 2008,
 - (b) applicable carbon budgets made pursuant to section 4 of the Climate Change Act 2008, and
 - (c) sections 1 to 3 of the Environment Act 2021 (environmental targets) where applicable to the mitigation of climate change;
- “adaptation to climate change” includes –
- (a) the mitigation of the risks identified in the latest climate change risk assessment conducted under section 56 of the Climate Change Act 2008, and
 - (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 Coastal Water Management Act 2010.”

Member's explanatory statement

This new Clause places a duty on the Secretary of State and relevant planning authorities respectively to have special regard to the mitigation of, and adaptation to, climate change with respect to national policy, local plan-making and planning decisions.

After Clause 128

BARONESS HAYMAN OF ULLOCK
BARONESS MCINTOSH OF PICKERING

After Clause 128, 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 MCINTOSH OF PICKERING
BARONESS HAYMAN OF ULLOCK

After Clause 128, insert the following new Clause –

“Insurance premiums

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 the following matters into account when calculating insurance premiums relating to residential and commercial properties –

- (a) whether certified improvements have been made to a property under section (*Flood prevention and mitigation certification and accreditation schemes*), and
- (b) whether 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.

After Clause 156

LORD RANDALL OF UXBRIDGE

After Clause 156, 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 the environmental targets as set under Part 1 of the Environment Act 2021 and 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 considered as if they were equal to 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.”

After Clause 226

LORD HOLMES OF RICHMOND

After Clause 226, insert the following new Clause –

“Regional mutual banks

- (1) The Secretary of State must report to Parliament, within three 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.

- (3) The Secretary of State must instruct the Competition and Markets Authority to launch a consultation within 3 months of the date of the passing of this Act into any current competition law barriers to the establishment of regional mutual banks and means by which these may be overcome.”

Schedule 12

LORD BEST
LORD YOUNG OF COOKHAM

Schedule 12, page 410, line 31, at end insert –

- “(1A) 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 –
- (a) delivers the level of affordable housing identified in the Local Development Plan, subject to subsection (1B) and to the extent set out in the Infrastructure Delivery Strategy, and
 - (b) is 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.
- (1B) Where the proceeds generated by the IL are likely to be insufficient to achieve in full the level of affordable housing in the Local Development Plan, the charging authority must set out in its Infrastructure Delivery Strategy its plans for securing additional funds to bridge the gap between the level of affordable housing required and the level that the Infrastructure Levy can support.”

Schedule 20

LORD HOLMES OF RICHMOND

Schedule 20, page 459, 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

Schedule 20, page 459, 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

Schedule 20, page 459, 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

Schedule 20, page 460, 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

Schedule 20, page 460, line 13, leave out “14” and insert “21”

Member's explanatory statement

This amendment would extend the public consultation period for pavement licences to 21 days.

LORD HOLMES OF RICHMOND

Schedule 20, page 460, line 13, at end insert –

“6A 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

Schedule 20, page 460, line 14, leave out paragraph 7 and insert –

“7 In Section 3 of the 2020 Act (determination), 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

Schedule 20, page 460, line 15, leave out “14” and insert “21”

Member's explanatory statement

This amendment would extend the public consultation period for pavement licences to 21 days.

LORD HOLMES OF RICHMOND

Schedule 20, page 460, 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 HOLMES OF RICHMOND

Schedule 20, page 460, 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 the licensed area must be clearly and safely demarked with either tactile marking or designated physical barriers, or both.”

Levelling-up and Regeneration Bill

AMENDMENTS
TO BE MOVED
ON REPORT

30 June 2023

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS