

Levelling-up and Regeneration Bill

THIRD MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Instruction of 4th July 2023, as follows –

Clauses 1 to 13	Clauses 192 to 196
Schedule 1	Schedule 19
Clauses 14 to 25	Clauses 197 to 217
Schedule 2	Clauses 79 to 87
Clauses 26 to 31	Schedule 6
Schedule 3	Clauses 88 to 91
Clauses 32 to 54	Schedule 7
Schedule 4	Clauses 92 to 95
Clauses 55 to 78	Schedule 8
Schedule 5	Clauses 96 to 100
Clause 129	Schedule 9
Schedule 12	Clauses 101 to 103
Clauses 130 to 157	Schedule 10
Clauses 161 to 163	Clauses 104 to 106
Schedule 14	Schedule 11
Clauses 164 to 167	Clauses 107 to 128
Schedule 15	Clauses 158 and 159
Clauses 168 to 173	Schedule 13
Schedule 16	Clause 160
Clause 174	Clauses 218 and 219
Schedule 17	Schedule 20
Clauses 175 to 191	Clauses 220 to 235
Schedule 18	Title

[Amendments marked ★ are new or have been altered]

Amendment
No.

After Clause 78

BARONESS TAYLOR OF STEVENAGE
BARONESS BENNETT OF MANOR CASTLE

67 After Clause 78, insert the following new Clause –

“Bus companies: powers of authorities in England

In the Bus Services Act 2017 omit Section 22 (Bus companies: limitation of powers of authorities in England) and insert –

“22 Bus companies: empowerment of authorities in England

- (1) A relevant authority may form a company for the purpose of providing a local service.
- (2) Subsection (1) applies whether the relevant authority is acting alone or with any other person.
- (3) A relevant authority may request further powers in relation to local bus services, including but not limited to the franchising of local bus services and the power to consult local residents over fares, routes and funding.
- (4) If the Secretary of State receives a request under subsection (3), they must introduce regulations subject to affirmative procedure to transfer the powers requested.
- (5) The Bus Directorate in the Department for Transport has a duty to provide advice to authorities in relation to this section.
- (6) In this section –

“company” has the same meaning as in the Companies Acts (see sections 1(1) and 2(1) of the Companies Act 2006);

“form a company” is to be construed in accordance with section 7 of the Companies Act 2006;

“local service” has the same meaning as in the Transport Act 1985 (see section 2 of that Act);

“Passenger Transport Executive”, in relation to an integrated transport area in England or a combined authority area, means the body which is the Executive in relation to that area for the purposes of Part 2 of the Transport Act 1968;

“relevant authority” means –

- (a) a county council in England;
- (b) a district council in England;
- (c) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
- (d) an Integrated Transport Authority for an integrated transport area in England;

- (e) a Passenger Transport Executive for –
 - (i) an integrated transport area in England, or
 - (ii) a combined authority area.””

Member's explanatory statement

This amendment would remove the current ban on establishing new municipal bus companies and would expand the powers required to franchise bus services, which are currently only available to Combined Authorities, to all local transport authorities.

Clause 129

BARONESS PINNOCK

- 68 Leave out Clause 129

Schedule 12

BARONESS TAYLOR OF STEVENAGE
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 69 Schedule 12, page 405, after line 18 insert –

- “(1A) Regulations may only be made under (1) if they include provisions to –
 - (a) support the delivery of levelling-up missions, and
 - (b) ensure all tiers of local government benefit from the distribution of the levy.”

Member's explanatory statement

This aims to ensure that the infrastructure levy supports the delivery of levelling-up missions, and that all tiers of local government benefit from the distribution of the levy.

LORD STUNELL

- 70 Schedule 12, page 406, line 22, at end insert –

- “(5) Any regulations made by virtue of subsection (4)(b) must have regard to the ability to pay of a household of median income within the relevant local planning authority area.”

Member's explanatory statement

This amendment would require regulations defining “affordable housing” for the purpose of the Infrastructure Levy to take into account ability to pay within a local area.

BARONESS TAYLOR OF STEVENAGE

70A★ Schedule 12, page 406, leave out lines 24 and 25 and insert—

- “(1) A charging authority in England may charge IL in respect of development in its area if it determines that IL—
- (a) would be more effective than the community infrastructure levy for delivering infrastructure in its area, and
 - (b) would not prevent the charging authority meeting the level of affordable housing need identified in its local development plan,
- in accordance with IL regulations.”

Member's explanatory statement

This amendment to inserted section 204B, which is connected to Amendment 81, would ensure that application of the Infrastructure Levy would be optional rather than mandatory.

LORD BEST
LORD YOUNG OF COOKHAM
BARONESS THORNHILL
BARONESS WARWICK OF UNDERCLIFFE

71 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.”

BARONESS TAYLOR OF STEVENAGE

71A★ Schedule 12, page 410, leave out lines 32 to line 40 and insert—

- “(2) A charging authority, in setting rates or other criteria, must ensure that—
- (a) the level of affordable housing which is funded by developers and provided in the authority's area, and
 - (b) the level of funding provided by developers of affordable housing provided in the authority's area,

is maintained at a level which, over a specified period, 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 SCOTT OF BYBROOK

72 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

73 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

74 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

75 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

76 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 disapplies 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.

LORD LANSLEY

77 Schedule 12, page 411, line 6, at end insert –

“(c) how funding by developers or the provision of affordable housing in accordance with planning obligations under Section 106 TCPA 1990 are to be taken into account in determining IL liability.”

BARONESS SCOTT OF BYBROOK

78 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

79 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

80 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 TAYLOR OF STEVENAGE

As an amendment to Amendment 80

81 At end insert –

- “(4) If the report finds that the charging of IL has resulted in less affordable housing being available in areas in respect of which IL is charged than would otherwise have been the case, the Secretary of State must publish draft legislation which would –
- (a) disapply the IL in those areas, and

- (b) introduce a new levy which aims to fund increased levels of infrastructure and affordable housing.”

BARONESS SCOTT OF BYBROOK

82 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

83 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

84 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 204Z(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

85 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

86 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

87 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

88 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

89 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.

BARONESS PINNOCK
BARONESS TAYLOR OF STEVENAGE

90 Leave out Schedule 12

After Schedule 12

BARONESS SCOTT OF BYBROOK

91 After Schedule 12, insert the following new Schedule—

“SCHEDULE Sections (Planning data regulations made
by devolved authorities) and (EOR
regulations: devolved authorities)

REGULATIONS UNDER CHAPTER 1 OF PART 3 OR PART 6: RESTRICTIONS ON DEVOLVED
AUTHORITIES

No power to make provision outside devolved competence

- 1 (1) No provision may be made by a devolved authority acting alone in regulations under Chapter 1 of Part 3 or Part 6 unless the provision is within the devolved competence of the devolved authority.
- (2) See paragraphs 5 to 7 for the meaning of “devolved competence”.

Requirement for consent where it would otherwise be required

- 2 (1) The consent of a Minister of the Crown is required before any provision is made by the Welsh Ministers acting alone in regulations under Chapter 1 of Part 3 or Part 6 so far as that provision, if contained in an Act of Senedd Cymru, would require the consent of a Minister of the Crown.
- (2) The consent of the Secretary of State is required before any provision is made by a Northern Ireland department acting alone in regulations under Chapter 1 of Part 3 or Part 6 so far as that provision would, if contained in a Bill for an Act of the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State.
- (3) Sub-paragraph (1) or (2) does not apply if—
 - (a) the provision could be contained in subordinate legislation made otherwise than under this Act by the Welsh Ministers acting alone or (as the case may be) a Northern Ireland devolved authority acting alone, and
 - (b) no such consent would be required in that case.
- (4) The consent of a Minister of the Crown is required before any provision is made by a devolved authority acting alone in regulations under Chapter 1 of Part 3 or Part 6 so far as that provision, if contained in—
 - (a) subordinate legislation made otherwise than under this Act by the devolved authority, or
 - (b) subordinate legislation not falling within paragraph (a) and made otherwise than under this Act by a Northern Ireland devolved authority acting alone,
 would require the consent of a Minister of the Crown.
- (5) Sub-paragraph (4) does not apply if—

- (a) the provision could be contained in—
 - (i) an Act of the Scottish Parliament, an Act of Senedd Cymru or (as the case may be) an Act of the Northern Ireland Assembly, or
 - (ii) different subordinate legislation of the kind mentioned in sub-paragraph (4)(a) or (b) and of a devolved authority acting alone or (as the case may be) other person acting alone, and
- (b) no such consent would be required in that case.

Requirement for joint exercise where it would otherwise be required

- 3 (1) No regulations may be made under Chapter 1 of Part 3 or Part 6 by the Scottish Ministers, so far as they contain provision which relates to a matter in respect of which a power to make subordinate legislation otherwise than under this Act is exercisable by the Scottish Ministers acting jointly with a Minister of the Crown, unless the regulations are, to that extent, made jointly with the Secretary of State.
- (2) No regulations may be made under Chapter 1 of Part 3 or Part 6 by the Welsh Ministers, so far as they contain provision which relates to a matter in respect of which a power to make subordinate legislation otherwise than under this Act is exercisable by the Welsh Ministers acting jointly with a Minister of the Crown, unless the regulations are, to that extent, made jointly with the Secretary of State.
- (3) No regulations may be made under Chapter 1 of Part 3 or Part 6 by a Northern Ireland department, so far as they contain provision which relates to a matter in respect of which a power to make subordinate legislation otherwise than under this Act is exercisable by—
- (a) a Northern Ireland department acting jointly with a Minister of the Crown, or
 - (b) another Northern Ireland devolved authority acting jointly with a Minister of the Crown,
- unless the regulations are, to that extent, made jointly with the Secretary of State.
- (4) Sub-paragraph (1), (2) or (3) does not apply if the provision could be contained in—
- (a) an Act of the Scottish Parliament, an Act of Senedd Cymru or (as the case may be) an Act of the Northern Ireland Assembly without the need for the consent of a Minister of the Crown, or
 - (b) different subordinate legislation made otherwise than under this Act by—
 - (i) the Scottish Ministers acting alone,
 - (ii) the Welsh Ministers acting alone, or
 - (iii) (as the case may be), a Northern Ireland devolved authority acting alone.

Requirement for consultation where it would otherwise be required

- 4 (1) No regulations may be made under Chapter 1 of Part 3 or Part 6 by the Welsh Ministers acting alone, so far as they contain provision which, if contained in an Act of Senedd Cymru, would require consultation with a Minister of the Crown, unless the regulations are, to that extent, made after consulting with the Minister of the Crown.
- (2) No regulations may be made under Chapter 1 of Part 3 or Part 6 by the Scottish Ministers acting alone, so far as they contain provision which relates to a matter in respect of which a power to make subordinate legislation otherwise than under this Act is exercisable by the Scottish Ministers after consulting with a Minister of the Crown, unless the regulations are, to that extent, made after consulting with the Minister of the Crown.
- (3) No regulations may be made under Chapter 1 of Part 3 or Part 6 by the Welsh Ministers acting alone, so far as they contain provision which relates to a matter in respect of which a power to make subordinate legislation otherwise than under this Act is exercisable by the Welsh Ministers after consulting with a Minister of the Crown, unless the regulations are, to that extent, made after consulting with the Minister of the Crown.
- (4) No regulations may be made under Chapter 1 of Part 3 or Part 6 by a Northern Ireland department acting alone, so far as they contain provision which relates to a matter in respect of which a power to make subordinate legislation otherwise than under this Act is exercisable by a Northern Ireland department after consulting with a Minister of the Crown, unless the regulations are, to that extent, made after consulting with the Minister of the Crown.
- (5) Sub-paragraph (2), (3) or (4) does not apply if—
- (a) the provision could be contained in an Act of the Scottish Parliament, an Act of Senedd Cymru or (as the case may be) an Act of the Northern Ireland Assembly, and
 - (b) there would be no requirement for the consent of a Minister of the Crown, or for consultation with a Minister of the Crown, in that case.
- (6) Sub-paragraph (2), (3) or (4) does not apply if—
- (a) the provision could be contained in different subordinate legislation made otherwise than under this Act by—
 - (i) the Scottish Ministers acting alone,
 - (ii) the Welsh Ministers acting alone, or
 - (iii) (as the case may be), a Northern Ireland devolved authority acting alone, and
 - (b) there would be no requirement for the consent of a Minister of the Crown, or for consultation with a Minister of the Crown, in that case.

Meaning of devolved competence

- 5 A provision is within the devolved competence of the Scottish Ministers if—
- (a) it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament, or

- (b) it is provision which could be made in other subordinate legislation by the Scottish Ministers.
- 6 A provision is within the devolved competence of the Welsh Ministers if –
- (a) it would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (including any provision that could be made only with the consent of a Minister of the Crown), or
 - (b) it is provision which could be made in other subordinate legislation by the Welsh Ministers.
- 7 A provision is within the devolved competence of a Northern Ireland department if –
- (a) the provision –
 - (i) would be within the legislative competence of the Northern Ireland Assembly, if contained in an Act of that Assembly, and
 - (ii) would not, if contained in a Bill for an Act of the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State,
 - (b) the provision –
 - (i) amends or repeals Northern Ireland legislation, and
 - (ii) would be within the legislative competence of the Northern Ireland Assembly, if contained in an Act of that Assembly, and would, if contained in a Bill for an Act of the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State, or
 - (c) the provision is provision which could be made in other subordinate legislation by any Northern Ireland devolved authority.

Interpretation

- 8 In this Schedule –
- “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;
 - “Northern Ireland devolved authority” means the First Minister and deputy First Minister in Northern Ireland acting jointly, a Northern Ireland Minister or a Northern Ireland department;
 - “subordinate legislation” has the meaning given in section 20(1) of the European Union (Withdrawal) Act 2018.”

Member's explanatory statement

This amendment inserts a new Schedule (Regulations under Chapter 1 of Part 3 or Part 6: restrictions on devolved authorities) which contains various provision about the restrictions on devolved authorities when making regulations under Chapter 1 of Part 3 or Part 6.

BARONESS SCOTT OF BYBROOK

92 After Schedule 12, insert the following new Schedule –

“SCHEDULE

Section 157(1)

EXISTING ENVIRONMENTAL ASSESSMENT LEGISLATION

PART 1

UNITED KINGDOM AND ENGLAND AND WALES

United Kingdom and England and Wales

- Schedule 3 to the Harbours Act 1964 (procedure for making harbour revision and empowerment orders) so far as relating to environmental impact assessments;
- Part 5A of the Highways Act 1980 (environmental impact assessments);
- Sections 13A to 13D of the Transport and Works Act 1992 (environmental impact assessments);
- The Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1999 (S.I. 1999/360);
- The Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999 (S.I. 1999/1672);
- The Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999 (S.I. 1999/1783);
- The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 (S.I. 1999/2228);
- The Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999 (S.I. 1999/2892);
- The Pipe-line Works (Environmental Impact Assessment) Regulations 2000 (S.I. 2000/1928);
- The Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003 (S.I. 2003/164);
- The Environmental Assessment of Plans and Programmes Regulations 2004 (S.I. 2004/1633);
- The Transport and Works (Applications and Objections Procedure)(England and Wales) Rules 2006 (S.I. 2006/1466) so far as dealing with environmental matters;
- The Environmental Impact Assessment (Agriculture) (England) (No. 2) Regulations 2006 (S.I. 2006/2522);
- The Marine Works (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1518);
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571);

- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/572);
- The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017 (S.I. 2017/580);
- The Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020 (S.I. 2020/1497).

PART 2

SCOTLAND

Scotland

- Sections 20A to 22B and 55A to 55D of the Roads (Scotland) Act 1984 (environmental assessment of certain road construction and improvement projects);
- The Public Gas Transporter Pipeline Works (Environmental Impact Assessment) (Scotland) Regulations 1999 (S.S.I. 1999/1672);
- The Transport and Works (Scotland) Act 2007;
- The Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Rules 2007;
- The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/101);
- The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/102);
- The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/113);
- The Agriculture, Land Drainage and Irrigation Projects (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/114);
- The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/115).

PART 3

WALES

Wales

- The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (S.I. 2004/1656);
- The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009 (S.I. 2009/3342);
- The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 (S.I. 2016/58);

- The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017 (S.I. 2017/565);
- The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (S.I. 2017/567).

PART 4

NORTHERN IRELAND

Northern Ireland

- Part V of the Roads (Northern Ireland) Order 1993 (S.I. 1993/3160 (N.I. 15));
- The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999 (S.R. (N.I.) 1999/73);
- The Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 (S.R. (N.I.) 2004/280);
- The Water Resources (Environmental Impact Assessment) Regulations (Northern Ireland) 2005 (S.R. (N.I.) 2005/32);
- The Environmental Impact Assessment (Forestry) Regulations (Northern Ireland) 2006 (S.R. (N.I.) 2006/518);
- The Environmental Impact Assessment (Agriculture) Regulations (Northern Ireland) 2007 (S.R. (N.I.) 2007/421);
- The Planning Act (Northern Ireland) 2011 (c. 25 (N.I.)).”

Member's explanatory statement

This amendment inserts a new Schedule (Existing environmental assessment legislation) which lists existing environmental assessment legislation.

After Clause 131

BARONESS SCOTT OF BYBROOK

93

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.

LORD STUNELL

- 94 After Clause 131, insert the following new Clause –

“Developer contributions: commercial interest exemption

Section 43 of the Freedom of Information Act 2000 (commercial interests) does not apply in relation to information relevant to charges levied in accordance with Schedule 12 of this Act (infrastructure levy) or Section 106 of the Town and Country Planning Act 1990 (planning obligations).”

Member's explanatory statement

This amendment would remove the exemption from disclosure of relevant information on the grounds of commercial confidentiality in relation to developer contributions.

Clause 132

BARONESS SCOTT OF BYBROOK

- 95 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.

LORD YOUNG OF COOKHAM
LORD LANSLEY

- 96 Leave out Clause 132

Clause 133

BARONESS SCOTT OF BYBROOK

- 97 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.

LORD YOUNG OF COOKHAM
LORD LANSLEY

- 98 Leave out Clause 133

Clause 143

BARONESS SCOTT OF BYBROOK

- 99 Clause 143, page 171, line 36, leave out “the Secretary of State” and insert “an appropriate authority”

Member's explanatory statement

This amendment provides that the power to make regulations specifying environmental protection outcomes may be exercised by “an appropriate authority”.

BARONESS HAYMAN OF ULLOCK

- 100 Clause 143, page 171, line 37, leave out “may” and insert “must”

Member's explanatory statement

This amendment will ensure that climate and other key environmental considerations, including improving the condition of protected sites, will be included in the new EOR regime.

BARONESS HAYMAN OF ULLOCK

- 101 Clause 143, page 172, line 4, 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.

VISCOUNT TRENCHARD
 BARONESS TAYLOR OF STEVENAGE
 THE EARL OF CAITHNESS
 BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

102 Clause 143, page 172, line 9, at end insert –

“(e) protection for chalk streams in England so as to reduce the harmful impacts of excessive abstraction and pollution and improve their physical habitat”

Member's explanatory statement

The amendment will ensure that the impact on chalk streams of relevant projects is explicitly considered, avoided wherever possible, or mitigated.

BARONESS SCOTT OF BYBROOK

103 Clause 143, page 172, line 19, leave out “the Secretary of State” and insert “an appropriate authority”

Member's explanatory statement

This amendment is consequential to the amendment to Clause 143 at line 36 on page 171 in the Minister's name.

BARONESS SCOTT OF BYBROOK

104 Clause 143, page 172, line 20, leave out from “to” to end of line 21 and insert “–

- (a) in the case of regulations made by the Secretary of State acting alone or jointly with a devolved authority or by the Welsh Ministers acting alone, the current environmental improvement plan (within the meaning of Part 1 of the Environment Act 2021),
- (b) in the case of regulations made by a Northern Ireland department acting alone, the current environmental improvement plan (within the meaning of Schedule 2 to that Act), or
- (c) in the case of regulations made by the Scottish Ministers acting alone, the current environmental policy strategy (within the meaning of section 47 of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021) (asp 4).”

Member's explanatory statement

This amendment includes a reference to the definition of “environmental improvement plan” in relation to regulations made by a Northern Ireland department acting alone and to the environmental policy strategy in relation to regulations made by the Scottish Ministers acting alone.

Clause 147

BARONESS SCOTT OF BYBROOK

- 105 Clause 147, page 176, line 3, leave out “The Secretary of State” and insert “An appropriate authority”

Member's explanatory statement

This amendment provides that the requirement to assess the impact of EOR regulations on the overall level of environmental protection before making regulations applies to “an appropriate authority”.

BARONESS HAYMAN OF ULLOCK

- 106 Clause 147, page 176, line 3, leave out from “if” to “by” in line 5 and insert “doing so will result in no diminution of environmental protection as provided for”

Member's explanatory statement

This amendment aims to ensure that the new system of environmental assessment does not weaken existing environmental protections, strengthening the non-regression element of the Clause.

BARONESS HAYMAN OF ULLOCK

- 107 Clause 147, page 176, line 6, 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.

BARONESS SCOTT OF BYBROOK

- 108 Clause 147, page 176, line 11, leave out “the Secretary of State” and insert “an appropriate authority”

Member's explanatory statement

This amendment provides that the requirement for arrangements to exist under which the public will be informed of any proposed relevant consent or plan are sufficient to enable adequate public engagement applies to “an appropriate authority”.

BARONESS SCOTT OF BYBROOK

- 109 Clause 147, page 176, line 19, leave out “Secretary of State” and insert “appropriate authority”

Member's explanatory statement

This amendment is consequential to the amendment to Clause 147 at line 11 on page 176 in the Minister's name.

BARONESS SCOTT OF BYBROOK

- 110** Clause 147, page 176, line 21, after “2021” insert “but disregarding section 46(3) and (4) of that Act”

Member's explanatory statement

This amendment provides that the definition of “environmental law” includes devolved legislation.

Clause 148

BARONESS RITCHIE OF DOWNPATRICK

- 111** Clause 148, page 176, line 25, 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 (Scotland).

BARONESS SCOTT OF BYBROOK

- 112** Clause 148, page 176, line 25, at end insert “, unless that provision is merely incidental to, or consequential on, provision that would be outside that devolved competence”

Member's explanatory statement

This amendment provides that the Secretary of State may make EOR regulations which contain provision within Scottish devolved competence without consulting the Scottish Ministers where the provision is merely incidental to, or consequential upon, provision that is outside that devolved competence.

BARONESS SCOTT OF BYBROOK

- 113** Clause 148, page 176, line 33, leave out sub-paragraph (ii)

Member's explanatory statement

This amendment removes the reference to a person exercising functions of a public nature from the definition of a provision that is “within Scottish devolved competence”.

BARONESS SCOTT OF BYBROOK

- 114** Clause 148, page 176, line 38, leave out “competence after consulting the Welsh Ministers” and insert “legislative competence with the consent of the Welsh Ministers, unless that

provision is merely incidental to, or consequential on, provision that would be outside that devolved legislative competence”

Member's explanatory statement

This amendment requires the Secretary of State to obtain the consent of the Welsh Ministers before making EOR regulations which contain provision within Welsh devolved legislative competence.

BARONESS RITCHIE OF DOWNPATRICK

- 115** Clause 148, page 176, line 38, 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 (Wales).

BARONESS SCOTT OF BYBROOK

- 116** Clause 148, page 176, line 38, at end insert –

“(3A) The Secretary of State may only make EOR regulations which contain provision that could be made by the Welsh Ministers or that confers a function on, or modifies or removes a function of, the Welsh Ministers or a devolved Welsh authority after consulting the Welsh Ministers, unless –

- (a) that provision is contained in regulations which require the consent of the Welsh Ministers by virtue of subsection (3), or
- (b) that provision is merely incidental to, or consequential on, provision that would be outside Welsh devolved legislative competence.

(3B) “Devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).”

Member's explanatory statement

This amendment requires the Secretary of State to consult the Welsh Ministers before making EOR regulations which contain provision that could be made by the Welsh Ministers or that confers a function on, or modifies or removes a function of, the Welsh Ministers or a devolved Welsh authority except in certain circumstances.

BARONESS SCOTT OF BYBROOK

- 117** Clause 148, page 176, line 39, after “devolved” insert “legislative”

Member's explanatory statement

This amendment provides where a provision is “within Welsh devolved legislative competence”.

BARONESS SCOTT OF BYBROOK

- 118** Clause 148, page 177, line 5, leave out paragraphs (b) and (c)

Member's explanatory statement

This amendment is consequential on the amendment made to Clause 148 at line 38 on page 176 in the Minister's name.

BARONESS SCOTT OF BYBROOK

- 119** Clause 148, page 177, line 17, leave out “competence after consulting a Northern Ireland department” and insert “legislative competence with the consent of the relevant Northern Ireland department, unless that provision is merely incidental to, or consequential on, provision that would be outside that devolved legislative competence”

Member's explanatory statement

This amendment requires the Secretary of State to obtain the consent of a Northern Ireland department before making EOR regulations which contain provision within Northern Ireland devolved legislative competence.

BARONESS RITCHIE OF DOWNPATRICK

- 120** Clause 148, page 177, line 17, 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 (Northern Ireland).

BARONESS RITCHIE OF DOWNPATRICK

- 121** Clause 148, page 177, line 17, leave out “a Northern Ireland department” and insert “the Northern Ireland Ministers”

Member's explanatory statement

This introduces the requirement for Ministerial approval for EOR regulations in NI, making the approval process in NI the same as Scotland and Wales.

BARONESS SCOTT OF BYBROOK

- 122** Clause 148, page 177, line 18, at end insert –
- “(5A) The Secretary of State may only make EOR regulations which contain provision that could be made by a Northern Ireland department or that confers a function on, or modifies or removes a function of, a Northern Ireland department after consulting the relevant Northern Ireland department, unless –
- (a) that provision is contained in regulations which require the consent of the relevant Northern Ireland department by virtue of subsection (5), or
 - (b) that provision is merely incidental to, or consequential on, provision that would be outside Northern Ireland devolved legislative competence.

- (5B) The “relevant Northern Ireland department” is such Northern Ireland department as the Secretary of State considers appropriate having regard to the provision which is to be contained in the regulations concerned.”

Member's explanatory statement

This amendment requires the Secretary of State to consult a Northern Ireland department before making EOR regulations which contain provision that could be made by a Northern Ireland department or that confers a function on, or modifies or removes a function of, a Northern Ireland department except in certain circumstances, and provides a definition of the relevant Northern Ireland department.

BARONESS SCOTT OF BYBROOK

- 123** Clause 148, page 177, line 19, after “devolved” insert “legislative”

Member's explanatory statement

This amendment provides where a provision is “within Northern Ireland devolved legislative competence”.

BARONESS SCOTT OF BYBROOK

- 124** Clause 148, page 177, line 26, leave out paragraphs (b) and (c)

Member's explanatory statement

This amendment is consequential on the amendment made to Clause 148 at line 18 on page 177 in the Minister’s name.

After Clause 148

BARONESS SCOTT OF BYBROOK

- 125** After Clause 148, insert the following new Clause –

“EOR regulations: devolved authorities

Schedule (Regulations under Chapter 1 of Part 3 or Part 6: restrictions on devolved authorities) contains restrictions on the exercise of the powers under this Part by devolved authorities.”

Member's explanatory statement

This amendment inserts a new Clause which introduces the Schedule to be inserted after Schedule 12 in the Minister’s name which contains restrictions on the exercise of the powers under this Part by devolved authorities.

Clause 152

BARONESS SCOTT OF BYBROOK

- 126 Clause 152, page 179, line 13, leave out “The Secretary of State” and insert “An appropriate authority”

Member's explanatory statement

This amendment provides that the requirement to consult the public before making certain EOR regulations applies to “an appropriate authority”.

BARONESS SCOTT OF BYBROOK

- 127 Clause 152, page 179, line 16, after “revoking” insert “relevant”

Member's explanatory statement

This amendment is consequential on the amendment inserting a new definition of “relevant existing environmental assessment legislation” into Clause 152 in the Minister’s name.

BARONESS SCOTT OF BYBROOK

- 128 Clause 152, page 179, leave out line 18 and insert “An appropriate authority must consult such persons as the appropriate authority”

Member's explanatory statement

This amendment provides that the requirement to consult such persons as are considered appropriate before making certain EOR regulations applies to “an appropriate authority”.

Clause 153

BARONESS SCOTT OF BYBROOK

- 129 Clause 153, page 180, line 2, leave out “or existing environmental assessment legislation” and insert “other than under regulations made by a devolved authority acting alone”

Member's explanatory statement

This amendment is consequential on the amendment made to Clause 153 at line 4 on page 180 in the Minister’s name.

BARONESS SCOTT OF BYBROOK

- 130 Clause 153, page 180, line 4, at end insert –

“(1A) A public authority carrying out a function under regulations made under this Part by the Secretary of State acting jointly with one or more devolved authorities must have regard to any guidance issued by the Secretary of State or any of those devolved authorities in relation to the function.

(1B) Before issuing guidance under subsection (1A)–

- (a) the Secretary of State must –
 - (i) consult the Scottish Ministers so far as the guidance relates to a matter provision about which would be within Scottish devolved competence by virtue of section 148(2)(a);
 - (ii) obtain the consent of the Welsh Ministers so far as the guidance relates to a matter provision about which would be within Welsh devolved legislative competence (see section 148(4));
 - (iii) obtain the consent of the relevant Northern Ireland department so far as the guidance relates to a matter provision about which would be within Northern Ireland devolved legislative competence (see section 148(6));
 - (b) the Scottish Ministers must obtain the consent of the Secretary of State so far as the guidance relates to a matter provision about which would not be within Scottish devolved competence by virtue of section 148(2)(a);
 - (c) the Welsh Ministers must obtain the consent of the Secretary of State so far as the guidance relates to a matter provision about which would be outside Welsh devolved legislative competence (see section 148(4));
 - (d) a Northern Ireland department must obtain the consent of the Secretary of State so far as the guidance relates to a matter provision about which would be outside Northern Ireland devolved legislative competence (see section 148(6)).
- (1C) The “relevant Northern Ireland department” is such Northern Ireland department as the Secretary of State considers appropriate having regard to the material which is to be contained in the guidance concerned.
- (1D) A public authority carrying out a function under regulations made under this Part by a devolved authority acting alone must have regard to any guidance issued by the devolved authority in relation to the function.
- (1E) A public authority carrying out a function under existing environmental assessment legislation listed in Part 1 of Schedule (*Existing environmental assessment legislation*) must have regard to any guidance issued by the Secretary of State in relation to the function.
- (1F) A public authority carrying out a function under existing environmental assessment legislation listed in Part 2 of Schedule (*Existing environmental assessment legislation*) must have regard to any guidance issued by the Scottish Ministers in relation to the function.
- (1G) A public authority carrying out a function under existing environmental assessment legislation listed in Part 3 of Schedule (*Existing environmental assessment legislation*) must have regard to any guidance issued by the Welsh Ministers in relation to the function.
- (1H) A public authority carrying out a function under existing environmental assessment legislation listed in Part 4 of Schedule (*Existing environmental assessment legislation*) must have regard to any guidance issued by a Northern Ireland department in relation to the function.”

Member's explanatory statement

This amendment makes provision about devolved authorities issuing guidance to public authorities about functions under regulations under this Part or under certain devolved existing environmental assessment legislation in certain circumstances and requires public authorities to have regard to such guidance.

BARONESS SCOTT OF BYBROOK

- 131** Clause 153, page 180, line 6, leave out “the Secretary of State” and insert “an appropriate authority”

Member's explanatory statement

This amendment is consequential on the amendment to Clause 153 at line 4 on page 180 in the Minister's name.

Clause 154

BARONESS SCOTT OF BYBROOK

- 132** Clause 154, page 180, line 17, after “under” insert “relevant”

Member's explanatory statement

This amendment limits the power under subsection (2)(a) of Clause 154 to “relevant existing environmental assessment legislation”.

BARONESS SCOTT OF BYBROOK

- 133** Clause 154, page 180, line 18, after “the” insert “relevant”

Member's explanatory statement

This amendment limits the power under subsection (2)(a) of Clause 154 to “the relevant Habitats Regulations”.

BARONESS SCOTT OF BYBROOK

- 134** Clause 154, page 180, line 26, after “of” insert “relevant”

Member's explanatory statement

This amendment limits the power under subsection (2)(d) of Clause 154 to “relevant existing environmental assessment legislation”.

BARONESS SCOTT OF BYBROOK

- 135** Clause 154, page 180, line 27, after “the” insert “relevant”

Member's explanatory statement

This amendment limits the power under subsection (2)(d) of Clause 154 to “the relevant Habitats Regulations”.

BARONESS SCOTT OF BYBROOK

136 Clause 154, page 180, line 34, after “revoke” insert “relevant”

Member's explanatory statement

This amendment limits the power under subsection (3) of Clause 154 to “relevant existing environmental assessment legislation”.

BARONESS SCOTT OF BYBROOK

137 Clause 154, page 180, line 42, at end insert –

- “(d) the Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716);
- (e) the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (S.R. (N.I.) 1995/380).”

Member's explanatory statement

This amendment includes some devolved legislation within the definition of “the Habitats Regulations”.

BARONESS SCOTT OF BYBROOK

138 Clause 154, page 180, line 42, at end insert –

““the relevant Habitats Regulations” means –

- (a) in relation to EOR regulations made by the Secretary of State acting alone or jointly with one or more devolved authorities, the legislation listed in the definition of “the Habitats Regulations”;
- (b) in relation to EOR regulations made by the Scottish Ministers acting alone, the legislation listed in paragraph (d) of that definition;
- (c) in relation to EOR regulations made by the Welsh Ministers acting alone, the legislation listed in the definition of “the Habitats Regulations” so far as it applies in relation to Wales;
- (d) in relation to EOR regulations made by a Northern Ireland department acting alone, the legislation listed in paragraph (e) of that definition.”

Member's explanatory statement

This amendment inserts a new definition of “the relevant Habitats Regulations”.

After Clause 156

LORD RANDALL OF UXBRIDGE
BARONESS WILLIS OF SUMMERTOWN
BARONESS JONES OF WHITCHURCH
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

139 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.”

Clause 157

BARONESS SCOTT OF BYBROOK

- 140** Clause 157, page 182, line 7, after “means” insert “the legislation listed in Schedule (*Existing environmental assessment legislation*)”

Member's explanatory statement

This amendment introduces the Schedule inserted after Schedule 12 in the Minister's name which lists the existing environmental assessment legislation for the purposes of the definition.

BARONESS SCOTT OF BYBROOK

- 141** Clause 157, page 182, line 8, leave out from beginning to the end of line 3 on page 183

Member's explanatory statement

This amendment leaves out the list of existing environmental assessment legislation because the detail of that definition is being moved into the Schedule inserted after Schedule 12 in the Minister's name.

BARONESS SCOTT OF BYBROOK

- 142** Clause 157, page 183, line 3, at end insert –

- “(1A) “Relevant existing environmental assessment legislation” means –
- (a) in relation to EOR regulations made by the Secretary of State acting alone or jointly with one or more devolved authorities, the legislation listed in Schedule (*Existing environmental assessment legislation*);
 - (b) in relation to EOR regulations made by the Scottish Ministers acting alone, the legislation listed in Part 2 of that Schedule;
 - (c) in relation to EOR regulations made by the Welsh Ministers acting alone, the legislation listed in Part 3 of that Schedule;
 - (d) in relation to EOR regulations made by a Northern Ireland department acting alone, the legislation listed in Part 4 of that Schedule.”

Member's explanatory statement

This amendment inserts a new definition of “relevant existing environmental assessment legislation”.

BARONESS SCOTT OF BYBROOK

- 143** Clause 157, page 183, line 4, at end insert –

- ““appropriate authority” means –
- (a) the Secretary of State,
 - (b) a devolved authority, or
 - (c) the Secretary of State acting jointly with one or more devolved authorities;”

Member's explanatory statement

This amendment provides the definition for Part 6 of “an appropriate authority” as the Secretary of State, a devolved authority or the Secretary of State acting jointly with one or more devolved authorities.

BARONESS SCOTT OF BYBROOK

144 Clause 157, page 183, line 7, at end insert –

““devolved authority” means –

- (a) the Scottish Ministers,
- (b) the Welsh Ministers, or
- (c) a Northern Ireland department;”

Member's explanatory statement

This amendment provides the definition of a “devolved authority” for Part 6.

BARONESS SCOTT OF BYBROOK

145 Clause 157, page 183, line 27, at end insert –

““relevant existing environmental assessment legislation” has the meaning given by subsection (1A);”

Member's explanatory statement

This amendment is consequential on the amendment inserting a new definition of “relevant existing environmental assessment legislation” into Clause 157 in the Minister’s name.

Clause 161

BARONESS SCOTT OF BYBROOK

146 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

147 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

148 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

149 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

150 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

151 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

152 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

153 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 180

BARONESS SCOTT OF BYBROOK

154 Clause 180, page 225, line 19, leave out from “is” to end of line 27 and insert “constructed or adapted for use as a separate dwelling and –

- (a) in the case of a building in England, 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, or
 (b) in the case of a building in Wales, is to be used as housing of a description that is prescribed.”;

Member's explanatory statement

This amendment and the amendments in the Minister's name at page 234, line 23 and page 235, line 43 adjust the definition of affordable housing used in Clause 180 so that an existing definition relevant only to England is not made to apply in Wales.

BARONESS SCOTT OF BYBROOK

155 Clause 180, page 225, line 32, at end insert –

- “A1 Section 21A(1)(c) and (2)(c) of the Welsh Development Agency Act 1975 (acquisition by Welsh Ministers of land in England for Welsh development purposes).”

Member's explanatory statement

This amendment extends the power to direct that compensation be assessed without regard to potential planning permission so that it applies to acquisitions of land in England by the Welsh Ministers under the Welsh Development Agency Act 1975.

BARONESS SCOTT OF BYBROOK

156 Clause 180, page 226, leave out lines 14 and 15 and insert –

- “9 In the National Health Service (Wales) Act 2006 –
- (a) paragraph 20 of Schedule 2 (acquisition by local health board);
 - (b) paragraph 27 of Schedule 3 (acquisition by NHS trust).”

Member's explanatory statement

This amendment extends the power to direct that compensation be assessed without regard to potential planning permission so that it applies to acquisitions of land by NHS trusts in Wales.

BARONESS SCOTT OF BYBROOK

157 Clause 180, page 232, line 41, at end insert –

- “(3A) In the case of a compulsory purchase order made under section 21A(1)(b) or (2)(b) of the Welsh Development Agency Act 1975 (compulsory acquisition by Welsh Ministers of land in Wales for Welsh development purposes) –
- (a) the reference in paragraph 1(4) to submission under section 15A(3) of the Acquisition of Land Act 1981 is to be read as a reference to preparation under paragraph 3B(2) of Schedule 4 to the Welsh Development Agency Act 1975, 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.”

Member's explanatory statement

This amendment is consequential on the amendment in the Minister's name at page 236, line 8.

BARONESS SCOTT OF BYBROOK

158 Clause 180, page 234, line 23, leave out from “is” to end of line 31 and insert “constructed or adapted for use as a separate dwelling and –

- (a) in the case of a building in England, 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 set out in regulations made by the Secretary of State, or
- (b) in the case of a building in Wales, is to be used as housing of a description that is set out in regulations made by the Welsh Ministers.”;

Member's explanatory statement

See the explanatory statement for the amendment in the Minister's name at page 225, line 19.

BARONESS SCOTT OF BYBROOK

- 159 Clause 180, page 235, line 43, leave out from “is” to end of line 8 on page 236 and insert “constructed or adapted for use as a separate dwelling and –
- (a) in the case of a building in England, 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 set out in regulations made by the Secretary of State, or
 - (b) in the case of a building in Wales, is to be used as housing of a description that is set out in regulations made by the Welsh Ministers.””

Member's explanatory statement

See the explanatory statement for the amendment in the Minister's name at page 225, line 19.

BARONESS SCOTT OF BYBROOK

- 160 Clause 180, page 236, line 8, at end insert –
- “(3A) In Part 1 of Schedule 4 to the Welsh Development Agency Act 1975 (procedure for compulsory acquisition under that Act), after paragraph 3A insert –
- “3B (1) Where the Welsh Ministers prepare a compulsory purchase order in draft under section 21A(1)(b) or (2)(b), they may include in the draft 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 they do so the following provisions of this paragraph apply.
- (2) The Welsh Ministers must prepare a statement of commitments together with the draft order.
 - (3) A “statement of commitments” is a statement of the Welsh Ministers' intentions as to what will be done with the project land should the acquisition proceed, so far as they rely 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 statement under paragraph 3(1)(a) of Schedule 1 to the 1981 Act must include a statement of the effect of the direction; and paragraphs (ba) and (bb) of the same sub-paragraph apply in respect of the statement of commitments as they apply in respect of the draft order.
 - (6) The Welsh Ministers may amend the statement of commitments before the compulsory purchase order is made.
 - (7) But they 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 paragraph 4 of Schedule 1 to the 1981 Act, and
 - (b) only if the statement of commitments as amended will still comply with sub-paragraph (4).
- (8) If the Welsh Ministers decide to make the compulsory purchase order in accordance with the applicable provisions of Schedule 1 to the 1981 Act—
 - (a) they may make the order with the direction included if satisfied that the direction is justified in the public interest;
 - (b) otherwise, they must modify the draft of the order so as to remove the direction.
- (9) If the order is made with the direction included, a making notice under paragraph 6 of Schedule 1 to the 1981 Act must (in addition to the matters set out in sub-paragraph (4) of that paragraph) —
 - (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 Welsh Ministers intend to be used in connection with that land;
 - “unit of affordable housing” means a building or part of a building that is constructed or adapted for use as a separate dwelling and—
 - (a) in the case of a building in Wales, is to be used as housing of a description that is set out in regulations made by the Welsh Ministers, or
 - (b) in the case of a building in England, 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 set out in regulations made by the Secretary of State.
- (11) A statutory instrument containing regulations under sub-paragraph (10) is subject to annulment in pursuance of a resolution of—
 - (a) Senedd Cymru, in the case of regulations made by the Welsh Ministers, or
 - (b) either House of Parliament, in the case of regulations made by the Secretary of State.””

Member's explanatory statement

This amendment duplicates the new power to direct that compensation be assessed without regard to potential planning permission for acquisitions of land in Wales by the Welsh Ministers under the Welsh Development Agency Act 1975.

Clause 183

BARONESS SCOTT OF BYBROOK

161 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).

BARONESS SCOTT OF BYBROOK

161A Clause 183, page 238, line 18, after “count” insert “as occupation”

Member's explanatory statement

This amendment makes a drafting clarification.

After Clause 199

BARONESS HAYMAN OF ULLOCK

162 [Withdrawn]

After Clause 202

BARONESS TAYLOR OF STEVENAGE

163 After Clause 202, insert the following new Clause –

“Support for pubs

Within 120 days of the day on which this Act is passed, a Minister of the Crown must publish a strategy to support the pub industry and reduce the number of pubs closing.”

Member's explanatory statement

This amendment is intended to help support the pub industry.

BARONESS HAYMAN OF ULLOCK
BARONESS PINNOCK

164 After Clause 202, insert the following new Clause –

“High street financial services

- (1) The Secretary of State must engage with local authorities to devise strategies to reduce the number of high street financial services becoming vacant premises.
- (2) For the purposes of this section high street financial services includes but is not limited to banks, post offices and cash machines.”

Member's explanatory statement

This is aimed at protecting banks, post offices and cash machines on high streets by placing a new duty on the Secretary of State.

Clause 79

BARONESS SCOTT OF BYBROOK

165 Clause 79, page 88, line 25, leave out “the Secretary of State” and insert “an appropriate authority”

Member's explanatory statement

This amendment provides that the power to make planning data regulations may be exercised by “an appropriate authority”.

BARONESS SCOTT OF BYBROOK

166 Clause 79, page 88, line 37, leave out “the Secretary of State” and insert “an appropriate authority”

Member's explanatory statement

This amendment provides that the power to publish approved data standards may be exercised by “an appropriate authority”.

BARONESS SCOTT OF BYBROOK

167 Clause 79, page 88, line 37, at end insert –

- “(4) A devolved authority may only publish approved data standards in relation to planning data about which the devolved authority acting alone could make planning data regulations.”

Member's explanatory statement

This amendment limits the power of devolved authorities to publish approved data standards to standards that relate to planning data about which the devolved authority could make planning data regulations.

Clause 82

BARONESS SCOTT OF BYBROOK

- 168 Clause 82, page 90, line 23, after “regulations” insert “made by the Secretary of State”

Member's explanatory statement

This amendment provides that the power to make regulations requiring the use of approved planning data software in England may only be exercised by the Secretary of State.

Clause 84

BARONESS SCOTT OF BYBROOK

- 169 Clause 84, page 91, line 10, at end insert “, unless that provision is merely incidental to, or consequential on, provision that would be outside that devolved competence”

Member's explanatory statement

This amendment provides that the Secretary of State may make planning data regulations which contain provision within Scottish devolved competence without consulting the Scottish Ministers where the provision is merely incidental to, or consequential upon, provision that is outside that devolved competence.

BARONESS SCOTT OF BYBROOK

- 170 Clause 84, page 91, line 18, leave out sub-paragraph (ii)

Member's explanatory statement

This amendment removes the reference to a person exercising functions of a public nature from the definition of a provision that is “within Scottish devolved competence”.

BARONESS SCOTT OF BYBROOK

- 171 Clause 84, page 91, line 23, leave out “competence after consulting the Welsh Ministers” and insert “legislative competence with the consent of the Welsh Ministers, unless that provision is merely incidental to, or consequential on, provision that would be outside that devolved legislative competence”

Member's explanatory statement

This amendment requires the Secretary of State to obtain the consent of the Welsh Ministers before making planning data regulations which contain provision within Welsh devolved legislative competence.

BARONESS SCOTT OF BYBROOK

172 Clause 84, page 91, line 24, at end insert –

“(3A) The Secretary of State may only make planning data regulations which contain provision that could be made by the Welsh Ministers or that confers a function on, or modifies or removes a function of, the Welsh Ministers or a devolved Welsh authority after consulting the Welsh Ministers, unless –

- (a) that provision is contained in regulations which require the consent of the Welsh Ministers by virtue of subsection (3), or
- (b) that provision is merely incidental to, or consequential on, provision that would be outside Welsh devolved legislative competence.

(3B) “Devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).”

Member's explanatory statement

This amendment requires the Secretary of State to consult the Welsh Ministers before making planning data regulations which contain provision that could be made by the Welsh Ministers or that confers a function on, or modifies or removes a function of, the Welsh Ministers or a devolved Welsh authority except in certain circumstances.

BARONESS SCOTT OF BYBROOK

173 Clause 84, page 91, line 25, after “devolved” insert “legislative”

Member's explanatory statement

This amendment provides where a provision is “within Welsh devolved legislative competence”.

BARONESS SCOTT OF BYBROOK

174 Clause 84, page 91, line 30, leave out paragraphs (b) and (c)

Member's explanatory statement

This amendment is consequential on the amendment made to Clause 84 at line 24 on page 91 in the Minister's name.

BARONESS SCOTT OF BYBROOK

175 Clause 84, page 92, line 2, leave out “competence after consulting a Northern Ireland department” and insert “legislative competence with the consent of the relevant Northern Ireland department, unless that provision is merely incidental to, or consequential on, provision that would be outside that devolved legislative competence”

Member's explanatory statement

This amendment requires the Secretary of State to obtain the consent of a Northern Ireland department before making planning data regulations which contain provision within Northern Ireland devolved legislative competence.

BARONESS SCOTT OF BYBROOK

176 Clause 84, page 92, line 3, at end insert –

- “(5A) The Secretary of State may only make planning data regulations which contain provision that could be made by a Northern Ireland department or that confers a function on, or modifies or removes a function of, a Northern Ireland department after consulting the relevant Northern Ireland department, unless –
- (a) that provision is contained in regulations which require the consent of the relevant Northern Ireland department by virtue of subsection (5), or
 - (b) that provision is merely incidental to, or consequential on, provision that would be outside Northern Ireland devolved legislative competence.
- (5B) The “relevant Northern Ireland department” is such Northern Ireland department as the Secretary of State considers appropriate having regard to the provision which is to be contained in the regulations concerned.”

Member's explanatory statement

This amendment requires the Secretary of State to consult a Northern Ireland department before making planning data regulations which contain provision that could be made by a Northern Ireland department or that confers a function on, or modifies or removes a function of, a Northern Ireland department except in certain circumstances, and provides a definition of the relevant Northern Ireland department.

BARONESS SCOTT OF BYBROOK

177 Clause 84, page 92, line 4, after “devolved” insert “legislative”

Member's explanatory statement

This amendment provides where a provision is “within Northern Ireland devolved legislative competence”.

BARONESS SCOTT OF BYBROOK

178 Clause 84, page 92, line 11, leave out paragraphs (b) and (c)

Member's explanatory statement

This amendment is consequential on the amendment made to Clause 84 at line 3 on page 92 in the Minister's name.

After Clause 84

BARONESS SCOTT OF BYBROOK

179 After Clause 84, insert the following new Clause –

“Planning data regulations made by devolved authorities

Schedule (*Regulations under Chapter 1 of Part 3 or Part 6: restrictions on devolved authorities*) contains restrictions on the exercise of the powers under this Chapter by devolved authorities.”

Member's explanatory statement

This amendment inserts a new Clause which introduces the Schedule to be inserted after Schedule 12 in the Minister's name which contains restrictions on the exercise of the powers under this Chapter by devolved authorities.

Clause 85

BARONESS SCOTT OF BYBROOK

180 Clause 85, page 92, line 21, at end insert –

““appropriate authority” means –

- (a) the Secretary of State,
- (b) a devolved authority, or
- (c) the Secretary of State acting jointly with one or more devolved authorities;”

Member's explanatory statement

This amendment provides the definition of “an appropriate authority” for Chapter 1 of Part 3 as the Secretary of State, a devolved authority or the Secretary of State acting jointly with one or more devolved authorities.

BARONESS SCOTT OF BYBROOK

181 Clause 85, page 92, line 22, at end insert –

““devolved authority” means –

- (a) the Scottish Ministers,
- (b) the Welsh Ministers, or
- (c) a Northern Ireland department;”

Member's explanatory statement

This amendment provides the definition of a “devolved authority” for Chapter 1 of Part 3.

After Clause 86

BARONESS PARMINTER
 BARONESS JONES OF WHITCHURCH
 BARONESS WILLIS OF SUMMERTOWN

182 After Clause 86, 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 87

LORD LANSLEY

183 Clause 87, page 95, line 5, after “the” insert “up-to-date”

Member’s explanatory statement

The amendments to Clause 87 and Clause 231 in the name of Lord Lansley would give statutory weight to up-to-date local plans and enable the Secretary of State to set out the definition of “up-to-date” and the weight to be given, respectively, to emerging plans or to those no longer up-to-date.

LORD LANSLEY

184 Clause 87, page 95, line 8 after “the” insert “up-to-date”

Member’s explanatory statement

The amendments to Clause 87 and Clause 231 in the name of Lord Lansley would give statutory weight to up-to-date local plans and enable the Secretary of State to set out the definition of “up-to-date” and the weight to be given, respectively, to emerging plans or to those no longer up-to-date.

LORD LANSLEY

185 Clause 87, page 95, line 11 after “the” insert “up-to-date”

Member's explanatory statement

The amendments to Clause 87 and Clause 231 in the name of Lord Lansley would give statutory weight to up-to-date local plans and enable the Secretary of State to set out the definition of “up-to-date” and the weight to be given, respectively, to emerging plans or to those no longer up-to-date.

BARONESS HAYMAN OF ULLOCK

186 Clause 87, page 95, line 13, leave out “the national development management policy” and insert “a determination made with consideration to –

- (a) which policy has been most recently adopted, approved and published,
- (b) representations made by local authorities,
- (c) the importance of adequate housing supply, and
- (d) protection of the natural environment.”

Member's explanatory statement

This amendment would change how conflicts between development plans and NDMPs are resolved.

LORD LANSLEY

187 Clause 87, page 95, line 13, at end insert –

- “(5D) The Secretary of State may by regulations make provision as to the meaning of “up-to-date” in relation to a development plan as specified in subsection (5A), (5B) and (5C); and
- (5E) the Secretary of State may issue guidance in relation to the weight to be given in making determinations under the planning Acts as regards plans which are emerging or which are no longer up-to-date.”

Member's explanatory statement

The amendments to Clause 87 and Clause 231 in the name of Lord Lansley would give statutory weight to up-to-date local plans and enable the Secretary of State to set out the definition of “up-to-date” and the weight to be given, respectively, to emerging plans or to those no longer up-to-date.

After Clause 87

BARONESS TAYLOR OF STEVENAGE

188 After Clause 87, insert the following new Clause –

“NDMP Statement

Sections 85 to 87 may not come into force until a Minister of State has published a statement outlining the position of National Development Management Policies

in planning hierarchy and their relationship with other planning documents, including but not limited to the National Planning Policy Framework.”

Member's explanatory statement

This means that a Minister must outline the position of the National Development Management Policies within the planning hierarchy and its relationship with other planning documents.

Clause 88

LORD LANSLEY

- 189** Clause 88, page 95, line 26, after “to” insert “the processes or criteria by which any determination is to be made under the planning Acts, as regards”

Member's explanatory statement

This amendment would limit the scope of NDMP to those policies which govern the determination of planning applications, not policies which are to be included in the Local Plan relating to the use of land.

BARONESS THORNHILL
LORD SHIPLEY

- 190** Clause 88, page 95, leave out lines 30 to 37 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 clause 38ZB, and the parliamentary requirements set out in clause 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 here “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, includes an explanation of how the policy set out 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 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. 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.

After Clause 88

LORD RAVENSDALE
 BARONESS HAYMAN OF ULLOCK
 LORD LANSLEY
 LORD TEVERSON

191 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.

LORD CRISP
LORD YOUNG OF COOKHAM
LORD BLUNKETT
LORD STUNELL

191A After Clause 88, insert the following new Clause –

“Secretary of State’s duty to promote healthy homes and neighbourhoods

- (1) The Secretary of State must promote a comprehensive regulatory framework for planning and the built environment designed to secure –
 - (a) the physical, mental and social health and well-being of the people of England, and
 - (b) healthy homes and neighbourhoods.
- (2) The Secretary of State may by regulations make provision for a system of standards that promotes and secures healthy homes on condition that certain requirements prescribed in the regulations are met.
- (3) Schedule (*Healthy homes*) makes provision about healthy homes standards.”

Before Schedule 7

LORD CRISP
LORD YOUNG OF COOKHAM
LORD BLUNKETT
LORD STUNELL

191B Before Schedule 7, insert the following new Schedule –

“SCHEDULE

HEALTHY HOMES

Policy statement on healthy homes principles

- 1 The Secretary of State must prepare a statement in accordance with this schedule (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 and relevant responsible authorities 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.

Meaning of “healthy homes principles”

- 4 In this Act “healthy homes principles” means 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 adverse 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.

Policy statement on healthy homes principles: process

- 5 The Secretary of State must prepare a draft of the policy statement on healthy homes principles.
- 6 The Secretary of State must consult such persons as the Secretary of State considers appropriate in relation to the draft statement.
- 7 The Secretary of State must lay the draft statement before Parliament.
- 8 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.
- 9 The Secretary of State must lay before Parliament, and publish, the final statement, but not before –
- (a) if paragraph 8 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.
- 10 The Secretary of State may revise the policy statement on healthy homes principles at any time (and paragraphs 5 to 11 apply in relation to any revised statement).
- 11 “Sitting day” means a day on which both Houses of Parliament sit.

Policy statement on healthy homes principles: effect

- 12 A Minister of the Crown must have regard to the healthy homes principles when making, developing or revising policies dealt with by the statement.
- 13 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.
- 14 “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.

Annual monitoring

- 15 The Secretary of State must prepare a progress report for each annual reporting period.
- 16 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 paragraph 4.
- 17 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 (the protected characteristics).
- 18 A progress report must include consideration of how progress could be improved.
- 19 The Secretary of State must arrange for each progress report to be –
 - (a) laid before Parliament, and
 - (b) published.”

Schedule 7

LORD LANSLEY
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

192 Schedule 7, page 335, line 40, at end insert –

“15AAA 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 assistance of each authority in their area which is an authority falling within subsection (4).
- (2) Each authority from whom assistance 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 assistance 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.”

Member's explanatory statement

This amendment would require participating authorities in a joint spatial development strategy to seek assistance from relevant counties and other councils.

LORD LANSLEY

193 Schedule 7, page 347, line 17, at end insert –

- “(3A) 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.

LORD LANSLEY

194 Schedule 7, page 347, line 33, at end insert –

- “(d) 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 policies to promote economic growth.

LORD LANSLEY
LORD YOUNG OF COOKHAM
LORD BEST
BARONESS HAYMAN OF ULLOCK

195 Schedule 7, page 347, 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 as specified by Government targets.

LORD LANSLEY
LORD YOUNG OF COOKHAM

196 Schedule 7, page 348, line 36, 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,”

Clause 93

BARONESS SCOTT OF BYBROOK

197 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
LORD HUNT OF KINGS HEATH
LORD FOSTER OF BATH
THE LORD BISHOP OF LONDON

198 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.

LORD BERKELEY
LORD YOUNG OF COOKHAM

199 After Clause 94, 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 must 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.

After Clause 95

BARONESS HAYMAN OF ULLOCK

200 After Clause 95, insert the following new Clause –

“Meeting local housing need

The Secretary of State must take all reasonable steps to ensure that the National Planning Policy Framework and associated guidance on local housing need and the Housing Delivery Test require local planning authorities to plan to meet objectively assessed local housing need as defined by the standard method.”

Member's explanatory statement

This amendment aims to reinstate provisions for housing targets.

BARONESS HAYMAN OF ULLOCK
LORD STUNELL
BARONESS BENNETT OF MANOR CASTLE

201 After Clause 95, insert the following new Clause –

“Definition of affordable housing

- (1) Within 90 days of the day on which this Act is passed, a Minister of the Crown must publish the report of a consultation on the definition of affordable housing.
- (2) Within 30 days of the publication of the report, a Minister of the Crown must by regulations update the definition of affordable housing as set out in Annex 2 to the National Planning Policy Framework.”

Member's explanatory statement

This amendment means that the Government must update the definition of affordable housing following a consultation.

Schedule 8

BARONESS PARMINTER
BARONESS JONES OF WHITCHURCH
BARONESS WILLIS OF SUMMERTOWN

202 Schedule 8, page 396, line 37, at end insert –

“Natural Environment and Rural Communities Act 2006

- 41 The Natural Environment and Rural Communities Act 2006 is amended as follows.
- 42 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”.
- 43 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 86. It ensures the Secretary of State's guidance to LPAs on how to have regard to LNRs 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 LNRs and requires reporting by local authorities.

After Clause 99

LORD NORTHBROOK
LORD BELLINGHAM

203 After Clause 99, insert the following new Clause –

“Conservation areas: guidance from Historic England

In the Listed Buildings Act, at the end of section 72(1) insert “and (in relation thereto) to any relevant guidance given by Historic England”.”

LORD NORTHBROOK
LORD BELLINGHAM

204 After Clause 99, 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 “conservatory” insert “and, in respect of a replacement window in a conservation area, the style and colour”.”

Clause 100

BARONESS SCOTT OF BYBROOK

205 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

206 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

207 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

208 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

209 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

210 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

211 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.

LORD YOUNG OF COOKHAM

212 Leave out Clause 100

Schedule 9

BARONESS SCOTT OF BYBROOK

213 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).

LORD YOUNG OF COOKHAM

214 Leave out Schedule 9

Member's explanatory statement

This amendment is consequential on Lord Young of Cookham’s amendment to leave out Clause 100.

Clause 101

LORD YOUNG OF COOKHAM

215 Leave out Clause 101

Clause 102

LORD YOUNG OF COOKHAM

216 Leave out Clause 102

After Clause 104

LORD LANSLEY

217 After Clause 104, insert the following new Clause –

“Drop-in Permissions

- (1) The Secretary of State may, by regulations, make provision in relation to applications for planning permission in respect of land in England which is already the subject of an existing planning permission.
- (2) Regulations made under subsection (1) may enable a subsequent planning permission to vary an existing permission without rendering the existing planning permission void, if the local planning authority is satisfied that the existing planning permission is able to be completed as amended.
- (3) The power to make regulations under subsection (1) includes power to make –
 - (a) consequential, supplementary, incidental, transitional or saving provision;
 - (b) different provision for different purposes.”

After Schedule 11

LORD CRISP
LORD YOUNG OF COOKHAM
LORD BLUNKETT
LORD STUNELL

218 [*Withdrawn*]

Clause 107

LORD LANSLEY

219 Clause 107, page 137, leave out lines 6 to 8

Member's explanatory statement

This amendment would limit the power to decline to those persons who made a previous application, not those with an undefined connection with the earlier application.

After Clause 108

BARONESS MCINTOSH OF PICKERING
 BARONESS HENIG
 LORD FOSTER OF BATH

220 After Clause 108, 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 CARRINGTON

221 After Clause 108, 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 encourage rural economic development by splitting the planning application into two stages, with the first stage setting out the principle of development to be approved and the high-capital costs and technical consents pushed to the second stage.

Clause 115

BARONESS SCOTT OF BYBROOK

222 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

223 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

224 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

225 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

226 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

227 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.

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.

After Clause 124

BARONESS HAYMAN OF ULLOCK

228 After Clause 124, insert the following new Clause—

“Infrastructure Levy and Permitted Development Legislation

Within 120 days of this Act being passed, a Minister of the Crown must publish a review of the interaction between the Infrastructure Levy and Permitted Development Legislation.”

Member's explanatory statement

This means a Minister of the Crown must publish a review of the interaction between the infrastructure levy and permitted development legislation.

Clause 128

BARONESS SCOTT OF BYBROOK

229 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

230 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.

After Clause 128

BARONESS MCINTOSH OF PICKERING
LORD WIGLEY

231 After Clause 128, 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.”

BARONESS MCINTOSH OF PICKERING

232 After Clause 128, insert the following new Clause –

“Residential buildings on floodplains

- (1) Local planning authorities must not grant permission for residential properties to be built on functional floodplains or areas at high risk of flooding.
- (2) An area is a functional floodplain or at high risk of flooding for the purposes of subsection (1) if the Environment Agency assesses it as a Zone 3a or 3b flood zone.”

BARONESS YOUNG OF OLD SCONE
BARONESS WILLIS OF SUMMERTOWN

233 After Clause 128, 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.

LORD CRISP
LORD YOUNG OF COOKHAM
LORD BLUNKETT
LORD STUNELL

234 [Withdrawn]

BARONESS PINNOCK
LORD YOUNG OF COOKHAM

235 After Clause 128, 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 MCINTOSH OF PICKERING

236 After Clause 128, 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 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 risk available for the purpose of assisting insurers and property owners.

BARONESS MCINTOSH OF PICKERING

237 After Clause 128, insert the following new Clause –

“Minimum requirements for flood mitigation and protection

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 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 MCINTOSH OF PICKERING

238 After Clause 128, 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 Flood Re in April 2022.

BARONESS MCINTOSH OF PICKERING

239 After Clause 128, 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.

BARONESS HAYMAN OF ULLOCK
BARONESS MCINTOSH OF PICKERING

240 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

241 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.

LORD NORTHBROOK
LORD BELLINGHAM

242 After Clause 128, 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
LORD BELLINGHAM

243 After Clause 128, insert the following new Clause –

“Change of use to café etc

Within 6 months after this section comes into force, the Secretary of State must amend the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596) so that, outside a designated town centre, development is not permitted by change 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).”

BARONESS TAYLOR OF STEVENAGE

244 After Clause 128, insert the following new Clause –

“Local authorities: duty to consider small and medium-sized enterprises in granting planning permission

A local planning authority may not grant planning permission to an application which has involved, or will involve, the invitation of tenders by a local authority for the award of a contract for construction, unless the local authority has –

- (a) given regard to the fact that small and medium-sized enterprises may face particular barriers in competing for a contract, and
- (b) considered whether such barriers can be removed or reduced, including but not limited to through the separation of large contracts into small contracts.”

Member's explanatory statement

This new Clause would require a local planning authority, before granting planning permission, to have regard to the particular barriers to competing for a contract that small and medium-sized enterprises may have, and remove or reduce them where possible.

BARONESS MCINTOSH OF PICKERING

245 After Clause 128, insert the following new Clause –

“Consultation of water undertakers

- (1) After paragraph (zf) of Schedule 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, insert –

“(zg) Major development likely to affect water supply	Any water undertaker in whose area of appointment the development is proposed and, in the case where the development is likely to affect water supply in the area of appointment of another water undertaker, that undertaker”
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LORD CARRINGTON
THE EARL OF LYTTON

246 After Clause 128, insert the following new Clause –

“Compulsory purchase orders: duty of care

- (1) The Secretary of State must, by regulations made by statutory instrument, publish a duty of care which applies to acquiring authorities involved in compulsory purchase orders, within six months of the day on which this Act is passed.
- (2) The duty of care must involve, but is not limited to, obligations on the acquirer to –

- (a) only acquire the land they demonstrate is necessary,
- (b) mitigate the impact of the scheme on claimants,
- (c) pay for the land taken at date of entry or vesting, and
- (d) ensure that all communication with the claimant is conducted in accordance with the Government's guidance on compulsory purchase orders."

Member's explanatory statement

This amendment will introduce a duty of care that considers the impacts on rural businesses when their land is acquired through compulsory purchase orders.

Clause 158

BARONESS WILLIS OF SUMMERTOWN
BARONESS PARMINTER

247 Clause 158, page 184, line 21, 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) A sewerage undertaker may not publish a plan under subsection (1)(c) before a draft of the plan has been approved by the Water Services Regulation Authority and the Environment Agency.
- (1B) 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 13 of the Levelling-up and Regeneration Act 2023 on receipt of such advice.
- (1C) The Environment Agency may exercise its functions under the Environmental Damage (Prevention and Remediation) (England) Regulations 2015 (S.I. 2015/810) if compliance and investment plan monitoring suggests that the pollution standard will not be met.”

Member's explanatory statement

This amendment will require sewage undertakers to secure OFWAT & Environment Agency approval for plans for upgrading plants in sensitive catchment areas, including plans to prioritise

use of nature-based solutions to reduce nutrient pollution, thereby unlocking wider environmental benefits. The amendment also requires water companies to provide annual reports on progress towards meeting those plans, with failures to deliver plans on time leading to financial penalties.

Schedule 20

LORD HOLMES OF RICHMOND

248 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

249 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

250 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

251 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

252 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

253 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

254 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

255 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

256 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

257 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.””

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

258 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

259 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.

BARONESS SCOTT OF BYBROOK

260 After Schedule 20, insert the following new Schedule –

“SCHEDULE

Section 231(9B)

REGULATIONS UNDER CHAPTER 1 OF PART 3 OR PART 6: FORM AND SCRUTINY

PART 1

STATUTORY INSTRUMENTS AND STATUTORY RULES

- 1 (1) Any power to make regulations under Chapter 1 of Part 3 or Part 6 –
 - (a) so far as exercisable by the Secretary of State acting alone or by the Secretary of State acting jointly with a devolved authority, is exercisable by statutory instrument,
 - (b) so far as exercisable by the Welsh Ministers acting alone, is exercisable by statutory instrument, and
 - (c) so far as exercisable by a Northern Ireland department acting alone, is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).
- (2) For regulations made under Chapter 1 of Part 3 or Part 6 by the Scottish Ministers acting alone, see also section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (Scottish statutory instruments).

PART 2

SCRUTINY OF REGULATIONS

Scrutiny of regulations made by Secretary of State or devolved authority acting alone

- 2 (1) This paragraph applies to regulations made by the Secretary of State, or a devolved authority, acting alone which contain provision (whether alone or with other provision) under –
 - (a) section 143 or 144;
 - (b) section 145 other than provision, made on the second or subsequent exercise of a power in that section, for –
 - (i) a description of consent, which is neither category 1 consent nor category 2 consent, to be either category 1 consent or category 2 consent, or
 - (ii) a description of consent which is category 2 consent to be category 1 consent;
 - (c) section 149(2) or 150.
- (2) A statutory instrument containing regulations to which this paragraph applies of the Secretary of State acting alone may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

- (3) Regulations to which this paragraph applies of the Scottish Ministers acting alone are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).
 - (4) A statutory instrument containing regulations to which this paragraph applies of the Welsh Ministers acting alone may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.
 - (5) Regulations to which this paragraph applies of a Northern Ireland department acting alone may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- 3
- (1) This paragraph applies to regulations made by the Secretary of State, or a devolved authority, acting alone which contain provision (whether alone or with other provision) under Chapter 1 of Part 3 or Part 6 and which do not fall within paragraph 2.
 - (2) A statutory instrument containing regulations to which this paragraph applies of the Secretary of State acting alone is subject to annulment in pursuance of a resolution of either House of Parliament.
 - (3) Regulations to which this paragraph applies of the Scottish Ministers acting alone are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
 - (4) A statutory instrument containing regulations to which this paragraph applies of the Welsh Ministers acting alone is subject to annulment in pursuance of a resolution of Senedd Cymru.
 - (5) Regulations to which this paragraph applies of a Northern Ireland department acting alone are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.
- 4
- Paragraph 3 does not apply if—
- (a) a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament;
 - (b) a draft of the Scottish statutory instrument has been laid before, and approved by resolution of, the Scottish Parliament;
 - (c) a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru; or
 - (d) a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

Scrutiny of regulations made by the Secretary of State and devolved authority acting jointly

- 5
- (1) This paragraph applies to regulations of the Secretary of State acting jointly with a devolved authority which contain provision (whether alone or with other provision) under—
 - (a) section 143 or 144;

- (b) section 145 other than provision, made on the second or subsequent exercise of a power in that section, for –
 - (i) a description of consent, which is neither category 1 consent nor category 2 consent, to be either category 1 consent or category 2 consent, or
 - (ii) a description of consent which is category 2 consent to be category 1 consent;
 - (c) section 149(2) or 150.
- (2) The procedure provided for by sub-paragraph (3) applies in relation to regulations to which this paragraph applies as well as any other procedure provided for by this paragraph which is applicable in relation to the regulations concerned.
 - (3) A statutory instrument which contains regulations to which this paragraph applies may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
 - (4) Regulations to which this paragraph applies which are made jointly with the Scottish Ministers are subject to the affirmative procedure.
 - (5) Section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (affirmative procedure) applies in relation to regulations to which sub-paragraph (4) applies as it applies in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the affirmative procedure (but as if references to a Scottish statutory instrument were references to a statutory instrument).
 - (6) Section 32 of the Interpretation and Legislative Reform (Scotland) Act 2010 (laying) applies in relation to the laying before the Scottish Parliament of a statutory instrument containing regulations to which sub-paragraph (4) applies as it applies in relation to the laying before the Scottish Parliament of a Scottish statutory instrument (within the meaning of Part 2 of that Act).
 - (7) A statutory instrument containing regulations to which this paragraph applies which are made jointly with the Welsh Ministers may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.
 - (8) Regulations to which this paragraph applies which are made jointly with a Northern Ireland department may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- 6 (1) This paragraph applies to regulations of the Secretary of State acting jointly with a devolved authority which contain provision (whether alone or with other provision) under Chapter 1 of Part 3 or Part 6 and which do not fall within paragraph 5.
- (2) The procedure provided for by sub-paragraph (3) applies in relation to regulations to which this paragraph applies as well as any other procedure provided for by this paragraph which is applicable in relation to the regulations concerned.

- (3) A statutory instrument containing regulations to which this paragraph applies is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Regulations to which this paragraph applies which are made jointly with the Scottish Ministers are subject to the negative procedure.
- (5) Sections 28(2), (3) and (8) and 31 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (negative procedure etc.) apply in relation to regulations to which sub-paragraph (4) applies and which are subject to the negative procedure as they apply in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the negative procedure (but as if references to a Scottish statutory instrument were references to a statutory instrument).
- (6) Section 32 of the Interpretation and Legislative Reform (Scotland) Act 2010 (laying) applies in relation to the laying before the Scottish Parliament of a statutory instrument containing regulations to which sub-paragraph (4) applies as it applies in relation to the laying before that Parliament of a Scottish statutory instrument (within the meaning of Part 2 of that Act).
- (7) A statutory instrument containing regulations to which this paragraph applies which are made jointly with the Welsh Ministers is subject to annulment in pursuance of a resolution of Senedd Cymru.
- (8) Regulations to which this paragraph applies which are made jointly with a Northern Ireland department are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.
- (9) If in accordance with this paragraph –
 - (a) either House of Parliament resolves that an address be presented to His Majesty praying that an instrument be annulled, or
 - (b) a relevant devolved legislature resolves that an instrument be annulled, nothing further is to be done under the instrument after the date of the resolution and His Majesty may by Order in Council revoke the instrument.
- (10) In sub-paragraph (9) “relevant devolved legislature” means –
 - (a) in the case of regulations made jointly with the Scottish Ministers, the Scottish Parliament,
 - (b) in the case of regulations made jointly with the Welsh Ministers, Senedd Cymru, and
 - (c) in the case of regulations made jointly with a Northern Ireland department, the Northern Ireland Assembly.
- (11) Sub-paragraph (9) does not affect the validity of anything previously done under the instrument or prevent the making of a new instrument.
- (12) Sub-paragraphs (9) to (11) apply in place of provision made by any other enactment about the effect of such a resolution.
- (13) In this paragraph, “enactment” includes an enactment contained in, or in an instrument made under –
 - (a) an Act of the Scottish Parliament,

- (b) a Measure or Act of Senedd Cymru, or
- (c) Northern Ireland legislation.

7 Paragraph 6 does not apply if a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Interpretation

- 8 In this Schedule “devolved authority” means —
- (a) the Scottish Ministers,
 - (b) the Welsh Ministers, or
 - (c) a Northern Ireland department.”

Member's explanatory statement

This amendment inserts a new Schedule (Regulations under Chapter 1 of Part 3 or Part 6: form and scrutiny) which contains provision about the form and scrutiny of regulations under Chapter 1 of Part 3 or Part 6 made by the Secretary of State or a devolved authority acting alone or by the Secretary of State and a devolved authority acting jointly.

Clause 220

LORD REDESDALE

261 Clause 220, page 261, line 26, after “maintain” insert “, or have access to,”

Member's explanatory statement

This is a probing amendment to establish whether the Government’s interpretation of “maintain” adequately covers existing provision of historic environment records services which are shared between multiple authorities or outsourced to third parties.

LORD REDESDALE

262 Clause 220, page 263, line 2, at end insert —

- “(c) about the procedure for the resolution of disagreements (including resolution by the Secretary of State or by a public inquiry) relating to the delivery of an historic environment record service.”

Member's explanatory statement

This amendment makes provision for a dispute resolution procedure should disagreement arise over competing interests from authorities.

LORD REDESDALE

263 Clause 220, page 263, line 10, at end insert —

- “(ba) each district council for an area in England for which no historic environment records service is provided by another relevant authority,”

Member's explanatory statement

This amendment expands the definition of “relevant authorities” to include district councils where no other authority provides an historic environment records service.

Clause 223

BARONESS SCOTT OF BYBROOK

- 264** 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.

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.”

BARONESS SCOTT OF BYBROOK

- 265** 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

266 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.

LORD STUNELL

267 Leave out Clause 223

Member's explanatory statement

This amendment and the amendment to leave out clause 224 would remove the ability of the Secretary of State to replace the Health and Safety Executive as building safety regulator by regulations.

Clause 224

LORD STUNELL

268 Leave out Clause 224

Member's explanatory statement

This amendment and the amendment to leave out clause 223 would remove the ability of the Secretary of State to replace the Health and Safety Executive as building safety regulator by regulations.

After Clause 226

BARONESS SCOTT OF BYBROOK

269 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

270 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.

BARONESS SCOTT OF BYBROOK

271 After Clause 226, insert the following new Clause –

“Amendments of Schedule 7B to the Government of Wales Act 2006

- (1) Schedule 7B to the Government of Wales Act 2006 (general restrictions on legislative competence of Senedd Cymru) is amended as follows.
- (2) In paragraph 9(8)(b) (exceptions to restrictions relating to reserved authorities) –
 - (a) omit the “or” at the end of paragraph (vi);
 - (b) after paragraph (vii) insert “; or
 - (viii) Chapter 1 of Part 3 or Part 6 of the Levelling-up and Regeneration Act 2023.”
- (3) In paragraph 11(6)(b) (exceptions to restrictions relating to Ministers of the Crown) –
 - (a) omit the “or” at the end of the first paragraph (ix);
 - (b) for the second paragraph (ix) substitute –
 - “(x) the Trade (Australia and New Zealand) Act 2023; or
 - (xi) Chapter 1 of Part 3 or Part 6 of the Levelling-up and Regeneration Act 2023.”

Member's explanatory statement

This amendment inserts a new Clause which removes the restrictions on the Senedd in relation to concurrent powers that are contained in the Government of Wales Act 2006 by adding the Levelling-up and Regeneration Bill to the list of enactments in paragraphs 9(8)(b) and 11(6)(b) of Schedule 7B to that Act.

BARONESS MCINTOSH OF PICKERING
LORD CARRINGTON

272 After Clause 226, insert the following new 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) “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 MCINTOSH OF PICKERING
LORD CARRINGTON

273 After Clause 226, insert the following new 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 HAYMAN OF ULLOCK

273A After Clause 226, insert the following new Clause –

“Review into business rates system

The Chancellor of the Exchequer must undertake a review of the business rates system.”

Member's explanatory statement

This amendment means that the Chancellor of the Exchequer must undertake a review of the business rates system.

BARONESS HAYMAN OF ULLOCK

274 After Clause 226, insert the following new Clause –

“Cost of living assessment

Within 120 days of the day on which this Act is passed, a Minister of the Crown must publish an assessment of the disparities in cost of living between different geographical areas and the impact of this on implementing this Act.”

Member's explanatory statement

This would establish an assessment of the disparities in cost of living between different geographical areas.

BARONESS HAYMAN OF ULLOCK
BARONESS BENNETT OF MANOR CASTLE

275 After Clause 226, 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.”

Member's explanatory statement

This means a Minister must publish a Green Prosperity Plan.

BARONESS HAYMAN OF ULLOCK

276 After Clause 226, 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 to open their own childcare provision.

BARONESS TAYLOR OF STEVENAGE

277 After Clause 226, insert the following new Clause –

“Levelling-up and the Vagrancy Act 1824

Within 90 days of this Act receiving Royal Assent, a Minister of the Crown must publish an assessment of the impact of the enforcement of sections 3 (persons committing certain offences how to be punished) and 4 (persons committing

certain offences to be deemed rogues and vagabonds) of the Vagrancy Act 1824 on levelling-up and regeneration.”

Member's explanatory statement

This means that a Minister must publish an assessment of the impact of the enforcement of sections of the Vagrancy Act 1824 on levelling-up and regeneration.

BARONESS YOUNG OF OLD SCONE
BARONESS WILLIS OF SUMMERTOWN

278

After Clause 226, 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 consult widely upon and 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.

LORD HOLMES OF RICHMOND
BARONESS HAYMAN OF ULLOCK
LORD SCRIVEN

279 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.”

LORD RAVENSDALE
LORD BEST
LORD LANSLEY

280 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.

BARONESS PINNOCK

281

After Clause 226, insert the following new Clause –

“Regeneration of schools and hospitals: register of serious disrepair

- (1) Within one month of the day on which this Act is passed the Secretary of State must establish a register of schools and hospitals in England in serious disrepair.
- (2) The register must comprise a list of –
 - (a) schools that have been partially or fully closed on a temporary or permanent basis because one or more school building was deemed unsafe for staff or pupils,
 - (b) schools that have classrooms or buildings on site that are closed due to disrepair and details of those classrooms or buildings,
 - (c) schools that require major rebuilding or refurbishment,
 - (d) hospitals that have been partially or fully closed on a temporary or permanent basis because one or more hospital building was deemed unsafe for staff or patients,
 - (e) hospitals that have rooms, wards or buildings on site that are closed due to disrepair and details of those rooms, wards or buildings, and
 - (f) hospitals that require major rebuilding or refurbishment.

- (3) The register must be reviewed every three months to ensure it contains up-to-date information.”

Member's explanatory statement

This amendment would require the Government to keep a register of schools and hospitals in serious disrepair, and ensure the register is regularly updated.

LORD NORTHBROOK
LORD BELLINGHAM

282 After Clause 226, 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”.

LORD MAWSON
LORD BLUNKETT
LORD YOUNG OF COOKHAM
LORD SCRIVEN

282A After Clause 226, 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.”

LORD MAWSON
LORD BLUNKETT
LORD YOUNG OF COOKHAM
LORD SCRIVEN

282B After Clause 226, 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 YOUNG OF COOKHAM

282C After Clause 226, insert the following new Clause –

“Qualifying leases under the Building Safety Act 2022

After section 119 of the Building Safety Act 2022 (meaning of “qualifying lease” and “the qualifying time”), insert –

“119A Variation, surrender or regrant of qualifying leases

- (1) A qualifying lease varied, or subject to any surrender and regrant, remains a qualifying lease.
- (2) This section has effect in relation to any qualifying lease varied, or subject to any surrender and regrant, before the coming into force of this section.
- (3) Any agreement contrary to this section is void, whether made before or after the coming into force of this section.”

Member's explanatory statement

This section fixes a gap in the Building Safety Act 2022 to ensure qualifying leases retain their protection if the leaseholder enters into a deed of variation, or exercises statutory lease extension or enfranchisement rights.

BARONESS PINNOCK

282D After Clause 226, 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.

LORD 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
BARONESS YOUNG OF OLD SCONE

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.

LORD BLUNKETT

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

“Short-term lets: monitoring and restrictions

- (1) The Secretary of State must, by regulations made by statutory instrument, require local authorities to monitor and report to the Secretary of State the number of properties in their area which become short-term and holiday rental properties in each calendar year.
- (2) The Secretary of State must publish the data collected as a result of subsection (1) annually.
- (3) The Secretary of State may, by regulations made by statutory instrument, permit local authorities to set a limit on the proportion of dwellings which may be short-term or holiday rental properties within their area.”

BARONESS HAYMAN
LORD LUCAS
BARONESS SHEEHAN

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

“Solar panel requirements for 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 criteria and exemptions, for the purpose of requiring that –

- (a) all new homes
- (b) all new public and commercial buildings, and
- (c) all existing public and commercial buildings, built in England, have solar panels installed.”

Member's explanatory statement

This amendment would require the Secretary of State to make building regulations for England requiring solar panels to be installed on all new homes, public and commercial buildings, as well as existing public and commercial buildings, subject to appropriate exemptions and criteria.

After Clause 228

BARONESS HAYMAN OF ULLOCK

283 After Clause 228, insert the following new Clause –

“Interpretation

In this Act –

“adapting to, climate change” or “adaption, 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;

“mitigating” or “mitigation of” in relation to climate change means compliance with the objectives and relevant budgetary provisions of the Climate Change Act 2008.”

Member's explanatory statement

This amendment defines adaption to, and mitigation of, climate change.

After Clause 230

BARONESS SCOTT OF BYBROOK

284 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 HAYMAN OF ULLOCK

285 Clause 231, page 272, line 26, at end insert –

“(za) under section (*Independent Board for the Assessment of Geographical Disparities in England*);”

LORD CRISP
LORD YOUNG OF COOKHAM
LORD BLUNKETT

286 Clause 231, page 272, line 30, at end insert –

“(ca) under section (*Secretary of State's duty to promote healthy homes and neighbourhoods*);”

BARONESS SCOTT OF BYBROOK

287 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

288 Clause 231, page 272, line 32, leave out paragraphs (e), (f) and (g)

Member's explanatory statement

This amendment removes the references to regulations under Part 6 because the rules governing such regulations are to be set out in the Schedule inserted after Schedule 20 in the Minister's name.

BARONESS SCOTT OF BYBROOK

289 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

290 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

291 Clause 231, page 273, line 18, leave out paragraph (e)

Member's explanatory statement

This amendment removes the reference to regulations under Chapter 1 of Part 3 because the rules governing such regulations are to be set out in the Schedule inserted after Schedule 20 in the Minister's name.

LORD LANSLEY

292 Clause 231, page 273, line 18, at end insert –

“(ea) under section 87;”

Member's explanatory statement

The amendments to Clause 87 and Clause 231 in the name of Lord Lansley would give statutory weight to up-to-date local plans and enable the Secretary of State to set out the definition of “up-to-date” and the weight to be given, respectively, to emerging plans or to those no longer up-to-date.

BARONESS SCOTT OF BYBROOK

293 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.

BARONESS SCOTT OF BYBROOK

294 Clause 231, page 273, line 20, leave out paragraph (g)

Member's explanatory statement

This amendment removes the reference to regulations under Part 6 because the rules governing such regulations are to be set out in the Schedule inserted after Schedule 20 in the Minister's name.

LORD RAVENSDALE

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

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

BARONESS BOYCOTT

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

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

LORD BLUNKETT

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

“(ja) under section (*Short-term lets: monitoring and restrictions*);”

BARONESS SCOTT OF BYBROOK

296 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

297 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.

BARONESS SCOTT OF BYBROOK

298 Clause 231, page 273, line 27, at end insert –

“(9A) Subsections (3) to (9) do not apply to regulations under Chapter 1 of Part 3 or Part 6.

(9B) Schedule (*Regulations under Chapter 1 of Part 3 or Part 6: form and scrutiny*) contains provision about regulations made under Chapter 1 of Part 3 or Part 6.”

Member's explanatory statement

This amendment excludes regulations under Chapter 1 of Part 3 and Part 6 from Clause 231 and introduces the Schedule inserted after Schedule 20 in the Minister's name which contains the rules governing such regulations.

Clause 233

BARONESS SCOTT OF BYBROOK

299 Clause 233, page 274, line 13, after “1” insert “(including Schedule (*Regulations under Chapter 1 of Part 3 or Part 6: restrictions on devolved authorities*)) so far as it relates to Chapter 1 of Part 3)”

Member's explanatory statement

This amendment clarifies that the Schedule to be inserted after Schedule 12 in the Minister's name which contains restrictions on the exercise of the powers by the Welsh Ministers extends to England and Wales, Scotland and Northern Ireland so far as it relates to Chapter 1 of Part 3.

BARONESS SCOTT OF BYBROOK

- 300 Clause 233, page 274, line 21, after “6” insert “(including Schedule (*Regulations under Chapter 1 of Part 3 or Part 6: restrictions on devolved authorities*)) so far as it relates to Part 6)”

Member's explanatory statement

This amendment clarifies that the Schedule to be inserted after Schedule 12 in the Minister's name which contains restrictions on the exercise of the powers by the Welsh Ministers extends to England and Wales, Scotland and Northern Ireland so far as it relates to Part 6.

BARONESS SCOTT OF BYBROOK

- 301 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).

BARONESS SCOTT OF BYBROOK

- 302 Clause 233, page 274, line 30, after “222” insert “and (*Amendments of Schedule 7B to the Government of Wales Act 2006*)”

Member's explanatory statement

This amendment provides that the new Clause (Amendments of Schedule 7B to the Government of Wales Act 2006) being inserted after Clause 226 in the Minister's name extends to England and Wales, Scotland and Northern Ireland.

Clause 234

LORD FOSTER OF BATH
LORD CARRINGTON

- 303 Clause 234, page 274, line 33, at end insert –
- “(A1) Notwithstanding the other provisions of this section, no Part of this Act except for this Part may come into force until a Minister of the Crown has prepared, and laid before each House of Parliament, a rural proofing report detailing the processes undertaken to ensure the measures contained within the Act will address the needs of rural communities.”

BARONESS HAYMAN OF ULLOCK

- 304 Clause 234, page 274, line 34, at beginning insert “Subject to subsection (1A),”

BARONESS HAYMAN OF ULLOCK

304A Clause 234, page 274, line 34, leave out “two months” and insert “28 days”

Member's explanatory statement

This is consequential on amendment 1.

BARONESS HAYMAN OF ULLOCK

305 Clause 234, page 274, line 35, at end insert –

“(1A) Section (*Levelling Up Fund: round three*) does not come into force if the allocations from round three of the Levelling Up Fund have been made prior to the passing of this Act.”

BARONESS SCOTT OF BYBROOK

306 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

307 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.

LORD BACH

As an amendment to Amendment 307

307A In paragraph (fa), leave out “on” and insert “at the end of the period of nine months beginning with”

BARONESS SCOTT OF BYBROOK

308 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

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

“(q) section (*the Common Council of the City of London: removal of voting restrictions*) 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 provides that the new Clause relating to voting restrictions in the Common Council of the City of London inserted by the amendment in the Minister's name after Clause 78 (the Common Council of the City of London: removal of voting restrictions) comes into force at the end of the period of two months beginning with the day on which this Act is passed.

LORD YOUNG OF COOKHAM

309A Clause 234, page 275, line 36, leave out subsection (3) and insert –

- “(3) Part 3 comes into force on such day as the Secretary of State may by regulations appoint, but no such day is to be appointed before the Secretary of State has laid a report before Parliament setting out –
- (a) the progress that His Majesty's Government has made on remediating fire safety defects in buildings under 11 metres,
 - (b) the progress that His Majesty's Government has made on remediating fire safety defects in resident-owned buildings, and
 - (c) the Secretary of State's proposals for using the Responsible Actors Scheme established by regulation 5 of the Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023 (S.I. 2023/753) to ensure progress in matters set out in paragraphs (a) and (b).”

Member's explanatory statement

This amendment prevents new planning powers being commenced before the Government reports on progress with its promises to remediate fire safety defects in under-11-metre and resident-owned buildings, and how it intends to use the Responsible Actors Scheme to ensure developers pay their fair share.

BARONESS SCOTT OF BYBROOK

- 310** Clause 234, page 275, line 43, after “(a)” insert “, Schedule (*Regulations under Chapter 1 of Part 3 or Part 6: restrictions on devolved authorities*) so far as it relates to Chapter 1 of Part 3”

Member's explanatory statement

This amendment clarifies that the Schedule to be inserted after Schedule 12 in the Minister's name which contains restrictions on the exercise of the powers by the Welsh Ministers comes into force on such a day as the Secretary of State may by regulations appoint so far as it relates to Chapter 1 of Part 3.

LORD LANSLEY

- 311** Clause 234, page 275, line 44, at end insert –
- “(3A) Part 4 does not come into force until the Secretary of State has published proposals for the implementation of the Infrastructure Levy and the Government have responded to the Technical consultation on the Infrastructure Levy, published on 17 March 2023.”

LORD LANSLEY

- 312** Clause 234, page 276, line 1, leave out “Parts 4 and 5 come” and insert “Part 5 comes”

BARONESS SCOTT OF BYBROOK

- 313** Clause 234, page 276, line 3, after “6” insert “(including Schedule (*Regulations under Chapter 1 of Part 3 or Part 6: restrictions on devolved authorities*) so far as it relates to Part 6)”

Member's explanatory statement

This amendment clarifies that the Schedule to be inserted after Schedule 12 in the Minister's name which contains restrictions on the exercise of the powers by the Welsh Ministers comes into force at the end of the period of two months beginning with the day on which this Act is passed so far as it relates to Part 6.

BARONESS SCOTT OF BYBROOK

- 314** 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.

BARONESS SCOTT OF BYBROOK

- 315** Clause 234, page 276, line 11, after “225” insert “and (*Amendments of Schedule 7B to the Government of Wales Act 2006*)”

Member's explanatory statement

This amendment provides that the new Clause (Amendments of Schedule 7B to the Government of Wales Act 2006) being inserted after Clause 226 in the Minister's name comes into force on such day as the Secretary of State may by regulations appoint.

LORD YOUNG OF COOKHAM

- 315A** Clause 234, page 276, line 15, at end insert –
“(c) section (*Qualifying leases under the Building Safety Act 2022*) comes into force on 1 August 2023.”

Member's explanatory statement

This amendment provides a commencement provision for one of Lord Young's new clause amendments.

Title

BARONESS SCOTT OF BYBROOK

- 316** 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

THIRD MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

14 July 2023

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS