

Levelling-up and Regeneration Bill

AMENDMENTS
TO BE MOVED
ON REPORT

After Clause 1

BARONESS SCOTT OF BYBROOK

After Clause 1, insert the following new Clause –

“Statement of levelling-up missions: devolution

- (1) In the course of preparing a statement of levelling-up missions, a Minister of the Crown must –
 - (a) have regard to any role of the devolved legislatures and devolved authorities in connection with the levelling-up missions in the statement, and
 - (b) carry out such consultation as the Minister considers appropriate with the devolved authorities.
- (2) A Minister of the Crown must prepare a document which sets out how the Minister has complied with subsection (1)(a).
- (3) A Minister of the Crown must lay the document mentioned in subsection (2) before each House of Parliament, and publish it, at the same time, or as soon as is reasonably practicable after, the statement of levelling-up missions is so laid and published.”

Member's explanatory statement

This amendment requires a Minister of the Crown to have regard to the role of devolved legislatures and devolved authorities, and to consult devolved authorities, in preparing statements of levelling-up missions. It also requires a Minister to report to Parliament on how they have so had regard.

Clause 2

BARONESS SCOTT OF BYBROOK

Clause 2, page 3, line 19, at end insert –

- “(5A) In the course of preparing a report on the delivery of the levelling-up missions, a Minister of the Crown must carry out such consultation as the Minister considers appropriate with the devolved authorities.”

Member's explanatory statement

This amendment requires a Minister to consult the devolved authorities in the course of preparing a report on the delivery of the levelling-up missions.

Clause 4

BARONESS SCOTT OF BYBROOK

Clause 4, page 4, line 19, at end insert –

- “(4) Before making any revisions under subsection (2), a Minister of the Crown must –
- (a) have regard to any role of the devolved legislatures and devolved authorities in connection with the levelling-up mission to which the revision relates, and
 - (b) carry out such consultation as the Minister considers appropriate with the devolved authorities.”

Member's explanatory statement

This amendment requires a Minister, before making a revision to mission progress methodology and metrics or a target date, to have regard to any role of the devolved legislatures or devolved authorities in connection with the mission to which the revision relates and to consult the devolved authorities.

Clause 5

BARONESS SCOTT OF BYBROOK

Clause 5, page 5, line 5, at end insert –

- “(5A) In the course of carrying out a review under this section, a Minister of the Crown must –
- (a) have regard to any role of the devolved legislatures and devolved authorities in connection with the levelling-up missions in the statement, and
 - (b) carry out such consultation as the Minister considers appropriate with the devolved authorities.”

Member's explanatory statement

This amendment requires a Minister, in the course of carrying out a review under Clause 5, to have regard to the role of the devolved legislatures and devolved authorities in connection with the levelling-up missions and to consult the devolved authorities.

Clause 6

BARONESS SCOTT OF BYBROOK

Clause 6, page 6, line 12, at end insert –

““devolved authorities” means –

- (a) the Scottish Ministers,
- (b) the Welsh Ministers, and
- (c) the Northern Ireland departments;

“devolved legislatures” means –

- (a) the Scottish Parliament,
- (b) Senedd Cymru, and
- (c) the Northern Ireland Assembly;”

Member's explanatory statement

This amendment defines the devolved authorities and devolved legislatures for the purposes of Part 1.

BARONESS SCOTT OF BYBROOK

Clause 6, page 6, line 14, at end insert –

““His Majesty’s Government” means His Majesty’s Government in the United Kingdom;”

Member's explanatory statement

This amendment makes it clear that references to His Majesty’s Government in Part 1 are to His Majesty’s Government in the United Kingdom.

Schedule 2

BARONESS SCOTT OF BYBROOK

Schedule 2, page 286, line 39, at end insert –

“(5A) The requirements in sub-paragraphs (4) and (5) may be satisfied by things done before the coming into force of this paragraph.”

Member's explanatory statement

This amendment enables the consultation and recommendation requirements relating to regulations made under paragraph 12 of Schedule 2 to the Bill (conduct and questioning of elections for the return of mayors) to be met by steps taken before those provisions come into force on Royal Assent.

Clause 43

BARONESS SCOTT OF BYBROOK

Clause 43, page 39, line 27, leave out subsection (9)

Member's explanatory statement

This amendment removes Clause 43(9) on the basis that it overlaps with the power in Clause 231(1)(c) for regulations under the Bill to make consequential etc provision.

Clause 44

BARONESS SCOTT OF BYBROOK

Clause 44, page 40, line 23, leave out “Part” and insert “Chapter”

Member's explanatory statement

This amendment means that the definition of “local government area” in Clause 44(6) has effect for the purposes of Chapter 1 of Part 2 rather than Part 2 as a whole.

Clause 45

BARONESS SCOTT OF BYBROOK

Clause 45, page 41, line 28, leave out subsection (10)

Member's explanatory statement

This amendment removes Clause 45(10) on the basis that it overlaps with the power in Clause 231(1)(c) for regulations under the Bill to make consequential etc provision.

Schedule 4

BARONESS SCOTT OF BYBROOK

Schedule 4, page 296, line 6, leave out “(1)” and insert “(1F)”

Member's explanatory statement

This amendment corrects a cross-reference in the amendment to insert subsection (1G) into section 101 of the Local Government Act 1972.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 296, line 36, leave out sub-paragraph (3)

Member's explanatory statement

This amendment removes the amendment which inserts a reference to a combined county authority into section 146A(1ZB) of the Local Government Act 1972 on the basis that it is inconsistent with the amendment to insert new subsection (1ZEA) into section 146A.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 315, line 23, leave out “5” and insert “7ZB”

Member's explanatory statement

This amendment corrects a cross-reference in the amendment to insert paragraph 7ZD into Schedule A1 to the Planning and Compulsory Purchase Act 2004.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 316, line 27, leave out paragraph 158 and insert –

“158 In section 50 of the Children Act 2004 (intervention - England), after subsection (7) insert –

“(8) If any functions of a local authority in England which are specified in subsection (2) are exercisable by a combined county authority by virtue of section 16 of the Levelling-up and Regeneration Act 2023 –

(a) a reference in this section to a local authority includes a reference to the combined county authority, and

(b) a reference in this section to functions specified in subsection (2) 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.”

Member's explanatory statement

This amendment replaces the current amendment to section 50 of the Children Act 2004 with an amendment that contains the correct cross-reference to Clause 16 of the Bill.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 318, leave out lines 20 to 22 and insert “or

(b) section 65Z5 (joint working and delegation arrangements).”

Member's explanatory statement

This amendment updates the amendment to section 75 of the National Health Service Act 2006 to reflect changes made elsewhere to that Act by the Health and Care Act 2022.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 323, line 36, at end insert –

“Equality Act 2010 (c. 15)

196A In Part 1 of Schedule 19 to the Equality Act 2010, under the heading “local government”, after the entry for a combined authority insert –

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

Localism Act 2011 (c. 20)

196B In section 27(6) of the Localism Act 2011 (duty to promote and maintain high standards of conduct), after paragraph (n) insert—

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

Member's explanatory statement

This amendment makes a consequential amendment to the Equality Act 2010 and to the Localism Act 2011 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 327, line 30, leave out paragraph 218 and insert—

“218 In section 1(7) (views of relevant authority in relation to local skills improvement plan), for paragraph (a), and the “or” at the end of that paragraph, substitute—

- “(a) a combined authority within the meaning of Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (see section 103 of that Act),
- (aa) a CCA within the meaning of Chapter 1 of Part 2 of the Levelling-up and Regeneration Act 2023 (combined county authorities) (see section 7 of that Act),
- (ab) a local authority that has functions conferred on it by regulations made under section 16(1) of the Cities and Local Government Devolution Act 2016 (power to transfer etc public authority functions to certain local authorities), or”.”

Member's explanatory statement

This amendment substitutes the amendment made to section 1(7) of the Skills and Post-16 Education Act 2022 by paragraph 218 of Schedule 4 to the Bill to make provision ensuring that the Secretary of State must be satisfied that due consideration has been given to the views of all combined authorities and CCAs (and not just mayoral combined authorities and CCAs), and local authorities which have functions devolved to them under section 16 of the Cities and Local Government Devolution Act 2016 before approving a local skills improvement plan for an area that covers any of their area.

Clause 65

BARONESS SCOTT OF BYBROOK

Clause 65, page 63, leave out lines 4 and 5

Member's explanatory statement

This amendment is consequential on the amendment to Clause 65 in the Minister's name which provides for any regulations made under section 104C(1) or (4) of the Local Democracy, Economic

Development and Construction Act 2009 (as inserted by Clause 61 of the Bill) to be subject to the affirmative resolution procedure.

BARONESS SCOTT OF BYBROOK

Clause 65, page 63, line 6, after “section” insert “104C(1), 104C(4), or”

Member's explanatory statement

This amendment has the effect that any regulations made under section 104C(1) or (4) of the Local Democracy, Economic Development and Construction Act 2009 (as inserted by Clause 61 of the Bill) are subject to the affirmative resolution procedure.

BARONESS SCOTT OF BYBROOK

Clause 65, page 63, line 11, leave out “subsequent regulations under section 104C(1) or (4), or”

Member's explanatory statement

This amendment is consequential on the amendment to Clause 65 in the Minister’s name which provides for any regulations made under section 104C(1) or (4) of the Local Democracy, Economic Development and Construction Act 2009 (as inserted by Clause 61 of the Bill) to be subject to the affirmative resolution procedure.

After Clause 78

BARONESS SCOTT OF BYBROOK

After Clause 78, insert the following new Clause –

“Powers of parish councils

After section 19 of the Local Government Act 1894 (provisions as to small parishes), insert –

“19A Powers under other enactments

- (1) Nothing in this Part affects any powers, duties or liabilities conferred on a parish council by or under any other enactment (whenever passed or made).
- (2) This section does not apply in relation to community councils (see section 179(4) of the Local Government Act 1972).”

Member's explanatory statement

This amendment inserts a new section into the Local Government Act 1894 to clarify that the powers conferred on parish councils under Part 1 of that Act do not affect any powers, duties or liabilities of parish councils conferred by or under any other enactment (whenever passed or made).

Schedule 12

BARONESS SCOTT OF BYBROOK

Schedule 12, page 410, line 32, leave out “have regard”

Member's explanatory statement

This amendment, taken together with the amendments to Schedule 12 in the Minister's name at lines 34 and 38 on page 410, change the duty in subsection (2) of new section 204G of the Planning Act 2008 from one of having regard to the desirability of ensuring that the level of affordable housing funding provided by developers is maintained to one of having to seek to ensure that level can be maintained.

BARONESS SCOTT OF BYBROOK

Schedule 12, page 410, line 34, leave out “to the desirability of ensuring” and insert “seek to ensure”

Member's explanatory statement

This amendment, taken together with the amendments to Schedule 12 in the Minister's name at lines 32 and 38 on page 410, change the duty in subsection (2) of new section 204G of the Planning Act 2008 from one of having regard to the desirability of ensuring that the level of affordable housing funding provided by developers is maintained to one of having to seek to ensure that level can be maintained.

BARONESS SCOTT OF BYBROOK

Schedule 12, page 410, line 37, leave out “the funding provided by the developers” and insert “funding provided by developers of affordable housing provided in the authority's area”

Member's explanatory statement

This amendment makes it clear that the funding referred to in paragraph (b) of new section 204G(2) of the Planning Act 2008 is funding of affordable housing provided in the charging authority's area.

BARONESS SCOTT OF BYBROOK

Schedule 12, page 410, line 38, leave out first “is” and insert “can be”

Member's explanatory statement

This amendment, taken together with the amendments to Schedule 12 in the Minister's name at lines 32 and 34 on page 410, change the duty in subsection (2) of new section 204G of the Planning Act 2008 from one of having regard to the desirability of ensuring that the level of affordable housing funding provided by developers is maintained to one of having to seek to ensure that level can be maintained.

BARONESS SCOTT OF BYBROOK

Schedule 12, page 410, line 40, at end insert –

- “(2A) Subsection (2) does not apply if the charging authority considers that complying with it would make development of the authority’s area economically unviable.
- (2B) The references in subsection (2) to the funding of affordable housing by developers are to its funding by developers through IL or by any other means.”

Member's explanatory statement

This amendment disappplies the duty in new section 204G(2) of the Planning Act 2008 where the charging authority considers that complying with it would make development of the authority’s area economically unviable. It also makes it clear that the references to the funding of affordable housing in that duty include funding by means other than infrastructure levy.

BARONESS SCOTT OF BYBROOK

Schedule 12, page 417, line 20, leave out “and 204Q” and insert “, 204Q and 204YA”

Member's explanatory statement

This amendment is consequential on the amendment in the Minister’s name to Schedule 12 at line 9 of page 431.

BARONESS SCOTT OF BYBROOK

Schedule 12, page 423, line 9, at end insert –

- “(4A) So long as affordable housing falls within the meaning of “infrastructure” given by section 204N(3), regulations under subsection (4) must permit charging authorities, in the circumstances and to the extent specified in the regulations, to require IL to be paid by providing affordable housing on the development site.
- (4B) In subsection (4A) “development site” means the site on which the development in respect of which the IL is charged takes place.”

Member's explanatory statement

This amendment requires IL regulations to permit charging authorities to require payment of infrastructure levy through the provision of on-site affordable housing (provided that affordable housing is “infrastructure” for the purposes of the levy).

BARONESS SCOTT OF BYBROOK

Schedule 12, page 431, line 9, at end insert –

“204YA Parliamentary scrutiny: affordable housing

- (1) The Secretary of State must prepare a report which –

- (a) provides information, in relation to each charging authority which charges IL in respect of development in its area, about the amount of affordable housing provision that has been funded by IL charged by that authority,
 - (b) assesses whether the charging of IL has resulted in more or less affordable housing being available in areas in respect of which IL is charged than would otherwise be the case, and
 - (c) sets out such other information as the Secretary of State considers appropriate in connection with the effect of IL on the provision, improvement, replacement, operation or maintenance of affordable housing or other infrastructure.
- (2) The Secretary of State must lay the report before each House of Parliament before the end of the period of 5 years beginning with the date on which the first charging schedule takes effect under this Part.
- (3) The Secretary of State must publish the report as soon as is reasonably practicable after it has been laid before each House of Parliament.”

Member's explanatory statement

This amendment places a duty on the Secretary of State to prepare a report relating to the effect of infrastructure levy on the funding and provision of affordable housing (and certain other matters), lay that report before Parliament and publish it.

BARONESS SCOTT OF BYBROOK

Schedule 12, page 431, line 15, at end insert –

- “(ba) may disapply any provision made by or under this Part in relation to an area, or a charging authority, specified or described in the regulations,”

Member's explanatory statement

This amendment enables new Part 10A of the Planning Act 2008, and any regulations made under it, to be disapplied in relation to an area or charging authority, so that infrastructure levy does not have to be charged in that area or (as the case may be) by that authority.

BARONESS SCOTT OF BYBROOK

Schedule 12, page 432, line 19, leave out “for”

Member's explanatory statement

This amendment is consequential on the amendment in the Minister's name to Schedule 12 at line 19 of page 432.

BARONESS SCOTT OF BYBROOK

Schedule 12, page 432, line 19, at end insert –

- “(za) in consequence of, or to supplement, provision made under section 204Z(1)(ba),”

Member's explanatory statement

This amendment enables provision to be made under section 204Z1(1) to (3), and guidance to be given under subsection (4) of that section, in consequence of, or to supplement, provision made under section 204Z(1)(ba) (which is inserted by the amendment in the Minister's name to Schedule 12 at line 15 of page 431).

BARONESS SCOTT OF BYBROOK

Schedule 12, page 432, line 20, at beginning insert "for"

Member's explanatory statement

This amendment is consequential on the amendment in the Minister's name to Schedule 12 at line 19 of page 432.

BARONESS SCOTT OF BYBROOK

Schedule 12, page 432, line 22, at beginning insert "for"

Member's explanatory statement

This amendment is consequential on the amendment in the Minister's name to Schedule 12 at line 19 of page 432.

BARONESS SCOTT OF BYBROOK

Schedule 12, page 432, line 24, at beginning insert "for"

Member's explanatory statement

This amendment is consequential on the amendment in the Minister's name to Schedule 12 at line 19 of page 432.

BARONESS SCOTT OF BYBROOK

Schedule 12, page 432, line 26, at beginning insert "for"

Member's explanatory statement

This amendment is consequential on the amendment in the Minister's name to Schedule 12 at line 19 of page 432.

BARONESS SCOTT OF BYBROOK

Schedule 12, page 432, line 30, at beginning insert "for"

Member's explanatory statement

This amendment is consequential on the amendment in the Minister's name to Schedule 12 at line 19 of page 432.

After Clause 131

BARONESS SCOTT OF BYBROOK

After Clause 131, insert the following new Clause –

“Enforcement of Community Infrastructure Levy

- (1) In section 218 of the Planning Act 2008 (enforcement), for subsections (11) and (12) substitute –
 - “(11) Regulations under this section creating a criminal offence may not provide for –
 - (a) imprisonment for a term exceeding the maximum term for summary offences, on summary conviction for an offence triable summarily only,
 - (b) imprisonment for a term exceeding the general limit in a magistrates’ court, on summary conviction for an offence triable either way, or
 - (c) imprisonment for a term exceeding 2 years, on conviction on indictment.
 - (12) In subsection (11)(a), “the maximum term for summary offences” means –
 - (a) in relation to an offence committed before the time when section 281(5) of the Criminal Justice Act 2003 comes into force, 6 months;
 - (b) in relation to an offence committed after that time, 51 weeks.”

Member's explanatory statement

This amendment amends section 218 of the Planning Act 2008 to bring the enforcement provisions relating to the community infrastructure levy in line with the new enforcement provisions relating to the infrastructure levy (see new section 204S of the Planning Act 2008 inserted by Schedule 12 to the Bill). These provisions reflect changes to sentencing law.

Clause 132

BARONESS SCOTT OF BYBROOK

Clause 132, page 161, line 5, leave out “, or giving a direction under this Part,”

Member's explanatory statement

This amendment is consequential on the amendment in the Minister’s name to Clause 133 at line 18 on page 162.

Clause 133

BARONESS SCOTT OF BYBROOK

Clause 133, page 162, line 18, leave out “the Secretary of State directs” and insert “CLA regulations provide”

Member's explanatory statement

This amendment removes the power of the Secretary of State to direct that a local planning authority may put in place a community land auction arrangement and replaces it with a power to make CLA regulations providing that.

Clause 161

BARONESS SCOTT OF BYBROOK

Clause 161, page 195, line 25, after “may” insert “, by order made by statutory instrument,”

Member's explanatory statement

This amendment is consequential on the amendment in the Minister's name at page 195, line 35.

BARONESS SCOTT OF BYBROOK

Clause 161, page 195, line 35, leave out subsection (3)

Member's explanatory statement

This amendment is the first of a number that remove provision applying negative procedure to orders establishing locally-led urban and new town development corporations, and instead bring those orders within the existing procedures for such corporations that are not locally-led. The result is that affirmative procedure will apply (without hybrid procedure).

BARONESS SCOTT OF BYBROOK

Clause 161, page 197, line 42, leave out “to (10)” and insert “and (7)”

Member's explanatory statement

This amendment is consequential on the amendment in the Minister's name at page 198, line 19.

BARONESS SCOTT OF BYBROOK

Clause 161, page 198, line 19, leave out subsections (8) to (10)

Member's explanatory statement

See the explanatory statement for the amendment in the Minister's name at page 195, line 35.

Clause 162

BARONESS SCOTT OF BYBROOK

Clause 162, page 202, line 1, leave out paragraphs (a) to (d) and insert “in each of subsections (3), (3B) and (3C), after “1,” insert “1ZB,””

Member's explanatory statement

See the explanatory statement for the amendment in the Minister's name at page 195, line 35.

Schedule 14

BARONESS SCOTT OF BYBROOK

Schedule 14, page 442, line 17, at end insert—

“(5A) In subsection (4), after “(1)” insert “or (1B)”.

(5B) In subsection (4A), after “(1)” insert “or (1B)”.

Member's explanatory statement

See the explanatory statement for the amendment in the Minister's name at page 195, line 35.

Schedule 16

BARONESS SCOTT OF BYBROOK

Schedule 16, page 451, line 15, leave out sub-paragraphs (2) and (3)

Member's explanatory statement

This amendment removes a power that is no longer needed in the light of the conclusion of proceedings in Senedd Cymru on the Historic Environment (Wales) Bill.

Clause 177

BARONESS SCOTT OF BYBROOK

Clause 177, page 219, line 22, leave out “or” and insert—

“(fa) section 9 of the Tribunals and Inquiries Act 1992,

(fb) Part 7 of the Housing and Planning Act 2016, or”

Member's explanatory statement

This amendment adds further legislation to the list governing the types of compulsory purchase documentation which can be made subject to common data standards.

Clause 183

BARONESS SCOTT OF BYBROOK

Clause 183, page 238, line 15, leave out paragraph (a)

Member's explanatory statement

This amendment removes the provision requiring premises to be considered as vacant for the purposes of Part 10 when occupied by a trespasser (other than in cases caught by paragraph (b) of the same subsection, i.e. squatting in commercial premises).

Clause 93

BARONESS SCOTT OF BYBROOK

Clause 93, page 99, line 33, at end insert –

- “(3) In paragraph 11(2) of Schedule A2 to PCPA 2004 (modification of neighbourhood development plans: basic conditions) –
- (a) for paragraph (c) substitute –
- “(ca) the making of the plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the draft plan were not to be made;”;
- (b) after paragraph (d) (but before the “and” at the end of that paragraph) insert –
- “(da) any requirements imposed in relation to the plan by or under Part 6 of the Levelling-up and Regeneration Act 2023 (environmental outcomes reports) have been complied with.”

Member's explanatory statement

This amendment updates the basic conditions which must be met for a modification of a neighbourhood development plan, so that they correspond to those that will apply for making a neighbourhood development plan once the amendments already included in clause 93 are made.

After Clause 94

BARONESS WILLIS OF SUMMERTOWN

After Clause 94, 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) ensuring that key destinations such as essential shops, schools, parks and open spaces, health facilities and public transport services are in safe and convenient proximity on foot to homes;
 - (b) facilitating access to these key destinations and creating opportunities for everyone to be physically active by improving existing, and creating new, walking and cycling routes and networks;
 - (c) increasing access to high-quality green infrastructure;
 - (d) ensuring a supply of housing which is affordable to and meets the health, accessibility and well-being needs of people who live in the local planning authority's area.”

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 requires local planning authorities 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.

Clause 100

BARONESS SCOTT OF BYBROOK

Clause 100, page 111, line 5, at the end insert—

- “(g) such other area as may be specified or described in regulations made by the Secretary of State.”

Member's explanatory statement

This amendment confers a regulation-making power on the Secretary of State to specify or describe other areas to be excluded from the remit of street vote development orders.

BARONESS SCOTT OF BYBROOK

Clause 100, page 111, leave out lines 6 to 8

Member's explanatory statement

This amendment is connected to the amendment in the Minister's name inserting new paragraph (g) into section 61QC(2) of the Town and Country Planning Act 1990 (as inserted by Clause 100), and removes the power to add, amend or remove an area which is excluded from the remit of street vote development orders.

BARONESS SCOTT OF BYBROOK

Clause 100, page 115, line 14, at the end insert –

“(f) such other development as may be specified or described in regulations made by the Secretary of State.”

Member's explanatory statement

This amendment confers a regulation-making power on the Secretary of State to specify or describe development to be excluded from the remit of street vote development orders.

BARONESS SCOTT OF BYBROOK

Clause 100, page 115, leave out lines 15 and 16

Member's explanatory statement

This amendment is connected to the amendment in the Minister's name inserting new paragraph (f) into section 61QH of the Town and Country Planning Act 1990 (as inserted by Clause 100), and removes the power to add, amend or remove development which is excluded from the remit of street vote development orders.

BARONESS SCOTT OF BYBROOK

Clause 100, page 115, line 40, at the end insert –

“(d) satisfies such other requirements as may be specified in regulations made by the Secretary of State.”

Member's explanatory statement

This amendment confers a regulation-making power on the Secretary of State to specify further requirements that must be met before a street vote development order under the Town and Country Planning Act 1990 (see sections 61QA to 61QM, inserted by Clause 100) may be made subject to a condition that a person enter into an obligation under section 106 of that Act.

BARONESS SCOTT OF BYBROOK

Clause 100, page 116, leave out lines 1 to 3

Member's explanatory statement

This amendment is connected to the amendment in the Minister's name inserting new paragraph (d) into section 61QI(4) of the Town and Country Planning Act 1990 (as inserted by Clause 100), and removes the power to add, amend or remove requirements that must be met before a street vote development order under the Town and Country Planning Act 1990 (see sections 61QA to 61QM, inserted by Clause 100) may be made subject to a condition that a person enter into an obligation under section 106 of that Act.

BARONESS SCOTT OF BYBROOK

Clause 100, page 118, line 3, leave out “or excluding”

Member's explanatory statement

This amendment removes the power to make regulations excluding the application of Schedule 7A to the Town and Country Planning Act 1990 in relation to planning permission granted by a street vote development order.

Schedule 9

BARONESS SCOTT OF BYBROOK

Schedule 9, page 400, line 26, leave out “61QC(3), 61QH(2) or 61QI(5)” and insert “61QC(2), 61QH or 61QI(4)”

Member's explanatory statement

This amendment is consequential on the amendments in the Minister’s name amending Clause 100 to change the scope of the regulation-making powers under new sections 61QC, 61QH and 61QI (as inserted into the Town and Country Planning Act 1990 by that Clause).

Clause 115

BARONESS SCOTT OF BYBROOK

Clause 115, page 145, at the end of line 35 insert –

“(1A) The Secretary of State may make regulations under subsection (1) only if the Secretary of State considers that it is appropriate to make the regulations for the purposes of national defence or preventing or responding to civil emergency or significant disruption to the economy of the United Kingdom or any part of the United Kingdom.”

Member's explanatory statement

This amendment adds a restriction into the new power to make regulations to provide relief from the enforcement of planning conditions in section 196E of the Town and Country Planning Act 1990 (inserted by Clause 115 of the Bill), so that the power can only be exercised for certain purposes.

BARONESS SCOTT OF BYBROOK

Clause 115, page 145, line 37, leave out “period of time specified in the regulations” and insert “specified period of not more than one year”

Member's explanatory statement

This amendment limits the period that may be specified in regulations (made under new section 196E of the Town and Country Planning Act 1990, as inserted by Clause 115 of the Bill), within which a failure or apparent failure must have occurred or been apprehended to be eligible for relief from enforcement, to a maximum of one year.

BARONESS SCOTT OF BYBROOK

Clause 115, page 146, line 39, leave out the words “mentioned in that subsection”

Member's explanatory statement

This amendment corrects a reference to the “relief period”, which is defined in subsection (2) and not mentioned in subsection (1).

Clause 120

BARONESS SCOTT OF BYBROOK

Clause 120, page 152, leave out lines 21 to 26

Member's explanatory statement

This amendment removes subsection (4) of the new section 54A of the Planning Act 2008, being inserted by Clause 120, which contains a restriction on prescribed public authorities from charging fees where the advice, information or assistance is provided to certain excluded persons.

BARONESS SCOTT OF BYBROOK

Clause 120, page 152, leave out lines 31 to 39

Member's explanatory statement

This amendment is consequential on the amendment being made to remove subsection (4) of the new section 54A of the Planning Act 2008, inserted by Clause 120, in the Minister's name.

BARONESS SCOTT OF BYBROOK

Clause 120, page 152, line 42, leave out from beginning to end of line 7 on page 153

Member's explanatory statement

This amendment is consequential on the amendment being made to remove subsection (4) of the new section 54A of the Planning Act 2008, inserted by Clause 120, in the Minister's name.

Clause 128

BARONESS SCOTT OF BYBROOK

Clause 128, page 158, leave out lines 19 to 22

Member's explanatory statement

This amendment removes subsection (3)(b) of the new section 303ZB of the Town and Country Planning Act 1990, being inserted by Clause 128, which contains a restriction on prescribed bodies from charging fees where the advice, information or assistance is provided to certain excluded persons.

BARONESS SCOTT OF BYBROOK

Clause 128, page 158, leave out lines 32 to 38

Member's explanatory statement

This amendment is consequential on the amendment being made to remove subsection (3)(b) of the new section 303ZB of the Town and Country Planning Act 1990, inserted by Clause 128, in the Minister's name.

Schedule 20

LORD YOUNG OF COOKHAM
LORD FAULKNER OF WORCESTER
LORD HUNT OF KINGS HEATH

Schedule 20, page 460, line 25, at end insert—

“8A In section 5 of the 2020 Act (conditions), after subsection (2) insert—

“(2A) Pavement licences can 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.

After Schedule 20

BARONESS SCOTT OF BYBROOK

After Schedule 20, insert the following new Schedule—

“SCHEDULE

USE OF NON-DOMESTIC PREMISES FOR CHILDCARE: REGISTRATION

Introductory

1 The Childcare Act 2006 is amended as follows.

Early years provision

2 In section 32 (maintenance of the two childcare registers), after subsection (5) insert—

“(6) In this section—

- (a) a reference to persons registered as early years childminders is to be read as a reference to persons registered as early years childminders with domestic premises and to persons registered as early years childminders without domestic premises collectively;

- (b) a reference to persons registered as later years childminders is to be read as a reference to persons registered as later years childminders with domestic premises and to persons registered as later years childminders without domestic premises collectively;
 - (c) a reference to persons registered as childminders by the Chief Inspector for the purposes of Chapter 4 is to be read as a reference to persons so registered as childminders with domestic premises and to persons so registered as childminders without domestic premises collectively.”
- 3 (1) Section 33 (requirement to register: early years childminders) is amended as follows.
 - (2) In the heading, at the end insert “with domestic premises”.
 - (3) In subsection (1), in the words before paragraph (a) –
 - (a) after “England” insert “, where some or all of the childminding is provided on domestic premises,”;
 - (b) after “childminder” insert “with domestic premises”.
- 4 (1) Section 34 (requirement to register: early years providers) is amended as follows.
 - (2) For subsections (1) and (1ZA) substitute –
 - “(1) A person may not provide early years provision on non-domestic premises in England unless –
 - (a) the person is registered in the early years register as an early years provider other than a childminder (whether or not the provision is or includes early years childminding), or
 - (b) the provision is early years childminding, none of which is provided on domestic premises, and the person is registered as an early years childminder without domestic premises –
 - (i) in the early years register, or
 - (ii) with an early years childminder agency.
 - (1ZA) Subsection (1)(a) does not apply to early years provision in respect of which the person providing it is required to be registered under section 33(1) or under subsection (1A).”
 - (3) In subsection (1A) –
 - (a) after “96(5)” insert “, and some or all of which is provided on domestic premises,”;
 - (b) after “registered” insert “as an early years provider other than a childminder”.
- 5 (1) Section 35 (applications for registration: early years childminders) is amended as follows.
 - (2) In the heading, at the end insert “with domestic premises”.
 - (3) In subsection (1) –

- (a) in paragraph (a), for “as an early years childminder in the early years register” substitute “in the early years register as an early years childminder with domestic premises”;
 - (b) in paragraph (b), at the end insert “with domestic premises”.
 - (4) In subsection (5), in each of paragraphs (aa) and (ab), after “as an early years childminder” insert “with domestic premises”.
- 6 (1) Section 36 (application for registration: other early years providers) is amended as follows.
- (2) In subsection (1), for the words from “to the Chief” to the end substitute “—
 - “(a) in any case, to the Chief Inspector for registration as an early years provider other than a childminder, or
 - (b) if the early years provision is early years childminding—
 - (i) to the Chief Inspector for registration as an early years childminder without domestic premises, or
 - (ii) to an early years childminder agency for registration with that agency as an early years childminder without domestic premises,
 (whether or not an application is also made under paragraph (a)).”
 - (3) In each of subsections (3) and (4), for “subsection (1)” substitute “subsection (1)(a) or (b)(i)”.
 - (4) In subsection (4A), after “subsection” insert “(1)(b)(ii) or”.
 - (5) In subsection (5), after paragraph (ab) insert—
 - “(ac) prohibiting the applicant from being registered in the early years register as an early years childminder without domestic premises if the applicant is registered with a childminder agency;
 - (ad) prohibiting the applicant from being registered with an early years childminder agency as an early years childminder without domestic premises if the applicant is registered—
 - (i) with another childminder agency;
 - (ii) in the early years register or the general childcare register;”.
- 7 (1) Section 37 (entry on the register and certificates) is amended as follows.
- (2) In subsection (1)(a), after “childminder” insert “with domestic premises”.
 - (3) In subsection (2)—
 - (a) in the words before paragraph (a), for “36(1)” substitute “36(1)(a)”;
 - (b) in paragraph (a), after “childminder” insert “(even if, in the case of an application under section 36(1)(a), the early years provision is or includes early years childminding)”.

- (4) After subsection (2) insert –
- “(2A) If an application under section 36(1)(b)(i) is granted, the Chief Inspector must –
- (a) register the applicant in the early years register as an early years childminder without domestic premises, and
 - (b) give the applicant a certificate of registration stating that the applicant is so registered.”
- (5) In subsection (3), for “or (2)” substitute “, (2) or (2A)”.
- 8 (1) Section 37A (early years childminder agencies: registers and certificates) is amended as follows.
- (2) In subsection (1)(a), after “childminder” insert “with domestic premises”.
- (3) After subsection (1) insert –
- “(1A) If an application under section 36(1)(b)(ii) is granted, the early years childminder agency must –
- (a) register the applicant in the register maintained by the agency as an early years childminder without domestic premises, and
 - (b) give the applicant a certificate of registration stating that the applicant is so registered.”
- (4) In subsection (3), after “(1)” insert “, (1A)”.

Later years provision

- 9 (1) Section 52 (requirement to register: later years childminders for children under eight) is amended as follows.
- (2) In the heading, at the end insert “with domestic premises”.
- (3) In subsection (1), in the words before paragraph (a) –
- (a) after “eight” insert “, where some or all of the childminding is provided on domestic premises,”;
 - (b) after “childminder” insert “with domestic premises”.
- 10 (1) Section 53 (requirement to register: other later years providers for children under eight) is amended as follows.
- (2) For subsections (1) and (1ZA) substitute –
- “(1) A person may not provide, for a child who has not attained the age of eight, later years provision on non-domestic premises in England unless –
- (a) the person is registered in Part A of the general childcare register as a later years provider other than a childminder (whether or not the provision is or includes later years childminding), or
 - (b) the provision is later years childminding, none of which is provided on domestic premises, and the person is registered as a later years childminder without domestic premises –
 - (i) in Part A of the general childcare register, or

- (ii) with a later years childminder agency.
- (1ZA) Subsection (1)(a) does not apply to later years provision in respect of which the person providing it is required to be registered under section 52(1) or under subsection (1A).”
- (3) In subsection (1A) –
 - (a) after “96(9)” insert “, and some or all of which is provided on domestic premises,”;
 - (b) after “registered” insert “as a later years provider other than a childminder”.
- 11 (1) Section 54 (applications for registration: later years childminders) is amended as follows.
 - (2) In the heading, at the end insert “with domestic premises”.
 - (3) In subsection (1) –
 - (a) in paragraph (a), for “as a later years childminder in Part A of the general childcare register” substitute “in Part A of the general childcare register as a later years childminder with domestic premises”;
 - (b) in paragraph (b), at the end insert “with domestic premises”.
 - (4) In subsection (5), in each of paragraphs (aa) and (ab), after “as a later years childminder” insert “with domestic premises”.
- 12 (1) Section 55 (application for registration: other later years providers) is amended as follows.
 - (2) In subsection (1), for the words from “to the Chief” to the end substitute “ –
 - “(a) in any case, to the Chief Inspector for registration as a later years provider other than a childminder, or
 - (b) if the later years provision is later years childminding –
 - (i) to the Chief Inspector for registration as a later years childminder without domestic premises, or
 - (ii) to a later years childminder agency for registration with that agency as a later years childminder without domestic premises,
 (whether or not an application is also made under paragraph (a)).”
 - (3) In each of subsections (3) and (4), for “subsection (1)” substitute “subsection (1)(a) or (b)(i)”.
 - (4) In subsection (4A), after “subsection” insert “(1)(b)(ii) or”.
 - (5) In subsection (5), after paragraph (ab) insert –
 - “(ac) prohibiting the applicant from being registered in Part A of the general childcare register as a later years childminder without domestic premises if the applicant is registered with a childminder agency;

- (ad) prohibiting the applicant from being registered with a later years childminder agency as a later years childminder without domestic premises if the applicant is registered –
 - (i) with another childminder agency;
 - (ii) in the early years register or the general childcare register;”.
- 13 (1) Section 56 (entry on the register and certificates) is amended as follows.
- (2) In subsection (1), in paragraph (a), after “childminder” insert “with domestic premises”.
 - (3) In subsection (2) –
 - (a) in the words before paragraph (a), for “55(1)” substitute “55(1)(a)”;
 - (b) in paragraph (a), after “childminder” insert “(even if, in the case of an application under section 55(1)(a), the later years provision is or includes later years childminding)”.
 - (4) After subsection (2) insert –
 - “(2A) If an application under section 55(1)(b)(i) is granted, the Chief Inspector must –
 - (a) register the applicant in Part A of the general childcare register as a later years childminder without domestic premises, and
 - (b) give the applicant a certificate of registration stating that the applicant is so registered.”
 - (5) In subsection (3), for “or (2)” substitute “, (2) or (2A)”.
- 14 (1) Section 56A (later years childminder agencies: registers and certificates) is amended as follows.
- (2) In subsection (1)(a), after “childminder” insert “with domestic premises”.
 - (3) After subsection (1) insert –
 - “(1A) If an application under section 55(1)(b)(ii) is granted, the later years childminder agency must –
 - (a) register the applicant in the register maintained by the agency as a later years childminder without domestic premises, and
 - (b) give the applicant a certificate of registration stating that the applicant is so registered.”
 - (4) In subsection (3), after “(1)” insert “, (1A)”.
- 15 In section 57 (special procedure for providers registered in the early years register), in subsection (1) –
- (a) in the words before paragraph (a), after “childminder” insert “with or without domestic premises”;
 - (b) in paragraph (a), for “as a later years childminder” substitute “ –
 - (i) in the case of an early years childminder with domestic premises, as a later years childminder with domestic premises;

- (ii) otherwise, as a later years childminder without domestic premises”.
- 16 (1) Section 57A (special procedure for providers registered with early years childminder agencies) is amended as follows.
 - (2) In subsection (1)(a), after “childminder” insert “with or without domestic premises”.
 - (3) In subsection (2)(a), for “as a later years childminder” substitute “—
 - (i) in the case of an early years childminder with domestic premises, as a later years childminder with domestic premises;
 - (ii) otherwise, as a later years childminder without domestic premises”.

Voluntary registration

- 17 (1) Section 62 (applications for registration on the general register: childminders) is amended as follows.
 - (2) In the heading, at the end insert “with domestic premises”.
 - (3) In subsection (1), in the words after paragraph (b)—
 - (a) before “may” insert “where some or all of the childminding is (or is to be) provided on domestic premises,”;
 - (b) at the end insert “with domestic premises”.
- 18 In section 63 (applications for registration on the general register: other childcare providers), for subsection (1) substitute—
 - “(A1) Subsection (1) applies to a person who provides or proposes to provide on premises in England—
 - (a) later years provision for a child who has attained the age of eight, or
 - (b) early years provision or later years provision for a child who has not attained that age but in respect of which the person is not required to be registered under Chapter 2 or 3,
 except where it is provision in respect of which an application for registration may be made under section 62.
 - (1) The person may make an application to the Chief Inspector—
 - (a) in any case, for registration in Part B of the general childcare register as a provider of childcare other than a childminder, or
 - (b) where the provision is early years childminding or later years childminding, for registration in Part B of the general childcare register as a childminder without domestic premises (whether or not an application is also made under paragraph (a)).”
- 19 (1) Section 64 (entry on the register and certificates) is amended as follows.
 - (2) In subsection (1)(a), after “childminder” insert “with domestic premises”.

- (3) In subsection (2) –
- (a) in the words before paragraph (a), for “63(1)” substitute “63(1)(a)”;
 - (b) in paragraph (a), after “childminder” insert “(even if the childcare to be provided is or includes early years or later years childminding)”.
- (4) After subsection (2) insert –
- “(2A) If an application under section 63(1)(b) is granted, the Chief Inspector must –
- (a) register the applicant in Part B of the general childcare register as a childminder without domestic premises, and
 - (b) give the applicant a certificate of registration stating that the applicant is so registered.”
- (5) In subsection (3), for “or (2)” substitute “, (2) or (2A)”.
- 20 In section 65 (special procedure for persons already registered in a childcare register), in subsection (1) –
- (a) in the words before paragraph (a), for the words from “a childminder” to “Part A of the general childcare register” substitute “an early years childminder with or without domestic premises in the early years register, or as a later years childminder with or without domestic premises in Part A of the general childcare register,”;
 - (b) in paragraph (a), after “childminder” insert “(as the case may be, with or without domestic premises)”.
- 21 (1) Section 65A (special procedure for persons already registered with a childminder agency) is amended as follows.
- (2) In subsection (1), in the words before paragraph (a) –
- (a) after the first “early years childminder” insert “with or without domestic premises”;
 - (b) after the first “later years childminder” insert “with or without domestic premises”.
- (3) In subsection (2)(a), after “Chapter” insert “(as the case may be, with or without domestic premises)”.

Common provisions

- 22 (1) Section 68 (cancellation of registration in a childcare register: early years and later years providers) is amended as follows.
- (2) In subsection (3), for the words from “as an early years childminder” to the end substitute “ –
- (a) as an early years childminder with domestic premises if it appears to the Chief Inspector that the person has not provided early years childminding on domestic premises in England for a period of more than three years during which the person was registered;
 - (b) as an early years childminder without domestic premises if it appears to the Chief Inspector that the person has not provided

early years childminding on non-domestic premises in England for a period of more than three years during which the person was registered.”

- (3) In subsection (4), for the words from “as a later years childminder” to the end substitute “—
- (a) as a later years childminder with domestic premises if it appears to the Chief Inspector that the person has not provided later years childminding on domestic premises in England for a period of more than three years during which the person was registered;
 - (b) as a later years childminder without domestic premises if it appears to the Chief Inspector that the person has not provided later years childminding on non-domestic premises in England for a period of more than three years during which the person was registered.”
- (4) In subsection (5), for the words from “as a childminder” to the end substitute “—
- (a) as a childminder with domestic premises if it appears to the Chief Inspector that the person has provided neither early years childminding nor later years childminding on domestic premises in England for a period of more than three years during which the person was registered;
 - (b) as a childminder without domestic premises if it appears to the Chief Inspector that the person has provided neither early years childminding nor later years childminding on non-domestic premises in England for a period of more than three years during which the person was registered.”

23 In section 69 (suspension of registration in a childcare register: early years and later years providers), in each of subsections (3) and (4), after “childminder” insert “with or without domestic premises”.

24 (1) Section 98 (interpretation of Part 3) is amended as follows.

- (2) In subsection (1), in the definition of “domestic premises”, at the end insert “(and references to non-domestic premises are to be construed accordingly)”.
- (3) After subsection (1A) insert—
- “(1B) In this Part, references to a person registered—
- (a) as an early years childminder with domestic premises are to a person registered as such under section 37(1)(a) or 37A(1)(a);
 - (b) as an early years childminder without domestic premises are to a person registered as such under section 37(2A) or 37A(1A);
 - (c) as a later years childminder with domestic premises are to a person registered as such under section 56(1)(a) or 56A(1)(a);
 - (d) as a later years childminder without domestic premises are to a person registered as such under section 56(2A) or 56A(1A).”

Member's explanatory statement

New clause (Childcare: use of non-domestic premises) tabled in the Minister's name allows persons to provide early or later years childminding wholly on non-domestic premises. This Schedule contains supplementary provision about registration, and in particular allows persons providing early or later childminding wholly on non-domestic premises a choice of routes to registration.

Clause 223

BARONESS SCOTT OF BYBROOK

Clause 223, page 265, line 36, leave out “new functions on, or modifying existing functions of,” and insert “the functions of the Health and Safety Executive as the building safety regulator on to”

Member's explanatory statement

This amendment provides that the functions that may be conferred on the new regulator under regulations under Clause 223 are the functions of the Health and Safety Executive as the building safety regulator.

BARONESS SCOTT OF BYBROOK

Clause 223, page 266, line 6, leave out “an Act” and insert “—

- (a) The Health and Safety at Work etc. Act 1974;
- (b) The Building Act 1984;
- (c) TCPA 1990;
- (d) section 54 of PCPA 2004;
- (e) The Building Safety Act 2022.”

Member's explanatory statement

This amendment limits the provision which can be amended, repealed or revoked by regulations under Clause 223 to provision made by or under the listed Acts.

BARONESS SCOTT OF BYBROOK

Clause 223, page 266, line 11, leave out paragraph (b)

Member's explanatory statement

This amendment removes the power of the Secretary of State to extend the sunset for the making of regulations under Clause 223.

After Clause 226

BARONESS SCOTT OF BYBROOK

After Clause 226, insert the following new Clause –

“Childcare: use of non-domestic premises

- (1) In section 96 of the Childcare Act 2006 (meaning of early years and later years provision etc), in each of subsections (4) and (8) omit “, where at least half of the provision is on domestic premises”.
- (2) Schedule (*Use of non-domestic premises for childcare: registration*) amends the Childcare Act 2006 to make provision relating to the registration of persons providing childminding wholly on non-domestic premises.”

Member's explanatory statement

This new clause would have the effect that, for the purposes of Part 3 of the Childcare Act 2006, childcare that is provided to any extent on non-domestic premises may be “early years childminding” or “later years childminding”. It also introduces the proposed Schedule relating to registration.

BARONESS SCOTT OF BYBROOK

After Clause 226, insert the following new Clause –

“Childcare: number of providers

In section 96 of the Childcare Act 2006 (meaning of early years and later years provision etc), in each of subsections (5) and (9), for “three” substitute “four”.

Member's explanatory statement

This new clause would have the effect that, for the purposes of Part 3 of the Childcare Act 2006, the maximum number of persons who may work together to provide “early years childminding” or “later years childminding” is increased from three to four.

LORD RAVENSDALE

LORD BEST

After Clause 226, insert the following new Clause –

“Embodied carbon emissions in buildings

- (1) Within three months of this Act being passed, the Secretary of State must consult on regulations to amend the Building Regulations 2010 (S.I. 2010/2214) to include, but not be limited to, provision for –
 - (a) the approval of a methodology of calculating 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 over 1,000m² or creating more than 10 dwellings) as calculated in accordance with the methodology, must be reported,
 - (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, and
 - (e) a timeline for the introduction of reasonable provisions to be made for the minimisation of embodied carbon emissions in the construction of buildings.
- (2) The Secretary of State must lay regulations on the matters consulted on under subsection (1) before Parliament to come into force within 12 months of the consultation closing and if possible align the coming into force date with the date of implementation of the Future Homes Standard.
- (3) “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).
- (4) “Embodied carbon” means the total greenhouse emissions and removals associated with materials and construction processes throughout the whole life cycle of an asset.
- (5) “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 a consultation on the introduction of regulations to amend the Building Regulations 2010 to introduce provisions for the reporting of whole-life carbon emissions of buildings and to consult on a timeline for setting limits on embodied carbon emissions in the construction of buildings.

After Clause 230

BARONESS SCOTT OF BYBROOK

After Clause 230, insert the following new Clause –

“Power to address conflicts with the Historic Environment (Wales) Act 2023

- (1) The Secretary of State may by regulations amend this Act, or any Act amended by this Act, in consequence of a relevant amending provision of the Historic Environment (Wales) Act 2023 (“HEWA 2023”) coming into force before a provision of this Act.
- (2) That power includes, in relation to an Act amended by this Act, the power to make amendments to serve in place of those contained in this Act.

- (3) Amendments made in reliance on subsection (2) must produce in substance the same effect in relation to England as the amendments contained in this Act would produce if the relevant amending provision of HEWA 2023 were ignored.
- (4) In this section –
- “amend” includes repeal, and related terms are to be read accordingly;
 - a “relevant amending provision” of HEWA 2023 means a provision of that Act that amends an enactment that –
 - (a) is amended by this Act, or
 - (b) relates to an enactment amended by this Act.”

Member's explanatory statement

This new clause confers power to make regulations in consequence of new Welsh legislation which amends some legislation also amended by the Bill and would, if brought into force before the relevant provisions of the Bill, call for some of the changes made by the Bill to be formulated differently.

Clause 231

BARONESS SCOTT OF BYBROOK

Clause 231, page 272, line 31, after “5” insert “other than section 133(1)(a)”

Member's explanatory statement

This amendment is consequential on the amendment in the Minister’s name to Clause 231 at line 19 on page 273.

BARONESS SCOTT OF BYBROOK

Clause 231, page 273, line 4, at end insert “, and –

- (ii) is not made under section (*Power to address conflicts with the Historic Environment (Wales) Act 2023*) or under section 230 in consequence of regulations under section (*Power to address conflicts with the Historic Environment (Wales) Act 2023*).”

Member's explanatory statement

This amendment, together with the amendment in the Minister’s name at page 273, line 24, would apply the negative procedure to regulations made under the proposed new clause in the Minister’s name after Clause 230.

BARONESS SCOTT OF BYBROOK

Clause 231, page 273, line 6, leave out “or (9)”

Member's explanatory statement

This amendment is consequential on the amendment in the Minister’s name which removes subsection (9) from Clause 231.

BARONESS SCOTT OF BYBROOK

Clause 231, page 273, line 19, at end insert –

“(fa) under section 133(1)(a);”

Member's explanatory statement

This amendment provides that the new power to make regulations conferred by the amendment in the Minister's name to Clause 133 at line 18 of page 162 is subject to negative procedure.

LORD RAVENSDALE

Clause 231, page 273, line 23, at end insert –

“(ja) under section (*Embodied carbon emissions in buildings*);”

BARONESS SCOTT OF BYBROOK

Clause 231, page 273, line 24, at end insert –

“(ka) under section (*Power to address conflicts with the Historic Environment (Wales) Act 2023*);”

Member's explanatory statement

See the explanatory statement for the amendment in the Minister's name at page 273, line 4.

BARONESS SCOTT OF BYBROOK

Clause 231, page 273, line 26, leave out subsection (9)

Member's explanatory statement

This amendment has the effect that any regulations made under Clause 11(1) will be subject to the affirmative resolution procedure.

Clause 233

BARONESS SCOTT OF BYBROOK

Clause 233, page 274, line 28, after “226” insert “, and (*childcare: use of non-domestic premises*) (and Schedule (*use of non-domestic premises for childcare: registration*)) and (*childcare: number of providers*)”

Member's explanatory statement

This amendment would have the effect that new clauses and Schedule relating to childcare that are tabled in the Minister's name would extend to England and Wales (but like the rest of Part 3 of the Childcare Act 2006, the amendments to the 2006 Act would apply only in England).

Clause 234

BARONESS SCOTT OF BYBROOK

Clause 234, page 275, line 1, leave out “section 43 comes” and insert “sections 25 and 43 come”

Member's explanatory statement

This amendment provides for Clause 25 (power to provide for election of mayor) and Schedule 2 to the Bill to come into force on Royal Assent.

BARONESS SCOTT OF BYBROOK

Clause 234, page 275, line 16, leave out paragraph (f) and insert –

- “(f) section 58 comes into force at the end of the period of two months beginning with the day on which this Act is passed;
- (fa) section 59 comes into force on the day on which this Act is passed;
- (fb) sections 60 to 62 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 makes provision for Clause 59 of the Bill (consent to conferral of police and crime commissioner functions on mayor) to come into force on Royal Assent.

BARONESS SCOTT OF BYBROOK

Clause 234, page 275, line 35, at end insert –

- “(q) section (*Powers of parish councils*) comes 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 makes provision that new Clause (*Powers of parish councils*) comes into force two months after Royal Assent.*

BARONESS SCOTT OF BYBROOK

Clause 234, page 276, line 11, after “225” insert “, and section (*childcare: use of non-domestic premises*) (and Schedule (*use of non-domestic premises for childcare: registration*)) and section (*childcare: number of providers*)”

Member's explanatory statement

This amendment would have the effect that the new clauses and Schedule relating to childcare that are tabled in the Minister’s name would come into force by regulations.

Title

BARONESS SCOTT OF BYBROOK

Title, line 13, after “land;” insert “about the regulation of childminding;”

Member's explanatory statement

This amendment amends the long title to reflect the new clauses and Schedule tabled in the Minister's name amending the Childcare Act 2006.

Levelling-up and Regeneration Bill

AMENDMENTS
TO BE MOVED
ON REPORT

4 July 2023

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