

Levelling-up and Regeneration Bill

AMENDMENTS TO BE MOVED ON REPORT

[Supplementary to the Second Marshalled List]

Amendment
No.

After Clause 120

BARONESS YOUNG OF OLD SCONE

227A★ After Clause 120, 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 must by regulations make provision to enable prescribed public authorities to charge fees directly to applicants in respect of the provision of advice, information or assistance (including and in particular 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 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) (neighbourhood development orders) (and includes a community organisation which is to be regarded as such a qualifying body by virtue of paragraph 4(2) of Schedule 4C (community right to build orders)), or

- (b) a qualifying body within the meaning given by section 38A(12) of the Planning and Compulsory Purchase Act 2004.
- (5) 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.
- (6) Subsections (7) and (8) 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.
- (7) 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.
- (8) 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.
- (9) A financial year is the period of 12 months beginning with 1 April.
- (10) 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.
- (11) In this section, “fees” include charges (however described).”

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 to recover the costs they incur in so responding, directly from the applicants seeking planning permissions.

Clause 223

LORD ROOKER

264A★ Clause 223, page 266, line 4, at end insert —

- “(3A) The Secretary of State must issue a direction to the new regulator under subsection (3)(d) to commission a report on the electrical safety of those residential tower blocks awaiting new cladding to identify the risk of voltage surges and potential neutral current diversions.”

LORD ROOKER

264B★ Clause 223, page 266, line 4, at end insert –

- “(3A) Within one year of the new regulator being established it must create an Electrical Safe Register with the same duties for electricians as those for gas engineers under the Gas Safe Register.”

After Clause 226LORD RAVENSDALE
BARONESS HAYMAN OF ULLOCK

282E★ After Clause 226, insert the following new Clause –

“Town centre investment zones

- (1) Within one year of the day on which this Act is passed, the Secretary of State must publish the report of a consultation with local authorities on the potential introduction of town centre investment zones.
- (2) Following the publication of the report, 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 (3) have been met.
- (3) The conditions in this subsection are that, in its application under subsection (2), 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.
- (4) 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.
- (5) Before making the first regulations under subsection (2), the Secretary of State must lay a statement before both Houses of Parliament which includes steps taken to ensure local authorities will have no net financial loss as a result of any regulations under this section.”

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.

BARONESS BOYCOTT

282F★ After Clause 226, 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 the purpose of growing food crops or “environmental protection” as defined in section 45 of the Environment Act 2021, 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, and “meanwhile use leases”;
 - (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.

Clause 231

BARONESS BOYCOTT

295A★ Clause 231, page 273, line 23, at end insert –

“(ja) under section (*Community cultivation schemes*);”

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12 July 2023
