

Levelling-up and Regeneration Bill

SIXTH 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.**

Schedule 7

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 BEST

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

- “(3A) The local plan must identify the local nature and scale of housing need in the local planning authority’s area and must make provision for sufficient social rent housing, to eliminate homelessness within a reasonable period as stipulated in the updated local plan, and to provide housing for persons registered on the local housing authority’s allocation scheme within the meaning of section 166A of the Housing Act 1996.
- (3B) Subsection (3A) applies in relation to social housing provided both by the local housing authority where it retains its own housing stock and by private registered providers of social housing.
- (3C) The information concerning the level of housing need recorded on the local plan must be updated at least annually.”

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.

BARONESS SCOTT OF BYBROOK

194A Schedule 7, page 347, line 38, at end insert –

- “(6A) The local plan must take account of any local nature recovery strategy that relates to all or part of the local planning authority’s area, including in particular –
- (a) the areas identified in the strategy as areas which –
 - (i) are, or could become, of particular importance for biodiversity, or
 - (ii) are areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits,
 - (b) the priorities set out in the strategy for recovering or enhancing biodiversity, and
 - (c) the proposals set out in the strategy as to potential measures relating to those priorities.”

Member's explanatory statement

This amendment requires a local plan to take account of any local nature recovery strategy that relates to any part of the area of the authority preparing the plan.

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,”

BARONESS SCOTT OF BYBROOK

196A Schedule 7, page 350, line 20, at end insert –

- “(5A) The minerals and waste plan must take account of any local nature recovery strategy that relates to all or part of the relevant area, including in particular –
- (a) the areas identified in the strategy as areas which –
 - (i) are, or could become, of particular importance for biodiversity, or
 - (ii) are areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits,
 - (b) the priorities set out in the strategy for recovering or enhancing biodiversity, and
 - (c) the proposals set out in the strategy as to potential measures relating to those priorities.”

Member's explanatory statement

This amendment requires a minerals and waste plan to take account of any local nature recovery strategy that relates to any part of the relevant area.

BARONESS SCOTT OF BYBROOK

196B Schedule 7, page 352, line 33, at end insert “, and

- (b) take account of any local nature recovery strategy which relates to all or part of the area to which the plan relates or to an area in which a site to which the plan relates is located, including in particular –
 - (i) the areas identified in the strategy as areas which –
 - (A) are, or could become, of particular importance for biodiversity, or
 - (B) are areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits,
 - (ii) the priorities set out in the strategy for recovering or enhancing biodiversity, and
 - (iii) the proposals set out in the strategy as to potential measures relating to those priorities.”

Member's explanatory statement

This amendment requires a supplementary plan to take account, so far as appropriate, of any local nature recovery strategy that relates to the area to which the plan relates or an area in which a site to which the plan relates is situated.

BARONESS SCOTT OF BYBROOK

196C Schedule 7, page 364, line 22, after “authority” insert “, combined county authority”

Member's explanatory statement

This amendment is consequential on the amendment in the Minister's name amending new section 15HD of the Planning and Compulsory Purchase Act 2004 (as inserted by Schedule 7 to the Bill).

BARONESS SCOTT OF BYBROOK

196D Schedule 7, page 364, line 24, after “authority” insert “, combined county authority”

Member's explanatory statement

This amendment amends new section 15HD of the Planning and Compulsory Purchase Act 2004 (as inserted by Schedule 7 to the Bill) so that it also covers combined county authorities, which are provided for under Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

196E Schedule 7, page 380, line 16, at end insert –

““local nature recovery strategy” means a local nature recovery strategy under section 104 of the Environment Act 2021;”

Member's explanatory statement

This amendment defines “local nature recovery strategy” for the purposes of the amendments in the Minister's name to Schedule 7 at page 335, line 33; page 347, line 38; page 350, line 20; and page 352, line 33.

Clause 92

BARONESS SCOTT OF BYBROOK

196F Clause 92, page 98, line 35, at end insert “, and

- (b) take account of any local nature recovery strategy, under section 104 of the Environment Act 2021, that relates to all or part of the neighbourhood area, including in particular –
 - (i) the areas identified in the strategy as areas which –
 - (A) are, or could become, of particular importance for biodiversity, or
 - (B) are areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits,
 - (ii) the priorities set out in the strategy for recovering or enhancing biodiversity, and
 - (iii) the proposals set out in the strategy as to potential measures relating to those priorities.”

Member's explanatory statement

This amendment requires neighbourhood development plans to take account, so far as appropriate, of any local nature recovery strategy that relates to all or part of the neighbourhood area to which the plan relates.

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.

LORD STUNELL

201A After Clause 95, insert the following new Clause –

“Affordable housing regulations

- (1) The Secretary of State must, within 6 months of the day on which this Act is passed, make regulations relating to affordable housing.
- (2) The regulations under subsection (1) must define the meaning of an “affordable home” for the purposes of this Act.
- (3) Any definition in regulations made relating to the definition of “affordable home” must include reference to the ability to pay of a household of median income within a relevant local planning authority area.
- (4) The regulations must also disapply Section 43 of the Freedom of Information Act 2000 (commercial interests) in relation to information that may be relevant to the viability of affordable housing in a housing development.”

Member's explanatory statement

This amendment would require the Secretary of State to make regulations relating to affordable housing. Regulations must include a definition of affordable housing that takes into account median household income and would also disapply the exemption from disclosure of relevant information on the grounds of commercial confidentiality in relation to the viability of affordable housing.

Schedule 8

BARONESS SCOTT OF BYBROOK

201B Schedule 8, page 389, line 39, at end insert –

- “(8A) In paragraph 7ZA (inserted by paragraph 156 of Schedule 4), in paragraph (b) of the definition of “constituent planning authority”, for “29” substitute “15J”.
- (8B) For paragraph 7ZB (inserted by paragraph 156 of Schedule 4) substitute –
 - “7ZB (1) This paragraph applies if the Secretary of State thinks that a constituent planning authority are failing to do anything it is necessary or expedient for them to do in connection with the preparation, adoption or revision of a local plan.
 - (2) If the local plan has not come into effect, the Secretary of State may invite the combined county authority to take over preparation of the local plan from the constituent planning authority, in which case the combined county authority may do so.
 - (3) If the local plan has come into effect, the Secretary of State may invite the combined county authority to revise the local plan, in which case the combined county authority may do so.”
- (8C) In paragraph 7ZC (inserted by paragraph 156 of Schedule 4) –
 - (a) in sub-paragraph (1), for “development plan document” substitute “local plan”;

- (b) after that sub-paragraph insert –
 - “(1A) If the combined county authority are to prepare the local plan, the combined county authority must publish a document setting out –
 - (a) their timetable for preparing the plan, and
 - (b) if they intend to depart from anything specified in a local plan timetable in relation to the plan, details of how they intend to depart from it.”;
 - (c) for sub-paragraph (4) substitute –
 - “(4) The combined county authority may then –
 - (a) where the combined county authority have prepared a local plan, approve the local plan subject to specified modifications or direct the constituent planning authority to consider adopting the local plan by resolution of the authority, or
 - (b) where the combined county authority are to revise a local plan, make the revision or make the revision subject to specified modifications.”
- (8D) In paragraph 7ZD (inserted by paragraph 156 of Schedule 4) –
- (a) for sub-paragraph (1) substitute –
 - “(1) Subsections (4) to (12) of section 15D, and section 15DA, apply to an examination held under paragraph 7ZC(2) –
 - (a) reading references to the local planning authority as references to the combined county authority, and
 - (b) in the case of an independent examination of a proposed revision, reading references to a local plan as references to the revision.”;
 - (b) in sub-paragraph (3)(a), omit “or omitted”;
 - (c) in sub-paragraph (4) –
 - (i) for “joint local development document or a joint development plan document” substitute “joint local plan”;
 - (ii) for “the document” substitute “the plan”.

Member's explanatory statement

This amendment to Schedule 8 to the Bill makes amendments to Schedule A1 to the Planning and Compulsory Purchase Act 2004 in connection with provision for development plans under Part 3 of the Bill. The amendments amend and supplement consequential amendments to Schedule A1 to the 2004 Act made by Schedule 4 to the Bill relating to the creation of combined county authorities.

BARONESS SCOTT OF BYBROOK

201C Schedule 8, page 391, line 34, after “6(4)(a)” insert “, 7ZC(4)(a)”

Member's explanatory statement

This amendment to Schedule 8 to the Bill makes amendments to Schedule A1 to the Planning and Compulsory Purchase Act 2004 in connection with provision for development plans (under Part 3 of the Bill) to reflect amendments made to Schedule A1 by Schedule 4 to the Bill in relation to the creation of combined county authorities.

BARONESS SCOTT OF BYBROOK

201D Schedule 8, page 391, line 35, after “6(4)(b)” insert “, 7ZC(4)(b)”

Member's explanatory statement

This amendment to Schedule 8 to the Bill makes amendments to Schedule A1 to the Planning and Compulsory Purchase Act 2004 in connection with provision for development plans (under Part 3 of the Bill) to reflect amendments made to Schedule A1 by Schedule 4 to the Bill in relation to the creation of combined county authorities.

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.

Clause 99

LORD PARKINSON OF WHITLEY BAY

202A Clause 99, page 109, line 1, at end insert –

“(A1) The Listed Buildings Act is amended as follows.

(A2) In section 3 (temporary listing in England: building preservation notices), after subsection (1) insert –

“(1A) Before serving a building preservation notice under this section, the local planning authority must consult with the Commission.

(1B) Subsection (1A) does not apply where the Commission proposes to serve a building preservation notice under this section (see subsection (8)).”

Member's explanatory statement

This amendment inserts a new duty into the Planning (Listed Buildings and Conservation Areas) Act 1990 for local planning authorities to consult the Historic Buildings and Monuments Commission for England (“Historic England”) before serving a building preservation notice under that Act. The duty does not apply in cases where Historic England is carrying out the functions of a local planning authority.

LORD PARKINSON OF WHITLEY BAY

202B Clause 99, page 109, line 2, leave out “of the Listed Buildings Act”

Member's explanatory statement

This amendment is consequential on the amendment made to line 1 of Clause 99 in the Minister's name.

After Clause 99LORD 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”.

BARONESS ANDREWS
LORD CARRINGTON OF FULHAM

204A After Clause 99, insert the following new Clause –

“Revocation of permitted development rights for demolition of buildings

- (1) The Secretary of State must, following public consultation, exercise the powers conferred by sections 59, 60, 61, 74 and 333(7) of the TCPA 1990 to remove permitted development rights relating to demolition of buildings as set out in Class B of Part 11 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596).
- (2) A permitted development right for demolition must be retained for small structures under a specified size limit.
- (3) The Secretary of State must make further provision for the purposes of subsection (2), and for any other demolition rights to be retained following public consultation.”

Member's explanatory statement

This amendment requires the Secretary of State to remove permitted development rights for the demolition of buildings. The amendment would reduce demolition, consequentially reducing carbon emissions; increase local communities' ability to shape local places; and protect non-designated heritage assets. A permitted development right for demolition would remain for small structures.

BARONESS ANDREWS
LORD CARRINGTON OF FULHAM

204B After Clause 99, insert the following new Clause –

“Revocation of permitted development rights for demolition of locally listed assets

The Secretary of State must exercise the powers conferred by sections 59, 60, 61, 74 and 333(7) of TCPA 1990 to remove permitted development rights relating to the demolition of a heritage asset which has been placed on a local planning authority's local list of assets which have special local heritage interest.”

Member's explanatory statement

This amendment removes permitted development demolition rights for locally listed assets. The amendment is intended to protect non-designated heritage assets on a local planning authority's local list. The Secretary of State could provide further clarity by setting out a definition of what qualifies as a local list following consultation.

Clause 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.

LORD GOLDSMITH OF RICHMOND PARK
LORD RANDALL OF UXBRIDGE
LORD BLENCATHRA

221A After Clause 108, insert the following new Clause —

“Swift bricks and boxes

- (1) It is a condition in any grant of planning permission for new build developments greater than 5 metres in height, that there must be a minimum average of one swift brick or box per dwelling or unit.

- (2) Where feasible, swift bricks integrated into walls must be installed in preference to external swift nest boxes, following best practice guidance.
- (3) A planning authority may grant planning permission with exceptions or modifications to the condition specified in subsection (1) in exceptional circumstances, where possible following best practice guidance.
- (4) Where a planning authority considers that there are exceptional circumstances under subsection (3), it must publish those exceptional circumstances.
- (5) For the purpose of this section –
 - “best practice guidance” means the British Standard BS 42021:2022;
 - “swift brick” means an integral nest box integrated into the wall of a building suitable for the nesting of the common swift;
 - “swift nest box” means an external nest box suitable for the nesting of the common swift.”

Member's explanatory statement

This amendment would make planning permission for new developments conditional on the provision of a minimum number of swift bricks. These bricks provide the only permanent nesting habitat for red-listed cavity-nesting birds who are almost solely reliant on these sites to breed. Also known as universal nest bricks, they provide habitat for other small urban birds and invertebrates.

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 SCOTT OF BYBROOK

230A After Clause 128, insert the following new Clause –

“Biodiversity net gain: pre-development biodiversity value and habitat enhancement

In Schedule 7A to the TCPA 1990 (biodiversity gain in England) –

- (a) in paragraph 5(4), after “6” insert “, 6A, 6B”;
- (b) after paragraph 6 insert –

“6A If –

- (a) a person carries on activities on land on or after 25 August 2023 in accordance with a planning permission (other than the planning permission referred to in paragraph 5(1)),
- (b) on the relevant date, development for which that other planning permission was granted –
 - (i) has not been begun, or
 - (ii) has been begun but has not been completed, and
- (c) as a result of the activities the biodiversity value of the onsite habitat referred to in paragraph 5(1) is lower on the relevant date than it would otherwise have been,

the pre-development biodiversity value of the onsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities.

- 6B (1) This paragraph applies where there is insufficient evidence of the biodiversity value of an onsite habitat immediately before the carrying on of the activities referred to in paragraph 6 or 6A.
- (2) The biodiversity value of the onsite habitat immediately before the carrying on of the activities referred to in paragraph 6 or 6A is to be taken to be the highest biodiversity value of the onsite habitat which is reasonably supported by any available evidence relating to the onsite habitat.”;

- (c) in paragraph 10 –

- (i) in sub-paragraph (1), after “habitat enhancement” insert “of an offsite habitat”;
- (ii) after sub-paragraph (1) insert –
 - “(1A) For the purposes of sub-paragraph (1) (and without prejudice to paragraphs 3 and 4(1)), a habitat enhancement is calculated as the amount by which the projected value of the offsite habitat as at the end of the maintenance period referred to in section 100(2)(b) of the Environment Act 2021 exceeds its pre-enhancement biodiversity value.
 - (1B) The pre-enhancement biodiversity value of an offsite habitat is the biodiversity value of the offsite habitat on the relevant date.
 - (1C) The relevant date is –
 - (a) the date on which the application is made to register the land subject to the habitat enhancement in the biodiversity gain site register, or
 - (b) such other date as may be specified in the conservation covenant or planning obligation.
 - (1D) But if –
 - (a) a person carries on activities on an offsite habitat on or after 25 August 2023 otherwise than in accordance with –
 - (i) planning permission, or
 - (ii) any other permission of a kind specified by the Secretary of State by regulations, and
 - (b) as a result of the activities the biodiversity value of the offsite habitat is lower on the relevant date than it would otherwise have been,
the pre-enhancement biodiversity value of the offsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities.”;
- (d) in paragraph 12(1), after the definition of “onsite habitat” insert –
 - ““offsite habitat” means habitat which is not onsite habitat;”

Member's explanatory statement

This amendment inserts a new Clause in the Minister's name which makes provision about the valuation of the pre-development biodiversity value of an onsite habitat and of the enhancement of the biodiversity of a habitat for the purposes of Schedule 7A to the Town and Country Planning Act 1990.

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
LORD RANDALL OF UXBRIDGE

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
THE EARL OF CAITHNESS

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.

THE EARL OF CAITHNESS

246A After Clause 128, insert the following new Clause –

“Duties in relation to wildfire risk and mitigation

- (1) The Secretary of State, working with the Home Office and Department for Environment, Food and Rural Affairs, must produce a national wildfire strategy and action plan within six months of the day on which this Act is passed, to inform national planning policy and guidance relating to the development or use of land.
- (2) The strategy must include, but not be limited to, an assessment of the risk of wildfire to environmental, economic and social values, and should be reviewed on an annual basis.
- (3) Each local planning authority in England, in conjunction with the fire and rescue services, must produce a wildfire risk assessment.
- (4) The wildfire risk assessment under subsection (3) should include –
 - (a) a map identifying the areas of current risk produced in accordance with the Met Office Fire Severity Index and any successor fire risk assessments;
 - (b) the actions to be taken to mitigate risk in the areas identified, including but not limited to fuel management or vegetation change and public education;
 - (c) guidance to local communities on how to improve the resilience of their homes and communities.
- (5) When considering an application for planning permission, the relevant planning authority must have regard to the wildfire risk assessment for that authority area and the design of the building or properties, the layout of the buildings, their interaction with the landscape and the provision of risk reduction measures.”

Clause 158

BARONESS WILLIS OF SUMMERTOWN
 BARONESS PARMINTER
 BARONESS JONES OF WHITCHURCH

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.

BARONESS SCOTT OF BYBROOK

247A Clause 158, page 184, line 21, at end insert –

“(1A) In carrying out the duty under subsection (1), a sewerage undertaker must consider whether nature-based solutions, technologies and facilities relating to sewerage and water could be used to meet the standard.”

Member's explanatory statement

This amendment requires sewerage undertakers to consider using nature-based solutions in the course of meeting the nutrient pollution standard.

BARONESS SCOTT OF BYBROOK

247B Clause 158, page 184, line 32, leave out “Sensitive” and insert “Nutrient affected and sensitive”

Member's explanatory statement

This amendment is consequential on the second amendment in my name to clause 158 at page 184, line 32.

BARONESS SCOTT OF BYBROOK

247C Clause 158, page 184, line 32, at end insert –

“(A1) Where the Secretary of State considers that a habitats site that is wholly or partly in England is in an unfavourable condition by virtue of pollution from nutrients in water of any kind, the Secretary of State must designate the catchment area for the habitats site as a nutrient affected catchment area.”

Member's explanatory statement

This amendment requires the Secretary of State to designate the catchment areas for habitats sites in an unfavourable condition due to nutrient pollution as “nutrient affected catchment areas”.

BARONESS SCOTT OF BYBROOK

247D Clause 158, page 184, line 35, after “nutrients” insert “in water”

Member's explanatory statement

This amendment clarifies that the nutrients comprising nitrogen or compounds of nitrogen must be in water.

BARONESS SCOTT OF BYBROOK

247E Clause 158, page 185, line 1, after “nutrients” insert “in water”

Member's explanatory statement

This amendment clarifies that the nutrients comprising phosphorus or compounds of phosphorus must be in water.

BARONESS SCOTT OF BYBROOK

247F Clause 158, page 185, line 6, after “pollution” insert “from nutrients in water of any kind, or”

Member's explanatory statement

This amendment is consequential on the second amendment in my name to clause 158 at page 184, line 32.

BARONESS SCOTT OF BYBROOK

247G Clause 158, page 185, line 8, at end insert “or

(c) whether to exercise the power in subsection (4)(e),”

Member's explanatory statement

This amendment is consequential on the amendment to clause 158 at page 185, line 20.

BARONESS SCOTT OF BYBROOK

247H Clause 158, page 185, line 11, at end insert –

“(3A) A designation under subsection (A1) –

- (a) must be in writing,
- (b) must be published as soon as practicable after being made, and
- (c) takes effect –
 - (i) on the day specified in the designation, or
 - (ii) if none is specified, on the day on which it is made.”

Member's explanatory statement

This amendment imposes procedural requirements in relation to the duty created by the second amendment in my name to clause 158 at page 184, line 32.

BARONESS SCOTT OF BYBROOK

247J Clause 158, page 185, line 20, at end insert “, and

- (e) may specify the concentration that applies to a plant (which discharges into the catchment area) in relation to a nutrient pollution standard instead of the standard concentration.”

Member's explanatory statement

This amendment allows the Secretary of State to specify the maximum permissible concentration of nitrogen or phosphorus in treated effluent discharged by a plant (instead of the concentration specified in section 96F).

BARONESS SCOTT OF BYBROOK

247K Clause 158, page 185, line 22, at end insert –

“(5A) Before specifying a concentration under subsection (4)(e), the Secretary of State must consult the Environment Agency.

(5B) A concentration specified under subsection (4)(e) ceases to have effect if, after the day on which the designation is made, the plant becomes an exempt plant.”

Member's explanatory statement

This amendment deals with procedural matters related to the power created by the amendment to clause 158 at page 185, line 20.

BARONESS SCOTT OF BYBROOK

247L Clause 158, page 185, line 25, after “subsection” insert “(A1),”

Member's explanatory statement

This amendment is consequential on the second amendment in my name to clause 158 at page 184, line 32.

BARONESS SCOTT OF BYBROOK

247M Clause 158, page 186, line 13, at end insert –

- “(4A) A designation under subsection (2) may specify the concentration that applies to a plant in relation to a nutrient pollution standard instead of the standard concentration.
- (4B) Before specifying a concentration under subsection (4A), the Secretary of State must consult the Environment Agency.
- (4C) A concentration specified under subsection (4A) ceases to have effect if, after the day on which the designation is made, the plant again becomes an exempt plant.”

Member's explanatory statement

This amendment provides a power equivalent to that created by the amendment to clause 158 at page 185, line 20, for cases where (by virtue of a designation made by the Secretary of State) an exempt plant later becomes subject to the nutrient pollution standard.

BARONESS SCOTT OF BYBROOK

247N Clause 158, page 186, line 17, leave out “Subsection (7) applies” and insert “Subsections (7) and (7A) apply”

Member's explanatory statement

This amendment is consequential on the amendment to clause 158 at page 186, line 25.

BARONESS SCOTT OF BYBROOK

247P Clause 158, page 186, line 25, at end insert –

- “(7A) The regulations may provide for the Secretary of State to specify the concentration that applies to a plant that ceases, by virtue of the regulations, to be an exempt plant in relation to a nutrient pollution standard instead of the standard concentration; and, if such provision is made, the regulations must –
- (a) require that the Secretary of State consult the Environment Agency before specifying a concentration;
- (b) provide for any specified concentration to cease to have effect if, after the day on which the plant ceases to be an exempt plant, the plant again becomes an exempt plant.”

Member's explanatory statement

This amendment provides an enabling power equivalent to the power created by the amendment to clause 158 at page 185, line 20, for cases where (by virtue of regulations) an exempt plant later becomes subject to the nutrient pollution standard

BARONESS SCOTT OF BYBROOK

247Q Clause 158, page 186, line 33, at end insert –

“(10) References in this section to the designation of an associated catchment area are to its designation as a sensitive catchment area.”

Member's explanatory statement

This amendment, which is consequential on the second amendment in my name to clause 158 at page 188, line 22, clarifies the meaning of existing references to the designation of catchment areas.

BARONESS SCOTT OF BYBROOK

247R Clause 158, page 186, line 36, after “(2)” insert “or (2A)”

Member's explanatory statement

This amendment is consequential on the amendment to clause 158 at page 187, line 10.

BARONESS SCOTT OF BYBROOK

247S Clause 158, page 187, line 10, at end insert –

“(2A) Where the associated catchment area has ceased to be a catchment permitting area and a date has been specified under section 96FB(4)(c), that date is the upgrade date.”

Member's explanatory statement

This amendment provides for an alternative upgrade date where the sensitive catchment area has also been designated as a catchment permitting area (see the second amendment in my name to clause 158 at page 188, line 22) and that designation is later revoked.

BARONESS SCOTT OF BYBROOK

247T Clause 158, page 187, line 12, at end insert –

“(4) References in this section to the designation of an associated catchment area are to its designation as a sensitive catchment area.”

Member's explanatory statement

This amendment, which is consequential on the second amendment in my name to clause 158 at page 188, line 22, clarifies the meaning of existing references to the designation of catchment areas.

BARONESS SCOTT OF BYBROOK

247U Clause 158, page 187, line 15, leave out from “if” to end of line 16 and insert “–

- (a) where the associated catchment area is not a catchment permitting area (see section 96FA), the concentration of total nitrogen in treated effluent that the plant discharges is not more than –

- (i) 10 mg/l, or
 - (ii) where a different concentration applies to the plant under section 96C(4)(e) or 96D(4A) or by virtue of regulations made under section 96D(7A), that concentration;
- (b) where the associated catchment area is a catchment permitting area, the sewerage undertaker is complying with any condition in the environmental permit for the plant imposed in pursuance of section 96FA(3)(b)."

Member's explanatory statement

This amendment provides for the nutrient pollution standard to be met through (i) the concentration specified under the powers created by the amendments to clause 158 at page 185, line 20, page 186, line 13, and page 186, line 25 or (ii) compliance with conditions imposed under provision inserted by the second amendment in my name to clause 158 at page 188, line 22.

BARONESS SCOTT OF BYBROOK

247V Clause 158, page 187, line 18, leave out from "if" to end of line 19 and insert "–

- (a) where the associated catchment area is not a catchment permitting area, the concentration of total phosphorus in treated effluent that the plant discharges is not more than –
 - (i) 0.25 mg/l, or
 - (ii) where a different concentration applies to the plant under section 96C(4)(e) or 96D(4A) or by virtue of regulations made under section 96D(7A), that concentration;
- (b) where the associated catchment area is a catchment permitting area, the sewerage undertaker is complying with any condition in the environmental permit for the plant imposed in pursuance of section 96FA(3)(b)."

Member's explanatory statement

This amendment provides for the nutrient pollution standard to be met through (i) the concentration specified under the powers created by the amendments to clause 158 at page 185, line 20, page 186, line 13, and page 186, line 25 or (ii) compliance with conditions imposed under provision inserted by the second amendment in my name to clause 158 at page 188, line 22.

BARONESS SCOTT OF BYBROOK

247W Clause 158, page 188, line 19, at end insert –

- "(ca) make provision in relation to section 96FA, including –
- (i) the determination of compliance with conditions in environmental permits imposed in pursuance of section 96FA(3)(b);
 - (ii) in connection with any kind of plant;"

Member's explanatory statement

This amendment provides for regulations under the new section 96F(5) of the Water Industry Act 1991 (determination of nutrient levels in treated effluent) to apply in connection with the provision inserted by the second amendment in my name to clause 158 at page 188, line 22.

BARONESS SCOTT OF BYBROOK

247X Clause 158, page 188, line 22, at end insert –

- “(e) make different provision for different purposes or different areas (including different plants within an area).”

Member's explanatory statement

This amendment clarifies that regulations under the new section 96F(5) of the Water Industry Act 1991 may make different provision for different areas, plants or purposes.

BARONESS SCOTT OF BYBROOK

247Y Clause 158, page 188, line 22, at end insert –

“96FA Nutrient pollution standards determined through environmental permitting

- (1) The Secretary of State may designate a sensitive catchment area as a catchment permitting area.
- (2) In determining whether to make a designation under subsection (1) or to revoke such a designation under section 96FB(3)(c), the Secretary of State may take into account, in particular, advice from, or guidance published by, the Environment Agency or Natural England.
- (3) Where the Secretary of State makes a designation under subsection (1), the Environment Agency must –
 - (a) review the environmental permits for the plants that discharge treated effluent into the catchment permitting area that are –
 - (i) nutrient significant plants, and
 - (ii) such other plants that the Environment Agency considers appropriate (including such plants within an area that may be determined by the Environment Agency), and
 - (b) impose conditions on those permits relating to nutrients in treated effluent discharged by those plants –
 - (i) under Chapter 3 of Part 2 of the Environmental Permitting (England and Wales) Regulations 2016, and
 - (ii) for the relevant purpose.
- (4) The “relevant purpose” is ensuring that, on and after the applicable date, the overall effect on the habitats site associated with the catchment permitting area of nutrients in treated effluent discharged by all the plants that discharge treated effluent into the catchment permitting area is less significant or the same as the overall effect on the site of nutrients in treated effluent that would be discharged by those plants if –
 - (a) the standard concentration applied to nutrient significant plants, and
 - (b) the nutrient significant plants were (on that basis) meeting the nutrient pollution standard on and after the applicable date.

- (5) For that purpose, a condition imposed on an environmental permit in pursuance of subsection (3)(b) may, in particular –
 - (a) require, or have the effect of requiring, that the concentration of nutrients in treated effluent discharged by a plant is higher or lower than, or equal to, the standard concentration;
 - (b) relate to any or all of the plants mentioned in subsection (3)(a), including the concentration of nutrients in treated effluent discharged by those plants.
- (6) In subsection (4) –
 - (a) the “applicable date” means –
 - (i) where the designation under section 96C(1) or (2) of the area that is the catchment permitting area takes effect during the initial period, 1 April 2030, or
 - (ii) where that designation takes effect after the initial period, the date specified under section 96C(4)(d) in that designation;
 - (b) a habitats site is “associated” with a catchment permitting area if water released into the area would drain into the site.
- (7) The duty in subsection (3) applies in relation to the grant of an environmental permit for a plant that discharges (or will discharge) treated effluent into the catchment permitting area as if –
 - (a) paragraph (a) were omitted, and
 - (b) in paragraph (b) – for “those permits” there were substituted “the permit”; for “those plants” there were substituted “the plant”; for “Chapter 3” there were substituted “Chapter 2”.
- (8) It is for the Environment Agency to determine the overall effect on a habitats site of nutrients in treated effluent.
- (9) Regulations made by the Secretary of State may specify how such determinations are to be made.
- (10) In this section “nutrients”, in relation to an area designated under –
 - (a) section 96C(1), means nutrients in water comprising nitrogen or compounds of nitrogen;
 - (b) section 96C(2), means nutrients in water comprising phosphorus or compounds of phosphorus.

96FB Section 96FA: procedure and revocations

- (1) A designation under section 96FA(1) or revocation of such a designation under subsection (3)(c) –
 - (a) must be in writing,
 - (b) must be published as soon as practicable after being made, and
 - (c) takes effect in accordance with subsection (3) or (4) (as appropriate).
- (2) A designation under section 96FA(1) may be made at the same time, or at any time after the time, that the designation under section 96C(1) or (2) of the area as a sensitive catchment area is made.

- (3) A designation under section 96FA(1) –
- (a) if made before the time that the designation under section 96C(1) or (2) takes effect, takes effect at the same time as that designation;
 - (b) if made after the time that the designation under section 96C(1) or (2) takes effect, takes effect on the day specified in it;
 - (c) may be revoked.
- (4) A revocation under subsection (3)(c) –
- (a) takes effect –
 - (i) on the day specified in the revocation, or
 - (ii) if none is specified, on the day on which it is made;
 - (b) has no effect in relation to the designation of the area under section 96C(A1), (1) or (2);
 - (c) may specify the upgrade date that is to apply in relation to nutrient significant plants (see section 96E(2A)).
- (5) In determining whether an upgrade date should be specified under subsection (4)(c), the Secretary of State may take into account, in particular, advice from, or guidance published by, Natural England or the Environment Agency.”

Member's explanatory statement

This amendment allows for a catchment area to be designated as a catchment permitting area. Compliance with the nutrient pollution standard will be determined through the collective performance of all plants that discharge into the area.

BARONESS SCOTT OF BYBROOK

247YA Clause 158, page 188, line 23, leave out “sensitive”

Member's explanatory statement

This amendment is consequential on the second amendment in my name to clause 158 at page 184, line 32.

BARONESS SCOTT OF BYBROOK

247YB Clause 158, page 188, line 26, at end insert –

“(za) all the nutrient affected catchment areas,”

Member's explanatory statement

This amendment requires all nutrient affected catchment areas (designated under the duty created by the second amendment in my name to clause 158 at page 184, line 32) to be displayed on a map maintained by the Secretary of State.

BARONESS SCOTT OF BYBROOK

247YC Clause 158, page 188, line 30, before “sensitive” insert “nutrient affected and”

Member's explanatory statement

This amendment is consequential on the second amendment in my name to clause 158 at page 184, line 32.

BARONESS SCOTT OF BYBROOK

- 247YD** Clause 158, page 189, line 1, leave out “the figure specified in section 96F(1) or (2)” and insert “where the associated catchment area for a plant is not a catchment permitting area, the figure specified in section 96F(1)(a)(i) or (2)(a)(i), under section 96C(4)(e) or 96D(4A) or by virtue of regulations made under section 96D(7A)”

Member's explanatory statement

This amendment is consequential on the amendments to clause 158 at page 185, line 20, page 186, line 13, and page 186, line 25.

BARONESS SCOTT OF BYBROOK

- 247YE** Clause 158, page 189, line 4, leave out sub-paragraph (iv)

Member's explanatory statement

This amendment is consequential on the amendment that substitutes Schedule 13.

BARONESS SCOTT OF BYBROOK

- 247YF** Clause 158, page 189, line 11, at end insert –

“(c) all catchment permitting areas.”

Member's explanatory statement

This amendment is consequential on the second amendment in my name to clause 158 at page 188, line 22.

BARONESS SCOTT OF BYBROOK

- 247YG** Clause 158, page 189, line 36, after “96B” insert “or 96FA”

Member's explanatory statement

This amendment is consequential on the second amendment in my name to clause 158 at page 188, line 22.

BARONESS SCOTT OF BYBROOK

- 247YH** Clause 158, page 189, line 43, leave out “that section” and insert “those sections”

Member's explanatory statement

This amendment is consequential on the second amendment in my name to clause 158 at page 188, line 22.

BARONESS SCOTT OF BYBROOK

247YJ Clause 158, page 190, line 20, leave out “96F(1)” and insert “96F(1)(a)(i)”

Member's explanatory statement

This amendment is consequential on the amendments to clause 158 at page 185, line 20, page 186, line 13, and page 186, line 25.

BARONESS SCOTT OF BYBROOK

247YK Clause 158, page 190, line 20, leave out “lower” and insert “different”

Member's explanatory statement

This amendment allows for section 96F(1) to be amended to specify a different nutrient concentration.

BARONESS SCOTT OF BYBROOK

247YL Clause 158, page 190, line 22, leave out “96F(2)” and insert “96F(2)(a)(i)”

Member's explanatory statement

This amendment is consequential on the amendments to clause 158 at page 185, line 20, page 186, line 13, and page 186, line 25.

BARONESS SCOTT OF BYBROOK

247YM Clause 158, page 190, line 22, leave out “lower” and insert “different”

Member's explanatory statement

This amendment allows for section 96F(2) to be amended to specify a different nutrient concentration.

BARONESS SCOTT OF BYBROOK

247YN Clause 158, page 190, line 27, leave out from “apply” to “which” and insert “for different purposes or different areas (including different plants within an area), the regulations may amend section 96F(1)(a)(i) or (2)(a)(i) to specify those concentrations and the purposes or areas for (or plants within an area to)”

Member's explanatory statement

This amendment clarifies that regulations under the new section 96I(4) of the Water Industry Act 1991 may make different provision for different areas, plants or purposes.

BARONESS SCOTT OF BYBROOK

247YP Clause 158, page 190, line 38, leave out “and 96K” and insert “, 96K and 96L”

Member's explanatory statement

This amendment is consequential on the amendment to clause 158 at page 192, line 33.

BARONESS SCOTT OF BYBROOK

247YQ Clause 158, page 190, line 39, leave out “and 96K” and insert “, 96K and 96L”

Member's explanatory statement

This amendment is consequential on the amendment to clause 158 at page 192, line 33.

BARONESS SCOTT OF BYBROOK

247YR Clause 158, page 191, line 10, at end insert –

““catchment permitting area” means a sensitive catchment area designated under section 96FA(1) for the time being;

“environmental permit” means a permit granted under Chapter 2 of Part 2 of the Environmental Permitting (England and Wales) Regulations 2016; and a reference to a condition imposed on such a permit is to be construed in accordance with those regulations;”

Member's explanatory statement

This amendment defines terms introduced by the second amendment in my name to clause 158 at page 188, line 22.

BARONESS SCOTT OF BYBROOK

247YS Clause 158, page 191, line 31, at end insert –

““nutrient affected catchment area” means an area designated under section 96C(A1);”

Member's explanatory statement

This amendment is consequential on the second amendment in my name to clause 158 at page 184, line 32.

BARONESS SCOTT OF BYBROOK

247YT Clause 158, page 192, line 11, at end insert –

““standard concentration”, in relation to the nutrient pollution standard that applies to a plant, means the concentration specified in section 96F(1)(a)(i) or (2)(a)(i) on the date that the designation of the associated catchment area as a sensitive catchment area takes effect;”

Member's explanatory statement

This amendment defines a term introduced by the amendment to clause 158 at page 185, line 20.

BARONESS SCOTT OF BYBROOK

247YU Clause 158, page 192, line 30, leave out “96F(1) or (2)” and insert “section 96F(1) or (2) or section 96FA(4)”

Member's explanatory statement

This amendment is consequential on the second amendment in my name to clause 158 at page 188, line 22.

BARONESS SCOTT OF BYBROOK

247YV Clause 158, page 192, line 32, at end insert –

“96L Setting and enforcing nutrient pollution standards

- (1) The Secretary of State may by regulations make provision about the setting and enforcing of nutrient pollution standards.
- (2) The Secretary of State may only exercise the power under subsection (1) if the Secretary of State considers that the provisions about the setting and enforcing of nutrient pollution standards will be at least as effective as the provision already in force under sections 96B to 96K, the Environmental Damage (Prevention and Remediation) (England) Regulations 2015 (S.I. 810/2015) or this section as a result of the exercise of this power, including in relation to –
 - (a) overall environmental protection (within the meaning of section 45 of the Environment Act 2021),
 - (b) nutrient pollution levels discharged by plants or across catchment areas,
 - (c) enforcement, or
 - (d) costs.
- (3) The regulations may, in particular –
 - (a) amend, repeal, revoke or otherwise modify –
 - (i) sections 96B to 96K,
 - (ii) the Environmental Damage (Prevention and Remediation) (England) Regulations 2015, or
 - (iii) provision made under this section;
 - (b) provide for a sewerage undertaker’s compliance with the duty under section 96B (or an equivalent) to be determined by reference to matters other than the concentration of nitrogen or phosphorous in treated effluent discharged by a plant;
 - (c) include provision applying or corresponding to any provision in sections 96B to 96K (with or without modifications);
 - (d) include provision about the establishment of schemes involving sewerage undertakers and others for the purpose of encouraging or requiring sewerage undertakers to arrange or contribute to action in respect of the effect of nitrogen or phosphorous (from any source) on a habitats site;
 - (e) make different provision for different purposes or different areas.”

Member's explanatory statement

This amendment confers a power on the Secretary of State to make provision about the setting and enforcing of nutrient pollution standards.

BARONESS SCOTT OF BYBROOK

247YW Clause 158, page 192, line 34, leave out “96I,” and insert “96I, 96L,”

Member's explanatory statement

This amendment requires that all regulations under the new section 96L of the Water Industry Act (inserted by the amendment to clause 158 at page 192, line 33) are subject to the affirmative procedure.

Clause 159

BARONESS SCOTT OF BYBROOK

247YX Clause 159, page 193, line 3, leave out from the first “to” to end of line 4 and insert “make provision about the effect of nutrient pollution in waste water in relation to certain duties and decisions under those Regulations.”

Member's explanatory statement

This amendment, which is consequential on the amendment that substitutes Schedule 13, revises the description of the provision made by Schedule 13.

After Clause 159

BARONESS SCOTT OF BYBROOK

247YY After Clause 159, insert the following new Clause –

“159A Regulations: nutrients in water in England

- (1) The Secretary of State may by regulations make provision about the operation of any relevant enactment in connection with the effect of nutrients in water that could affect a habitats site connected to a nutrient affected catchment area.
- (2) The regulations may make any provision which the Secretary of State considers appropriate, including provision that –
 - (a) disapplies or modifies, in relation to a relevant enactment, any effect of nutrients in water;
 - (b) confers, removes or otherwise modifies a function (including a function involving the exercise of a discretion) under or by virtue of a relevant enactment;
 - (c) affects how such a function is exercised, including the extent to which (if any) the effect of nutrients in water is taken, or to be taken, into account;

- (d) provides for an obligation under or by virtue of a relevant enactment to be treated as discharged (in circumstances where, but for the provision, the obligation may not have been discharged);
 - (e) amends, repeals, revokes or otherwise modifies any provision of a relevant enactment.
- (3) A “relevant enactment” means –
- (a) an enactment comprised in or made under an Act of Parliament, or
 - (b) retained direct EU legislation,
- so far as it relates to the environment, planning or development in England.
- (4) The enactments referred to in subsection (3)(a) do not include –
- (a) this section;
 - (b) Part 6 of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012).
- (5) Neither regulation 9 nor 16A of the Conservation of Habitats and Species Regulations 2017 applies in relation to this section.
- (6) In subsection (1) “habitats site” and “nutrient affected catchment area” have the meaning given in section 96J(2) of the Water Industry Act 1991; and a habitats site is connected to a nutrient affected catchment area if water released into the catchment area would drain into the site.
- (7) In this section “nutrients” means nutrients of any kind.
- (8) The power under subsection (1) may not be exercised after 31 March 2030.”

Member's explanatory statement

This amendment confers a power on the Secretary of State to make regulations affecting the operation, in connection with the effect of nutrients in water, of enactments concerned with the environment, planning or development in England.

Schedule 13

BARONESS SCOTT OF BYBROOK

247YYA Leave out Schedule 13 and insert the following new Schedule –

“SCHEDULE 13

Section 159

AMENDMENTS OF THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017:
EFFECT OF NUTRIENT POLLUTION IN WASTE WATER

PART 1

INTRODUCTORY

- 1 The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) are amended as set out in this Schedule.

PART 2

PLANNING

- 2 Chapter 2 of Part 6 (assessment of plans and projects: planning) is amended as follows.
- 3 In regulation 70 (grant of planning permission), after paragraph (4) insert—
- “(5) See regulation 85A for provision about the effect of nutrient pollution in waste water.”
- 4 In regulation 71 (planning permission: duty to review), after paragraph (9) insert—
- “(10) See regulation 85A for provision about the effect of nutrient pollution in waste water.”
- 5 In regulation 77 (general development orders: approval of local planning authority), after paragraph (7) insert—
- “(8) See regulation 85B for provision about the effect of nutrient pollution in waste water.”
- 6 In regulation 79 (special development orders), after paragraph (5) insert—
- “(6) See regulation 85A for provision about the effect of nutrient pollution in waste water.”
- 7 In regulation 80 (local development orders), after paragraph (5) insert—
- “(6) See regulation 85A for provision about the effect of nutrient pollution in waste water.”
- 8 In regulation 81 (neighbourhood development orders), after paragraph (5) insert—
- “(5A) See regulation 85A for provision about the effect of nutrient pollution in waste water.”
- 9 In regulation 82 (simplified planning zones), after paragraph (6) insert—
- “(7) See regulation 85A for provision about the effect of nutrient pollution in waste water.”
- 10 In regulation 83 (enterprise zones), after paragraph (6) insert—
- “(7) See regulation 85A for provision about the effect of nutrient pollution in waste water.”
- 11 After regulation 85 insert—

“Decisions where nutrient pollution in waste water is relevant: general

85A—(1) This regulation applies where—

- (a) a competent authority makes a relevant decision,
- (b) the potential development is development in England,

- (c) urban waste water from any potential development could affect a relevant site, and
 - (d) that waste water would be dealt with—
 - (i) under an environmental permit granted under Chapter 2 of Part 2 of the Environmental Permitting (England and Wales) Regulations 2016, or
 - (ii) in accordance with standard rules published under Chapter 4 of Part 2 of those Regulations.
- (2) When making the relevant decision, the competent authority must assume that nutrients in urban waste water from the potential development, whether alone or in combination with other factors, will not adversely affect the relevant site.
- (3) Accordingly, a potentially adverse effect on a relevant site caused by nutrients in urban waste water, whether alone or in combination with other factors, is not a ground for the competent authority to determine that—
- (a) an appropriate assessment is required by regulation 63(1) or 65(2), or
 - (b) the potential development will adversely affect the integrity of the relevant site or otherwise have negative implications for the site.
- (4) The assumption in paragraph (2) must be made even if a finding (however described) to the contrary is made—
- (a) in the conclusions of an appropriate assessment, carried out in accordance with regulation 63(1) or 65(2) and despite paragraph (3)(a),
 - (b) in representations made by the appropriate nature conservation body, in accordance with regulation 63(3), or
 - (c) by any other person.
- (5) A competent authority is not to be regarded as having failed to comply with a duty imposed by any provision of these Regulations or another enactment because it has acted in accordance with this regulation.
- (6) In this regulation—
- “potential development”, in relation to a relevant decision, means development—
- (a) that could be carried out by virtue of the planning permission, development order or scheme to which the decision relates, or
 - (b) to which the decision otherwise relates;
- “relevant decision” means—
- (a) where any of the following provides that the assessment provisions apply in relation to doing a thing, the decision whether or not to do it—
 - (i) regulation 70 (grant of planning permission),
 - (ii) regulation 79 (special development orders),
 - (iii) regulation 80 (local development orders),
 - (iv) regulation 81 (neighbourhood development orders),

- (v) regulation 82 (simplified planning zones), or
- (vi) regulation 83 (enterprise zones),
- (b) where any of the following provides that the review provisions apply in relation to a matter, a decision under regulation 65(1)(b) on a review of the matter –
 - (i) regulation 71 (planning permission: duty to review),
 - (ii) regulation 79 (special development orders),
 - (iii) regulation 80 (local development orders),
 - (iv) regulation 81 (neighbourhood development orders),
 - (v) regulation 82 (simplified planning zones), or
 - (vi) regulation 83 (enterprise zones);
 but this does not apply to a matter mentioned in regulation 71(4) (any review of which would be conducted in accordance with another Chapter),
- (c) a decision on an application for a consent, agreement or approval required by a condition or limitation attached to a planning permission, or specified in an order, granted under Part 3, 7 or 13 of the Town and Country Planning Act 1990,
- (d) a decision whether to grant a reserved matters approval in accordance with section 92(1) of that Act, or
- (e) a decision whether to approve a biodiversity gain plan under paragraph 15 (approval of biodiversity gain plan) of Schedule 7A to that Act.

Decisions where nutrient pollution in waste water is relevant: general development orders

85B.—(1) Paragraph (2) applies where –

- (a) a local planning authority (within the meaning given by regulation 78(1)) makes a decision on an application under regulation 77 (general development orders: approval of local planning authority) for approval as mentioned in regulation 75 relating to proposed development in England,
- (b) urban waste water from the proposed development could affect a relevant site, and
- (c) that waste water would be dealt with –
 - (i) under an environmental permit granted under Chapter 2 of Part 2 of the Environmental Permitting (England and Wales) Regulations 2016, or
 - (ii) in accordance with standard rules published under Chapter 4 of Part 2 of those Regulations.

(2) When making the decision, the competent authority must assume that nutrients in urban waste water from the proposed development, whether alone or in combination with other factors, will not adversely affect the relevant site.

(3) Accordingly, a potentially adverse effect on a relevant site caused by nutrients in urban waste water, whether alone or in combination with other factors, is not a ground for the competent authority to determine that –

- (a) an appropriate assessment is required by regulation 77(6), or
- (b) the proposed development will adversely affect the integrity of the relevant site or otherwise have negative implications for the site.

(4) The assumption in paragraph (2) must be made even if a finding (however described) to the contrary is made –

- (a) in the conclusions of an appropriate assessment, carried out in accordance with regulation 77(6) and despite paragraph (3)(a),
- (b) in the opinion provided by the appropriate nature conservation body, in accordance with regulation 76(4), or
- (c) by any other person.

(5) A competent authority is not to be regarded as having failed to comply with a duty imposed by any provision of these Regulations or another enactment because it has acted in accordance with this regulation.

Regulations 85A and 85B: interpretation

85C.–(1) In regulations 85A and 85B –

“nutrients” means nutrients –

- (a) comprising nitrogen or phosphorus, or
- (b) comprising compounds of nitrogen or phosphorus;

“relevant site” means a habitats site connected to a nutrient affected catchment area;

“urban waste water” has the meaning given by regulation 2(1) of the Urban Waste Water Treatment (England and Wales) Regulations 1994 (S.I. 1994/2841).

(2) In the definition of “relevant site” in paragraph (1) “habitats site” and “nutrient affected catchment area” have the meaning given in section 96J(2) of the Water Industry Act 1991; and a habitats site is connected to a nutrient affected catchment area if water released into the catchment area would drain into the site.”

PART 3

LAND USE PLANS

12 Chapter 8 of Part 6 (assessment of plans and projects: land use plans) is amended as follows.

13 In regulation 105 (assessment of implications for European sites and European offshore marine sites), after paragraph (6) insert –

“(7) See regulation 110A for provision about the effect of nutrient pollution in waste water.”

- 14 In regulation 106 (assessment of implications for European site: neighbourhood development plans), after paragraph (3) insert –
- “(3A) See regulation 110A for provision about the effect of nutrient pollution in waste water.”
- 15 In regulation 110 (national policy statements), in paragraph (3)(a), for “and 108” substitute “, 108 and 110A”.
- 16 After regulation 110 insert –

“Assessments under this Chapter: decisions where nutrient pollution in waste water is relevant

110A – (1) Paragraph (2) applies where –

- (a) a plan-making authority makes a relevant decision in relation to a land use plan relating to an area in England,
- (b) urban waste water from the area to which the plan relates could affect a relevant site, and
- (c) that waste water could be dealt with –
 - (i) under an environmental permit granted under Chapter 2 of Part 2 of the Environmental Permitting (England and Wales) Regulations 2016, or
 - (ii) in accordance with standard rules published under Chapter 4 of Part 2 of those Regulations.

(2) When making the relevant decision, the competent authority must assume that nutrients in urban waste water from the area to which the plan relates, whether alone or in combination with other factors, will not adversely affect the relevant site.

(3) Accordingly, a potentially adverse effect on a relevant site caused by nutrients in urban waste water, whether alone or in combination with other factors, is not a ground for the competent authority to determine that –

- (a) an appropriate assessment is required by regulation 105(1) or 106(3), or
- (b) the proposed use of the land will adversely affect the integrity of the relevant site or otherwise have negative implications for the site.

(4) The assumption in paragraph (2) must be made even if a finding (however described) to the contrary is made –

- (a) in the conclusions of an appropriate assessment, carried out in accordance with regulation 105(1) or 106(3) and despite paragraph (3)(a),
- (b) in representations made by the appropriate nature conservation body, in accordance with regulation 105(2), or
- (c) by any other person.

(5) A competent authority is not to be regarded as having failed to comply with a duty imposed by any provision of these Regulations or another enactment because it has acted in accordance with this regulation.

(6) In this regulation “nutrients”, “relevant site” and “urban waste water” have the meaning given in regulation 85C.

(7) In this regulation “relevant decision” means –

- (a) a decision whether to give effect to a land use plan, or
- (b) a decision whether to modify or revoke a neighbourhood development plan.””

Member's explanatory statement

This amendment substitutes Schedule 13, which amends the Conservation of Habitats and Species Regulations 2017, to provide that certain authorities/bodies (when exercising duties or making decisions relevant to the regulations) must assume that nutrients in waste water from proposed developments will not adversely affect habitats sites.

THE DUKE OF WELLINGTON
BARONESS JONES OF WHITCHURCH
BARONESS PARMINTER
LORD RANDALL OF UXBRIDGE

As an amendment to Amendment 247YYA

247YYAA In paragraph 11, inserted regulation 85A, leave out paragraphs (2) to (4)

Member's explanatory statement

This amendment, and two others in the name of the Duke of Wellington, would delete from the new Schedule 13 the requirement placed on a local authority to assume that nutrients in waste water will not cause harm to the environment.

THE DUKE OF WELLINGTON
BARONESS JONES OF WHITCHURCH
BARONESS PARMINTER
LORD RANDALL OF UXBRIDGE

As an amendment to Amendment 247YYA

247YYAB In paragraph 11, inserted regulation 85B, leave out paragraphs (2) to (4)

Member's explanatory statement

This amendment, and two others in the name of the Duke of Wellington, would delete from the new Schedule 13 the requirement placed on a local authority to assume that nutrients in waste water will not cause harm to the environment.

THE DUKE OF WELLINGTON
BARONESS JONES OF WHITCHURCH
BARONESS PARMINTER
LORD RANDALL OF UXBRIDGE

As an amendment to Amendment 247YYA

247YYAC In paragraph 16, inserted regulation 110A, leave out paragraphs (2) to (4)

Member's explanatory statement

This amendment, and two others in the name of the Duke of Wellington, would delete from the new Schedule 13 the requirement placed on a local authority to assume that nutrients in waste water will not cause harm to the environment.

Clause 160

BARONESS SCOTT OF BYBROOK

247YYB Clause 160, page 193, line 36, at end insert –

“(3A) Where –

- (a) the nutrient significant plant referred to in paragraph (1) is a plant that discharges treated effluent into a catchment permitting area (see section 96FA of the Water Industry Act 1991), and
- (b) the sewerage undertaker has failed to comply with a condition in the environmental permit for the plant imposed in pursuance of subsection (3)(b) of that section,

the definition of “excess nutrient pollution” in paragraph (3) is subject to the following modifications.

(3B) In a case where the condition relates to the total nutrient pollution discharged by the plant specifically, references in that definition to the “upgrade date” are to be read as the “applicable date”.

(3C) In a case where the condition relates to the total nutrient pollution discharged by all plants that discharge into the associated catchment area, that definition is to be read as if –

- (a) in the words before paragraph (a), after “by the plant” there were inserted “and all other plants that discharged into the associated catchment area for that plant”,
- (b) in paragraph (a), for “upgrade date” there were substituted “applicable date”, and
- (c) in the words after paragraph (b) –
 - (i) for “that it” there were substituted “that both it and those other plants”, and
 - (ii) for “upgrade date” there were substituted “applicable date”.

(3D) For the purposes of paragraph (3) as modified by paragraph (3B) or (3C), the “applicable date” is to be determined in accordance with section 96FA(6)(a) of the Water Industry Act 1991.”

Member's explanatory statement

This amends the provision to be inserted into the Environmental Damage (Prevention and Remediation) (England) Regulations 2015 by clause 160 so that provision functions in relation to catchment permitting areas, introduced by the second amendment in my name to clause 158 at page 188, line 22.

BARONESS SCOTT OF BYBROOK

247YYC Clause 160, page 194, line 10, leave out “96C” and insert “96C(1) or (2)”

Member's explanatory statement

This amendment is consequential on the second amendment in my name to clause 158 at page 184, line 32.

BARONESS SCOTT OF BYBROOK

247YYD Clause 160, page 194, line 17, at end insert –

““catchment permitting area”;
“environmental permit”;

Member's explanatory statement

This amendment is consequential on the amendment to clause 160 at page 193, line 36.

After Clause 218

LORD FOSTER OF BATH
LORD SHIPLEY

247YYE After Clause 218, insert the following new Clause –

“Second homes for council tax purposes

The Secretary of State may by regulations permit, through a licensing scheme, local authorities to set a limit on the proportion of dwellings which, at the point of sale, become second homes for council tax purposes.”

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.

THE EARL OF LYTTON

260A After Schedule 20, insert the following new Schedule –

“SCHEDULE

BUILDING SAFETY REMEDIATION SCHEME

Duty to establish the scheme

- 1 (1) The Secretary of State must establish, or make arrangements for the establishment of, a Building Safety Remediation Scheme (“the BSRS”).
- (2) The purpose of the BSRS must be to ensure that residential blocks of flats with building safety risks are made safe, mortgageable and insurable –
 - (a) in accordance with the building safety remediation principle,
 - (b) speedily, efficiently, effectively and proportionately,
 - (c) without cost to leaseholders or occupiers, and
 - (d) so far as reasonably practicable without recourse to lengthy and expensive legal proceedings.
- (3) For the purposes of this Schedule “building safety remediation principle” is the principle that –
 - (a) so far as reasonably practicable, remediation costs for relevant buildings with building safety risks arising from defective construction or additional building work should be met by the developer, the principal contractor or both, and
 - (b) where that is not reasonably practicable, or where building safety risks do not arise from defective construction or additional building work, costs should be met by the building industry.

Scope of the scheme

- 2 The BSRS must be framed so as to apply to relevant buildings which –
 - (a) were constructed, or subject to additional building work, on or after 1 June 1992, and
 - (b) present building safety risks.

Operation of the scheme

- 3 (1) The BSRS must provide for persons (including freeholders and leaseholders) to apply –
 - (a) for a building to be recognised as a relevant building, and
 - (b) for a relevant building to be recognised as eligible for grants in respect of the cost of remediation works.
- (2) The BSRS must provide –
 - (a) for the appointment of persons (“BSRS adjudicators”) with appropriate expertise to determine, on behalf of the Secretary of State, applications under sub-paragraph (1)(a) and (b), and

- (b) for BSRS adjudicators to be required to exercise operational independence in making determinations under the scheme.
- (3) For the purposes of sub-paragraph (2), the BSRS may provide for appointments to be made by the Secretary of State or by one or more persons designated for that purpose by the Secretary of State under the scheme.
- (4) The BSRS must provide that determinations of BSRS adjudicators in respect of building eligibility for the scheme under paragraph 4 are final (but nothing in this sub-paragraph prevents the exercise by the High Court of its judicial review jurisdiction).

Scheme supplementary regulations

- 4 (1) The Secretary of State must make regulations (“scheme supplementary regulations”) in respect of the BSRS.
- (2) Scheme supplementary regulations, in particular –
 - (a) may make provision for determining what is to be, or not to be, treated as a relevant building for the purposes of the scheme;
 - (b) may make provision for determining the date on which buildings were constructed or subject to additional building work;
 - (c) may make provision for determining who is entitled to make an application under the scheme in respect of a relevant building;
 - (d) may specify criteria to be applied by BSRS adjudicators in determining whether a relevant building presents building safety risks as a result of defective construction (and the criteria may, in particular, make provision wholly or partly by reference to building regulations or other enactments in force at the time of construction or by reference to specified classes of document);
 - (e) may make provision permitting or requiring BSRS adjudicators to conduct tests, and requiring owners and occupiers of relevant buildings to cooperate with BSRS adjudicators in conducting tests;
 - (f) may make provision permitting BSRS adjudicators to require local authorities or other specified classes of person to provide information or documents, and requiring persons to comply with any requirements imposed;
 - (g) may make provision about the timing of applications and determinations;
 - (h) may make provision about evidence to be adduced in support of an application;
 - (i) may require or permit BSRS adjudicators to operate a rebuttable presumption of defective construction where specified classes of fact have been proved (for which purpose the regulations may make provision similar to, or applying with or without modification, any enactment);
 - (j) may make provision about the making, processing and determination of applications under the scheme;
 - (k) may make provision about the giving of notice to developers and others;

- (l) may make provision about the payment of awards;
- (m) may make provision about monitoring expenditure on remediation works;
- (n) may set a threshold for the estimated or quoted cost of remediation works below which an application for recognition cannot be made;
- (o) may make provision for determining, having regard in particular to the need for proportionality, the nature and extent of remediation costs which may be funded by the scheme (for which purpose “remediation costs” means any class of expenditure related to building safety risks, including, in particular, repair costs, the costs of interim mitigation or safety measures and reimbursement of or compensation for increases in insurance premiums);
- (p) may make provision for account to be taken of grants provided in respect of remediation works by any other scheme established by enactment or by a public authority;
- (q) may make provision for financial assistance provided by any other scheme established by enactment or by a public authority to be repaid out of grants under the remediation scheme;
- (r) may permit or require the amalgamation of multiple applications in respect of one relevant building, or of applications on behalf of the residents of one or more relevant buildings;
- (s) may permit or require representative applications on behalf of the residents of one or more relevant buildings;
- (t) may make provision about the qualifications, appointment, remuneration and conduct of BSRS adjudicators, and the regulations may, in particular –
 - (i) provide for adjudicators to be remunerated from BSRS funds;
 - (ii) provide for indemnities in respect of decisions taken by adjudicators (for which purpose the regulations may apply an enactment (with or without modification));
- (u) must include provision requiring the maintenance and publication of records of applications and determinations under the BSRS;
- (v) must confer a right to appeal to the First-tier Tribunal in respect of determinations as to whether a building safety risk arose from defective construction or additional building work.

Scheme funding regulations

- 5 (1) The Secretary of State must make regulations about the funding of the BSRS and of grants made under it (“scheme funding regulations”).
- (2) Scheme funding regulations must aim to apply the building safety remediation principle so far as practicable.
- (3) For that purpose, scheme funding regulations must aim to ensure that a grant awarded under the BSRS is funded –
 - (a) so far as possible where building safety risks arise from defective construction or additional building work, by the developer or principal contractor of the building in respect of which the grant is awarded, and

- (b) failing that (whether by reason of the dissolution of a developer or principal contractor, insolvency or otherwise), or where building safety risks do not arise from defective construction or additional building work, by money paid into a fund maintained through a levy on the building industry in general, or specified parts of the building industry.
- (4) For the purposes of achieving the objective in sub-paragraph (3)(a) –
- (a) the reference to the developer of a building includes a reference to any person who arranged for its construction or additional building work and for the sale of units in the building;
 - (b) the reference to the principal contractor is a reference to the person who was responsible to the developer for the construction of a building or undertaking additional building work;
 - (c) scheme funding regulations must permit a BSRS adjudicator to provide for an award under the scheme to be paid by one or more persons specified by the adjudicator (and awards may, in particular, provide for joint and several liability);
 - (d) scheme funding regulations must confer a right to appeal to the First-tier Tribunal;
 - (e) scheme funding regulations may include provision permitting a BSRS adjudicator to permit or require an award for payment by a specified person to be satisfied wholly or partly by a person connected to that person (within the meaning of the regulations, for which purpose the regulations may apply, with or without modification, section 121 of the Building Safety Act 2022 and any enactment relating to joint ventures);
 - (f) scheme funding regulations may include provision about enforcement of liability to satisfy awards, which may, in particular –
 - (i) provide for collection of awards as a statutory debt,
 - (ii) include provision for interest or penalties,
 - (iii) provide for liability to make payments pending appeal or review, and
 - (iv) create criminal offences in connection with evasion.
- (5) For the purposes of achieving the objective in sub-paragraph (3)(b), scheme funding regulations –
- (a) must establish one or more levies to be paid by specified businesses or classes of business;
 - (b) must make provision for determining liability to pay the levy;
 - (c) may confer functions on BSRS adjudicators or other specified persons (which may include the Secretary of State) in respect of determination of liability to pay the levy;
 - (d) must confer on a person determined to be liable to pay the levy the right to appeal to the First-tier Tribunal;
 - (e) may provide for different amounts of levy to be paid by different classes of person;
 - (f) may provide for the levy to be paid by way of one-off payments, periodic payments or both;

- (g) may include provision about enforcement of liability to pay the levy (which may, in particular, provide for collection of the levy as a statutory debt, include provision for interest or penalties and create criminal offences in connection with evasion);
 - (h) must include provision about the administration of the levy by the Secretary of State, including provision as to the maintenance and publication of estimates, accounts and other records;
 - (i) may include supplemental provision about the levy.
- (6) In making regulations under sub-paragraph (5), and in particular in assessing the proportionality and other fairness of any levy imposed by regulations under sub-paragraph (5), the Secretary of State must –
- (a) have regard to any other levy or similar imposition that appears to have a similar purpose as a levy under the scheme funding regulations, and
 - (b) must consult persons appearing to him or her to represent the interests of persons affected by other relevant levies and impositions.
- (7) Scheme funding regulations may include provision about –
- (a) application of awards, levies and grants, including provision for holding (or return) of surplus funds;
 - (b) the nature and extent of obligations imposed by awards (which may, in particular, provide for payments in money or services or money's worth);
 - (c) processes and procedures to be applied in determining applications for grants and questions of liability to awards (which may, in particular, include provision for determination wholly, partly, absolutely or contingently by arbitration, mediation or any other kind of process or procedure the Secretary of State thinks appropriate);
 - (d) terms and conditions of awards, levies and grants;
 - (e) appraisals, appeals and enforcement.

Apportionment

- 6 (1) Scheme funding regulations may make provision about apportionment of liability for defective construction.
- (2) In particular, scheme funding regulations may provide that where a person is required to pay an award under the BSRS, that person may bring proceedings to recover a contribution from one or more persons who share responsibility for the defects in respect of which the award is made.
- (3) Provision made by virtue of this paragraph may –
- (a) confer jurisdiction on the First-tier Tribunal or on any other specified court or tribunal;
 - (b) apply (with or without modifications) any enactment about third-party liability.

Interim payments

- 7 (1) The Secretary of State may make interim grants to persons whom the Secretary of State believes are likely to be entitled to benefit from the remediation scheme.
- (2) Interim grants may be made on such terms and conditions (including as to repayment) as the Secretary of State may specify.
- (3) Scheme supplementary regulations –
- (a) may include provision for account to be taken of interim grants under this paragraph, and
 - (b) may include other provision about interim grants under this paragraph (including provision about applications for grants, eligibility for grants and determination of applications for grants).

Interpretation

- 8 For the purposes of this Schedule –
- “building safety risk” has the meaning given in section 120(5) of the Building Safety Act 2022;
 - “building industry” has the meaning given in section 127(7) of the Building Safety Act 2022;
 - “construction” includes any kind of building work (whether part of the original construction of a building or not) including works of improvement, repair and extension;
 - “class” includes description;
 - “defective construction or other building work” means construction or additional building work that –
 - (a) contravened building regulations or other enactments in force at the time of the construction or additional building work, or
 - (b) satisfies any other criteria specified in the BSRS or in scheme supplementary regulations;
 - “BSRS funding regulations” has the meaning given by paragraph 5;
 - “BSRS scheme” has the meaning given by paragraph 1;
 - “BSRS adjudicator” has the meaning given by paragraph 3;
 - “grant” includes loans and any other form of financial assistance (for which purpose a reference to payment includes a reference to the provision of assistance);
 - “building safety remediation principle” has the meaning given by paragraph 1;
 - “remediation costs” has the meaning given by paragraph 4;
 - “relevant building” means a self-contained building, or self-contained part of a building that contains at least two dwellings;
 - “scheme supplementary regulations” has the meaning given by paragraph 4.

Consultation

- 9 Before making the scheme, the scheme supplementary regulations and the scheme funding regulations, the Secretary of State must consult—
- (a) persons appearing to represent the interests of freeholders, leaseholders or occupiers of blocks of flats with building safety risks,
 - (b) persons appearing to represent the interests of the construction industry and related industries, and
 - (c) such other persons as the Secretary of State thinks appropriate.

Regulations

- 10 (1) Scheme supplementary regulations and scheme funding regulations—
- (a) may make provision that applies generally or only for specified purposes,
 - (b) may make different provision for different purposes,
 - (c) may confer functions (including discretionary functions) on specified persons or classes of person, and may provide for the Secretary of State to appoint persons to exercise functions under the regulations or the remediation scheme (whether or not on behalf of the Secretary of State), and
 - (d) may include supplemental, consequential or transitional provision.
- (2) Scheme funding regulations may not be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.
- (3) Scheme supplementary regulations are subject to annulment in pursuance of a resolution of either House of Parliament.”

Member's explanatory statement

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

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 222

BARONESS SCOTT OF BYBROOK

263A Clause 222, page 264, line 11, after “State” insert “, the Scottish Ministers”

Member's explanatory statement

This amendment and the amendments to Clause 222 (page 264: lines 14, 18 and 31) in the Minister’s name make provision for the Scottish Ministers to charge fees in connection with certain functions as the appropriate licensing authority under the Marine and Coastal Access Act 2009.

BARONESS SCOTT OF BYBROOK

263B Clause 222, page 264, line 14, after “State” insert “, the Scottish Ministers”

Member's explanatory statement

This amendment and the amendments to Clause 222 (page 264: lines 11, 18 and 31) in the Minister’s name make provision for the Scottish Ministers to charge fees in connection with certain functions as the appropriate licensing authority under the Marine and Coastal Access Act 2009.

BARONESS SCOTT OF BYBROOK

263C Clause 222, page 264, line 18, leave out “Where the Secretary of State is the licensing authority” and insert “Where the licensing authority is the Secretary of State or the Scottish Ministers”

Member's explanatory statement

This amendment and the amendments to Clause 222 (page 264: lines 11, 14 and 31) in the Minister's name make provision for the Scottish Ministers to charge fees in connection with certain functions as the appropriate licensing authority under the Marine and Coastal Access Act 2009.

BARONESS SCOTT OF BYBROOK

- 263D** Clause 222, page 264, line 31, leave out “where the Secretary of State is the licensing authority” and insert “where the licensing authority is the Secretary of State or the Scottish Ministers”

Member's explanatory statement

This amendment and the amendments to Clause 222 (page 264: lines 11, 14 and 18) in the Minister's name make provision for the Scottish Ministers to charge fees in connection with certain functions as the appropriate licensing authority under the Marine and Coastal Access Act 2009.

BARONESS SCOTT OF BYBROOK

- 263E** Clause 222, page 264, line 40, after “State” insert “, the Scottish Ministers”

Member's explanatory statement

This amendment is consequential on the amendments made to Clause 222 (page 264: lines 11, 14, 18 and 31) in the Minister's name.

BARONESS SCOTT OF BYBROOK

- 263F** Clause 222, page 265, line 2, after “State” insert “, the Scottish Ministers”

Member's explanatory statement

This amendment is consequential on the amendments made to Clause 222 (page 264: lines 11, 14, 18 and 31) in the Minister's name.

BARONESS SCOTT OF BYBROOK

- 263G** Clause 222, page 265, line 5, after “State” insert “, the Scottish Ministers”

Member's explanatory statement

This amendment is consequential on the amendments made to Clause 222 (page 264: lines 11, 14, 18 and 31) in the Minister's name.

BARONESS SCOTT OF BYBROOK

- 263H** Clause 222, page 265, line 8, after “State” insert “, the Scottish Ministers”

Member's explanatory statement

This amendment is consequential on the amendments made to Clause 222 (page 264: lines 11, 14, 18 and 31) in the Minister's name.

BARONESS SCOTT OF BYBROOK

263J Clause 222, page 265, line 10, after “State” insert “, the Scottish Ministers”

Member's explanatory statement

This amendment is consequential on the amendments made to Clause 222 (page 264: lines 11, 14, 18 and 31) in the Minister's name.

BARONESS SCOTT OF BYBROOK

263K Clause 222, page 265, line 12, after “State” insert “, the Scottish Ministers”

Member's explanatory statement

This amendment is consequential on the amendments made to Clause 222 (page 264: lines 11, 14, 18 and 31) in the Minister's name.

BARONESS SCOTT OF BYBROOK

263L Clause 222, page 265, line 14, after “State” insert “, the Scottish Ministers”

Member's explanatory statement

This amendment is consequential on the amendments made to Clause 222 (page 264: lines 11, 14, 18 and 31) in the Minister's name.

BARONESS SCOTT OF BYBROOK

263M Clause 222, page 265, line 16, after “State” insert “, the Scottish Ministers”

Member's explanatory statement

This amendment is consequential on the amendments made to Clause 222 (page 264: lines 11, 14, 18 and 31) in the Minister's name.

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
THE EARL OF LYTTON

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
THE EARL OF LYTTON

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.

LORD PARKINSON OF WHITLEY BAY
BARONESS PINNOCK
LORD MENDOZA

271A After Clause 226, insert the following new Clause –

“Blue plaques in England

In paragraph 4 of Schedule 2 to the Local Government Act 1985 (Listed Buildings, Conservation Areas and Ancient Monuments), for “Greater London” substitute “any area in England”.

Member's explanatory statement

This amendment would have the effect of extending the express statutory power of the Historic Buildings and Monuments Commission for England to provide and erect blue plaques in Greater London to the whole of England.

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
LORD RANDALL OF UXBRIDGE

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
BARONESS HAYMAN OF ULLOCK

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 as 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
Revised version of Amendment 282F

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.
- (3) Before making regulations under this section, the Secretary of State must consult such persons or bodies as the Secretary of State considers appropriate.”

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 [*Withdrawn*]

BARONESS HAYMAN
LORD LUCAS
BARONESS SHEEHAN
BARONESS BLACKSTONE

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.

THE EARL OF LYTTON

282J After Clause 226, insert the following new Clause—

“Building Safety Remediation Scheme

- (1) Planning permission must not be granted to any developer or associated persons responsible for the construction or sale of units in a building with a building safety risk until the Secretary of State has established a Building Safety Remediation Scheme (“the BSRS”).
- (2) The purpose of the BSRS must be to ensure that residential blocks of flats with building safety risks are made safe, mortgageable and insurable—
 - (a) in accordance with the building safety remediation principle,
 - (b) speedily, efficiently, effectively and proportionately,
 - (c) without cost to leaseholders or occupiers, and
 - (d) so far as reasonably practicable without recourse to lengthy and expensive legal proceedings.
- (3) Schedule (*Building Safety Remediation Scheme*) makes further provision for the establishment of the BSRS.
- (4) “Associated persons” has the meaning given in section 121 of the Building Safety Act 2022.
- (5) The building safety remediation principle is the principle that—
 - (a) so far as reasonably practicable, remediation costs for relevant buildings with building safety risks arising from defective construction or additional building work should be met by the developer, the principal contractor or both, and
 - (b) where that is not reasonably practicable, or where building safety risks do not arise from defective construction or additional building work, costs should be met by the building industry.”

Member's explanatory statement

This Clause introduces a new Schedule to establish a building safety remediation scheme to ensure that buildings with building safety risks are put right without costs to leaseholders.

BARONESS HAYMAN
LORD TEVERSON
LORD DEBEN
BARONESS HAYMAN OF ULLOCK

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

“Onshore wind development

- (1) In section 15(2) of the Planning Act 2008 (generating stations) omit paragraph (aa).
- (2) In the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I. 2015/595) omit Part 2 (pre-application consultation).
- (3) Within six months of the passing of this Act, the Secretary of State must revise and republish all relevant national planning guidance –
 - (a) to reflect the reinstatement of onshore wind in the Planning Act 2008 under subsection (1), and
 - (b) to ensure parity with other renewable and low carbon development, including but not limited to, removing restrictions on onshore wind energy development in the National Planning Policy Framework and the energy National Policy Statements.”

Member's explanatory statement

This amendment intends to reinstate onshore wind development into the planning system for the purposes of meeting the United Kingdom's carbon account target under section 1 of the Climate Change Act 2008, and providing a level playing field in planning terms for onshore wind development compared with other forms of development.

BARONESS HAYMAN
LORD STUNELL
LORD BOURNE OF ABERYSTWYTH
LORD HUNT OF KINGS HEATH

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

“National Warmer Homes and Businesses Action Plan

- (1) The Secretary of State must, before the end of the period of 6 months beginning with the day on which this Act is passed, publish a Warmer Homes and Businesses Action Plan, to set out how they intend to deliver on –
 - (a) achieving a low-carbon heat target of 100% of installations of relevant heating appliances and connections to relevant heat networks by 2035,
 - (b) achieving EPC band C by 2035 in all UK homes where practical, cost-effective and affordable,
 - (c) achieving EPC band B by 2030 in all non-domestic properties, and
 - (d) introducing the Future Homes Standard for all new builds in England by 2025.

- (2) The Secretary of State must, in developing the Warmer Homes and Businesses Action Plan, consult the Climate Change Committee and its sub-committee on adaptation.”

Member's explanatory statement

This amendment imposes a duty on the Secretary of State to bring forward a plan with timebound proposals for low carbon heat, energy efficient homes and non-domestic properties and higher standards on new homes.

LORD RANDALL OF UXBRIDGE
BARONESS JONES OF WHITCHURCH
BARONESS WILLIS OF SUMMERTOWN

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

“Protected Landscapes Management Plans and environmental targets

- (1) The Secretary of State must by regulations –
- (a) make provision requiring National Parks and Areas of Outstanding Natural Beauty Management Plans to include targets, policies, strategies and plans to –
 - (i) contribute to the delivery of relevant environmental targets under the Environment Act 2021, including interim targets, and
 - (ii) further the purposes specified in section 5 of the National Parks and Access to the Countryside Act 1949, section 2 of the Norfolk and Suffolk Broads Act 1988, or section 87 of the Countryside and Rights of Way Act 2000;
 - (b) make provision requiring any relevant authority to –
 - (i) contribute to the delivery of any targets, policies, strategies and plans included in the relevant National Parks and Areas of Outstanding Natural Beauty Management Plan pursuant to paragraph (a), and
 - (ii) further the purposes set out in paragraph (a)(ii) when 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.
- (2) The Secretary of State must publish guidance setting out directions for relevant authorities to comply with provisions under this section and review the guidance at least every five years.”

Member's explanatory statement

This new Clause requires the Secretary of State to make regulations requiring Protected Landscapes Management Plans to contribute to national targets and requiring relevant authorities to further Management Plan targets and actions.

LORD MOYLAN
BARONESS SCOTT OF BYBROOK
LORD GREENHALGH

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

“Road user charging schemes in London

- (1) Schedule 23 to GLAA 1999 (road user charging) is amended as follows.
- (2) After paragraph 1(3) insert –
 - “(3A) Any reference in this Schedule to national obligations is a reference to obligations imposed by or under any enactment on a Minister of the Crown.”
- (3) After paragraph 3 insert –

“Proposals relating to certain TfL schemes: opt out

 - 3A (1) This paragraph applies where Transport for London proposes to –
 - (a) make a TfL scheme the purpose, or one of the purposes, of which is the improvement of air quality, or
 - (b) significantly vary a TfL scheme where the purpose, or one of the purposes, of the variation is the improvement of air quality.
 - (2) Transport for London must publish a draft order containing the proposed TfL scheme or the proposed variations to the TfL scheme.
 - (3) The draft order must be in such form as the Authority may determine.
 - (4) Transport for London may not make the order and submit it to the Authority in accordance with paragraph 4(1) otherwise than in accordance with sub-paragraph (8).
 - (5) A relevant London borough council may, within the opt-out period, give notice that it wants to opt out of the scheme (an “opt-out notice”).
 - (6) An opt-out notice must be given to –
 - (a) Transport for London, and
 - (b) the Secretary of State.
 - (7) A London borough council is “relevant” if –
 - (a) any of the council’s area falls within the charging area of the proposed TfL scheme or of the TfL scheme after the proposed variations have been made, and
 - (b) the principal purpose of the scheme applying in the council’s area is the improvement of air quality.
 - (8) After the opt-out period has ended –
 - (a) if sub-paragraph (9) applies, Transport for London may make the order and submit it to the Authority in accordance with paragraph 4(1);

- (b) if sub-paragraph (10) applies, Transport for London may make the order and submit it to the Authority in accordance with paragraph 4(1) only if Transport for London first modifies the order so that the proposed TfL scheme, or the TfL scheme after the proposed variations have been made, will not apply to the area of each eligible council which has given, and not withdrawn, an opt-out notice.
- (9) This sub-paragraph applies if –
 - (a) no opt-out notice has been given within the opt-out period or any opt-out notices that have been given within that period have been withdrawn, or
 - (b) one or more opt-out notices have been given within the opt-out period and have not been withdrawn, but each of them was given by a London borough council that was an ineligible council when the notice was given and in each case either –
 - (i) the council did not submit an alternative plan, within the opt-out period, to the Secretary of State under paragraph 3B, or
 - (ii) the council did so submit an alternative plan and the plan has been rejected under that paragraph.
- (10) This sub-paragraph applies if –
 - (a) one or more opt-out notices have been given and have not been withdrawn,
 - (b) in the case of any opt-out notice that was given by a London borough council that was an ineligible council when the notice was given –
 - (i) the council did not submit an alternative plan, within the opt-out period, to the Secretary of State under paragraph 3B, or
 - (ii) the council did so submit an alternative plan and it has been either approved or rejected under that paragraph, and
 - (c) one or more of the opt-out notices that have been given, and not withdrawn, was given by a London borough council that is an eligible council (whether or not that council was an eligible council at the time the opt-out notice was given).
- (11) A relevant London borough council is an “eligible council” if it has complied with any duty imposed on it under or by virtue of Part 4 of the Environment Act 1995 and –
 - (a) no part of the council’s area is designated, or is required to be designated, as an air quality management area under section 83 of the Environment Act 1995 (designation of air quality management areas), or
 - (b) if any part of the council’s area is so designated, or required to be so designated, the council has an alternative plan that has been approved by the Secretary of State under paragraph 3B.

- (12) In this paragraph and paragraph 3B –
- “alternative plan” means a plan for improving air quality in the area of the London borough council which does not involve the TfL scheme applying to any of the area of the London borough council;
 - “eligible council” has the meaning given by sub-paragraph (11) and “ineligible council” is to be read accordingly;
 - “opt-out notice” has the meaning given by sub-paragraph (5);
 - “opt-out period” means the period of 10 weeks beginning with the day on which the draft order containing the proposed TfL scheme, or the proposed variations to the TfL scheme, is published in accordance with sub-paragraph (2);
 - “relevant London borough council” has the meaning given by sub-paragraph (7).
- 3B (1) This paragraph applies where paragraph 3A applies and a relevant London borough council –
- (a) gives an opt-out notice, within the opt-out period, in relation to the TfL scheme and does not withdraw it, and
 - (b) submits an alternative plan to the Secretary of State within that period.
- (2) The London borough council must –
- (a) notify Transport for London that the council has submitted the alternative plan, and
 - (b) provide Transport for London with a copy of it.
- (3) The Secretary of State must, before the end of the review period, by notice to the London borough council and Transport for London –
- (a) approve the alternative plan, or
 - (b) reject the alternative plan.
- (4) Subject to sub-paragraph (5), the Secretary of State must approve the alternative plan if the Secretary of State is satisfied that it is likely to achieve and maintain improvements in relation to air quality standards and objectives, in every part of the London borough council’s area that is designated, or is required to be designated, as mentioned in paragraph 3A(11)(a), that are similar to those that the proposed TfL scheme, or the TfL scheme after the proposed variations have been made, is likely to achieve if it applies to the area of the council.
- (5) The Secretary of State is not required to approve the alternative plan if the Secretary of State considers that the plan is inconsistent, or could be inconsistent, with national policies or obligations relating to air quality.
- (6) At any time during the review period before the Secretary of State approves or rejects the alternative plan under sub-paragraph (3), the Secretary of State may invite the London borough council to modify the plan for the purposes of securing that –
- (a) the Secretary of State can be satisfied as mentioned in sub-paragraph (4), or

- (b) the plan is consistent with national policies or obligations relating to air quality,
- and if the council modifies the plan, sub-paragraphs (3) to (5) apply in relation to the plan as modified.
- (7) The review period is the period of 16 weeks beginning with the day after the day on which the opt-out period ends.
- (8) The Secretary of State may on one or more occasions extend the review period.
- (9) The Secretary of State must give notice of any extension under sub-paragraph (8) to—
- (a) each London borough council that has—
- (i) given an opt-out notice, within the opt-out period, in relation to the TfL scheme and not withdrawn it, and
- (ii) submitted an alternative plan to the Secretary of State within that period, and
- (b) Transport for London.
- (10) Where a London borough council’s alternative plan has been approved under this paragraph, the Mayor may issue a direction to the council requiring it to take such steps as may be specified in the direction for the purpose of securing that the alternative plan is implemented.
- (11) The power to give a direction under sub-paragraph (10) may only be exercised by the Mayor after consultation with the London borough council concerned.
- (12) Where the Mayor issues a direction to a London borough council under sub-paragraph (10), the council must comply with the direction.
- (13) In sub-paragraph (4) the reference to air quality standards and objectives is to air quality standards and objectives within the meaning of Part 4 of the Environment Act 1995.”
- (4) After paragraph 4(2) insert—
- “(2A) Where an order has been modified in accordance with paragraph 3A(8)(b) before being made and submitted by Transport for London under this paragraph, the Authority must—
- (a) require Transport for London to publish its proposals for the TfL scheme, or the proposed variations to the TfL scheme, and to consider objections to the proposals, and
- (b) consult or require Transport for London to consult—
- (i) any London borough council any of whose area falls within the charging area of the proposed TfL scheme or of the TfL scheme after the proposed variations have been made,
- (ii) the Secretary of State, and
- (iii) such other persons as the Authority considers appropriate.

- (2B) In a case not falling within sub-paragraph (2A), the Authority may –
- (a) consult, or require an authority making a charging scheme to consult, other persons;
 - (b) require such an authority to publish its proposals for the scheme and to consider objections to the proposals.”
- (5) In paragraph 4(3) –
- (a) in the opening words, for “The” substitute “In any case, the”;
 - (b) omit paragraphs (a) and (aa).
- (6) After paragraph 4 insert –
- “Secretary of State’s intervention power in relation to certain schemes*
- 4A (1) This paragraph applies where –
- (a) the Secretary of State has been consulted under paragraph 4(2A)(b)(ii) about an order containing a proposal for a TfL scheme or proposed variations to a TfL scheme, and
 - (b) the Authority has –
 - (i) made any modifications to the order under paragraph 4(3)(d) that it considers appropriate, or
 - (ii) decided not to make any such modifications.
- (2) The Authority may not confirm the order under paragraph 4(1) unless –
- (a) the Authority has published the order, and
 - (b) the condition in sub-paragraph (3) has been met.
- (3) The condition in this sub-paragraph is met if –
- (a) the period of 60 days beginning with the day on which the order is published (the “confirmation period”) expires without the Secretary of State giving the Authority a direction in relation to the order under sub-paragraph (4), or
 - (b) before the end of the confirmation period the Secretary of State gives the Authority a direction in relation to the order under sub-paragraph (4) and the Authority has modified the order in accordance with the direction.
- (4) Where the Secretary of State considers that as a result of the order being modified in accordance with paragraph 3A(8)(b) –
- (a) the proposed TfL scheme contained in the order would or could be inconsistent with national policies or obligations relating to air quality, or
 - (b) the TfL scheme after the proposed variations contained in the order have been made would or could be inconsistent with such policies or obligations,

the Secretary of State may, within the confirmation period, direct the Authority to make modifications to the order so as to prevent the inconsistency by expanding the charging area of the proposed TfL scheme contained in the order, or the TfL scheme after the proposed variations contained in the order have been made, to include any of the

area of a London borough council to which the scheme would not otherwise apply by virtue of the modification in accordance with paragraph 3A(8)(b).”

- (7) In paragraph 34B(1), after “functions” insert “, or the Secretary of State’s functions,”.
- (8) In paragraph 38 –
- (a) after “sub-paragraphs” insert “(2A), (2B),”;
 - (b) at the end insert “, but does not apply to a variation to a TfL scheme made as a result of a modification to an order under paragraph 4A(3)(b) ”.

Member's explanatory statement

This new Clause makes provision amending Schedule 23 to the Greater London Authority Act 1999 to enable London borough councils which are meeting air quality standards and objectives under the Environment Act 1995, or have an approved plan to do so, to opt out from certain road user charging schemes proposed by Transport for London. It gives the Secretary of State a power to intervene in certain circumstances. It also makes consequential changes to Schedule 23 to that Act.

BARONESS SHEEHAN

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

“Renewables-powered town

- (1) By way of a pilot scheme, the Secretary of State must make provision for the retrofitting of an existing town to be powered exclusively by renewable energy and heated exclusively by a ground source heat network, with the retrofitting to be completed within three years of this Act coming into force.
- (2) In reviewing the success of the pilot scheme, the Secretary of State must conduct and publish an assessment of what contribution other similar towns could make towards supporting levelling up and regeneration across the United Kingdom.”

After Clause 228

BARONESS SCOTT OF BYBROOK

282P After Clause 228, insert the following new Clause –

“228A Amendments of references to “retained direct EU legislation”

In the following provisions for “retained direct EU legislation” substitute “assimilated direct legislation” –

- (a) section 156(3)(e), and
- (b) section (*Regulations: nutrients in water in England*)(3)(b).”

Member's explanatory statement

This amendment inserts a new Clause which provides that the references in the Levelling-up and Regeneration Bill to “retained direct EU legislation” are to be replaced by references to “assimilated direct legislation”.

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 STUNELL

285A Clause 231, page 272, line 29, at end insert –

“(ba) under section (*Affordable housing regulations*);”

Member's explanatory statement

This is consequential on the amendment after Clause 95 in the name of Lord Stunell.

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

288A Clause 231, page 272, line 40, at end insert –

“(ga) under section (*Regulations: nutrients in water in England*);”

Member's explanatory statement

This amendment provides that all regulations made under new clause (Regulations: nutrients in water in England) are subject to the affirmative procedure.

LORD FOSTER OF BATH
LORD SHIPLEY

288B Clause 231, page 273, line 2, at end insert –

“(ja) under section (*Second homes for council tax purposes*);”

LORD RANDALL OF UXBRIDGE

288C Clause 231, page 273, line 3, at end insert –

“(ka) under section (*Protected Landscapes Management Plans and environmental targets*);”

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** [*Withdrawn*]

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).

LORD PARKINSON OF WHITLEY BAY

BARONESS PINNOCK

LORD MENDOZA

- 301A** Clause 233, page 274, line 28, after “226” insert “and (*Blue plaques in England*)”

Member's explanatory statement

*This amendment provides that new Clause (*Blue plaques in England*), as tabled by the Minister, extends to England and Wales.*

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.

LORD MOYLAN
BARONESS SCOTT OF BYBROOK

302A Clause 233, page 274, line 30, after “222” insert “and (Road user charging schemes in London)”

Member's explanatory statement

This amendment provides that new Clause (Road user charging schemes in London), tabled after Clause 226 in Lord Moylan'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

309B Clause 234, page 275, line 40, after “127” insert “and (Biodiversity net gain: pre-development biodiversity value and habitat enhancement)”

Member's explanatory statement

This amendment provides that the new Clause (Biodiversity net gain: pre-development biodiversity value and habitat enhancement) being inserted after Clause 128 in the Minister's name comes into force at the end of the period of two months beginning with the day on which the Act is passed.

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 as 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

313A Clause 234, page 276, line 5, leave out subsection (6) and insert –

“(6) In Part 7 –

- (a) sections 158 and 160 come into force at the end of the period of two months beginning with the day on which this Act is passed;
- (b) section 159 (and Schedule 13) and section (*Regulations: nutrients in water in England*) come into force on such day as the Secretary of State may by regulations appoint.”

Member's explanatory statement

This amendment provides for the commencement of the provision of Part 7 at different times.

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 MOYLAN
BARONESS SCOTT OF BYBROOK

- 315ZA** Clause 234, page 276, line 11, after “225” insert “and (Road user charging schemes in London)”

Member's explanatory statement

This amendment provides that new Clause (Road user charging schemes in London), tabled after Clause 226 in Lord Moylan's name, comes into force on a day appointed by the Secretary of State in regulations.

LORD PARKINSON OF WHITLEY BAY
BARONESS PINNOCK
LORD MENDOZA

- 315ZB** Clause 234, page 276, line 13, after “226” insert “and (Blue plaques in England)”

Member's explanatory statement

This amendment provides that new Clause (Blue plaques in England), as tabled by the Minister, comes into force 2 months after Royal Assent.

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.

THE EARL OF LYTTON

315B Clause 234, page 276, line 15, at end insert –

“(c) section (*Building Safety Remediation Scheme*) comes into force at the end of the period of six months beginning with the day on which this Act is passed.”

BARONESS SCOTT OF BYBROOK

315C Clause 234, page 276, leave out line 16 and insert –

“(10) In this Part –

- (a) sections 227, 228 and 229 to 235 come into force on the day on which this Act is passed;
- (b) section (*Amendments of references to “retained direct EU legislation”*) comes into force at the end of 2023.”

Member's explanatory statement

This amendment provides that the new Clause (Amendments of references to “retained direct EU legislation”) being inserted after Clause 228 in the Minister’s name comes into force at the end of 2023.

Title

BARONESS SCOTT OF BYBROOK

316 In the 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.

LORD MOYLAN

BARONESS SCOTT OF BYBROOK

317 In the Title, line 13, after “land;” insert “about road user charging schemes in London;”

Member's explanatory statement

This amendment amends the long title to reflect the new Clause (Road user charging schemes in London) tabled after Clause 226 in Lord Moylan’s name.

Levelling-up and Regeneration Bill

SIXTH MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

4 September 2023

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