

Levelling-up and Regeneration Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON THIRD READING

[Amendments marked ★ are new or have been altered]

Amendment
No.

Clause 157

BARONESS SCOTT OF BYBROOK

- 1★ Clause 157, page 183, line 14, at end insert “(including, amongst other things, the protection of chalk streams from abstraction and pollution)”

Member's explanatory statement

This amendment fulfils an undertaking made at Report stage and clarifies that the definition of “environmental protection” includes the protection of chalk streams from abstraction and pollution.

BARONESS SCOTT OF BYBROOK

- 2★ Clause 157, page 183, line 23, at end insert “(including, amongst other things, chalk streams)”

Member's explanatory statement

This amendment fulfils an undertaking made at Report stage and clarifies that the definition of “natural environment” includes chalk streams.

Clause 173

BARONESS SCOTT OF BYBROOK

- 3★ Clause 173, page 206, line 9, at end insert—
- “(iv) where a direction relating to the plant and the related nutrient pollution standard is made or revoked under regulation 85C or 110B of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) (disapplication of assumption that the plant will meet the standard on and after the upgrade date or applicable

date), that fact and the date on which the direction or revocation takes effect;”

Member's explanatory statement

This amendment reinstates the requirement on the Secretary of State to maintain and publish online a document including the dates on which any direction or revocation made under the Conservation of Habitats and Species Regulations 2017 and relating to a particular plant takes effect. The requirement was removed at Report stage in connection with other amendments that were not agreed.

Clause 174

BARONESS SCOTT OF BYBROOK

- 4★** Clause 174, page 211, line 4, leave out from the first “to” to end of line 6 and insert “require certain assumptions to be made in certain circumstances about nutrient pollution standards (see section 173).”

Member's explanatory statement

This amendment reinstates the wording in Clause 174 introducing Schedule 16, which was amended at Report stage in connection with other amendments that were not agreed.

Clause 253

BARONESS SCOTT OF BYBROOK

- 5★** Clause 253, page 295, line 30, leave out from “that” to “and” in line 31 and insert “is an ineligible council (whether or not that council was an ineligible council at the time the opt-out notice was given)”

Member's explanatory statement

This amendment amends Clause 253 (road user charging schemes in London), which enables London borough councils to opt out from certain road user charging schemes, to improve the drafting by ensuring that the provisions cover each case which could arise in relation to a London borough council.

BARONESS SCOTT OF BYBROOK

- 6★** Clause 253, page 295, line 39, after “given” insert “within the opt-out period”

Member's explanatory statement

This amendment makes a minor change to Clause 253 (road user charging schemes in London) to improve the drafting by ensuring consistency in the language used.

BARONESS SCOTT OF BYBROOK

- 7★ Clause 253, page 295, line 42, leave out from “that” to end of line 43 and insert “is an ineligible council (whether or not that council was an ineligible council at the time the opt-out notice was given) —”

Member's explanatory statement

This amendment amends Clause 253 (road user charging schemes in London), which enables London borough councils to opt out from certain road user charging schemes, to improve the drafting by ensuring that the provisions cover each case which could arise in relation to a London borough council.

BARONESS SCOTT OF BYBROOK

- 8★ Clause 253, page 296, line 4, leave out from “plan” to end of line 6 and insert “and the plan has been rejected under that paragraph, and”

Member's explanatory statement

This amendment is consequential on the amendment in the Minister's name to Clause 253, page 295, line 42 (road user charging schemes in London).

After Clause 253

BARONESS SCOTT OF BYBROOK

- 9★ After Clause 253, insert the following new Clause —

“Protected landscapes

- (1) The National Parks and Access to the Countryside Act 1949 is amended in accordance with subsections (2) and (3).
- (2) In section 4A (application of Part 2 of Act to Wales), after subsection (2) insert —
 - “(3) Subsection (1) does not apply in relation to section 11A(1A) or (1B) (duty to further statutory purposes of National Parks in England).”
- (3) In section 11A (duty to have regard to purposes of National Parks) —
 - (a) in the heading, for “to have regard” substitute “in relation”;
 - (b) after subsection (1), insert —
 - “(1A) In exercising or performing any functions in relation to, or so as to affect, land in any National Park in England, a relevant authority other than a devolved Welsh authority must seek to further the purposes specified in section 5(1) and if it appears that there is a conflict between those purposes, must attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.
 - (1B) In exercising or performing any functions in relation to, or so as to affect, land in any National Park in England, a devolved Welsh

authority must have regard to the purposes specified in section 5(1) and if it appears that there is a conflict between those purposes, must attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.”;

- (c) in subsection (2), after “Park”, in the first place it occurs, insert “in Wales”;
- (d) after that subsection, insert –

“(2A) The Secretary of State may by regulations make provision about how a relevant authority is to comply with the duty under subsection (1A) (including provision about things that the authority may, must or must not do to comply with the duty).”;

- (e) after subsection (5), insert –

“(5A) In this section, “devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see, in particular, section 157A of that Act).”

- (4) After section 66 of the Environment Act 1995 (national park management plans), insert –

“66A National Park Management Plans (England): further provision

- (1) The Secretary of State may by regulations make provision –
 - (a) requiring a National Park Management Plan for a park in England to contribute to the meeting of any target set under Chapter 1 of Part 1 of the Environment Act 2021;
 - (b) setting out how such a Management Plan must contribute to the meeting of such targets;
 - (c) setting out how such a Management Plan must further the purposes specified in section 5(1) of the National Parks and Access to the Countryside Act 1949.
- (2) The Secretary of State may by regulations make provision –
 - (a) requiring a relevant authority other than a devolved Welsh authority to contribute to the preparation, implementation or review of a National Park Management Plan for a park in England;
 - (b) setting out how such a relevant authority may or must do so.
- (4) In this section –
 - “devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see, in particular, section 157A of that Act);
 - “relevant authority” has the same meaning as in section 11A of the National Parks and Access to the Countryside Act 1949.

66B Regulations under section 66A: procedure etc

- (1) The power to make regulations under section 66A –
 - (a) is exercisable by statutory instrument;

- (b) includes power to make different provision for different purposes or different areas;
 - (c) includes power to make incidental, supplementary, consequential, transitional, transitory or saving provision.
 - (2) A statutory instrument containing regulations under section 66A is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (5) The Countryside and Rights of Way Act 2000 is amended in accordance with subsections (6) to (10).
- (6) In section 85 (general duty of public bodies etc) –
 - (a) before subsection (1), insert –
 - “(A1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.
 - (A2) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a devolved Welsh authority must have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”;
 - (b) in subsection (1), after “beauty”, in the first place it occurs, insert “in Wales”;
 - (c) after that subsection, insert –
 - “(1A) The Secretary of State may by regulations make provision about how a relevant authority is to comply with the duty under subsection (A1) (including provision about things that the authority may, must or must not do to comply with the duty).”;
 - (d) in subsection (3), after “(2)–” insert –
 - ““devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see, in particular, section 157A of that Act);”.
- (7) In section 87 (general purposes and powers) –
 - (a) before subsection (1) insert –
 - “(A1) It is the duty of a conservation board established in relation to an area in England, in the exercise of their functions, to seek to further –
 - (a) the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, and
 - (b) the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty,but if it appears to the board that there is a conflict between those purposes, they are to attach greater weight to the purpose mentioned in paragraph (a).”;

- (b) in subsection (1), after “board”, in the first place it occurs, insert “established in relation to an area in Wales”;
 - (c) in subsection (2), for the words from “while” to “(1)” substitute “whilst fulfilling their duties under subsection (A1) or (1) (as the case may be)”.
- (8) In section 90 (supplementary provisions relating to management plans), after subsection (2) insert –
- “(2A) The Secretary of State may by regulations make provision –
- (a) requiring a plan under section 89 relating to an area of outstanding natural beauty in England to contribute to the meeting of any target set under Chapter 1 of Part 1 of the Environment Act 2021;
 - (b) setting out how such a plan must contribute to the meeting of such targets;
 - (c) setting out how a plan under section 89 relating to an area of outstanding natural beauty in England must further the purpose of conserving and enhancing the natural beauty of that area.”
- (9) After that section insert –
- “90A Duty of public bodies etc in relation to management plans**
- (1) The Secretary of State may by regulations make provision –
- (a) requiring a relevant authority other than a devolved Welsh authority to contribute to the preparation, implementation or review of a plan under section 89 relating to an area of outstanding natural beauty in England;
 - (b) setting out how such a relevant authority may or must do so.
- (2) In this section –
- “devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see, in particular, section 157A of that Act);
- “relevant authority” has the same meaning as in section 85.”
- (10) After section 91 insert –
- “91A Regulations under Part 4**
- (1) A power to make regulations under this Part –
- (a) is exercisable by statutory instrument;
 - (b) includes power to make different provision for different purposes or different areas;
 - (c) includes power to make consequential, incidental, supplementary, transitional, transitory or saving provision.
- (2) Regulations under this Part are to be made by statutory instrument.
- (3) A statutory instrument containing regulations under this Part is subject to annulment in pursuance of a resolution of either House of Parliament.”

- (11) The Norfolk and Suffolk Broads Act 1988 is amended in accordance with subsections (12) to (15).
- (12) In section 3 (the Broads Plan), after subsection (6) insert –
- “(7) The Secretary of State may by regulations make provision –
- (a) requiring the Broads Plan to contribute to the meeting of any target set under Chapter 1 of Part 1 of the Environment Act 2021;
 - (b) setting out how the Broads Plan must contribute to the meeting of such targets;
 - (c) setting out how the Broads Plan must further the purposes mentioned in subsection (8).
- (8) The purposes are the purposes of –
- (a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;
 - (b) promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and
 - (c) protecting the interests of navigation.”

(13) In section 17A (general duty of public bodies etc) –

 - (a) in subsection (1), for “shall have regard to” substitute “must seek to further”;
 - (b) after that subsection insert –

“(1A) The Secretary of State may by regulations make provision about how a relevant authority is to comply with the duty under subsection (1) (including provision about things that the authority may, must or must not do to comply with the duty).”

(14) After that section insert –

“17B Duty of public bodies etc to contribute to the Broads Plan

 - (1) The Secretary of State may by regulations make provision –
 - (a) requiring a relevant authority other than a devolved Welsh authority to contribute to the implementation or review of the Broads Plan;
 - (b) setting out how such a relevant authority may or must do so.
 - (2) In this section –
 - “devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see, in particular, section 157A of that Act);
 - “relevant authority” has the same meaning as in section 17A.”

(15) In section 24 (orders and byelaws) –

 - (a) in the heading, after “orders” insert “, regulations”;
 - (b) in subsection (1), after “orders” insert “or regulations”;
 - (c) in subsection (3), after “orders” insert “, regulations”.

Member's explanatory statement

This amendment has been tabled following an undertaking given at Report stage and confers a power to require management plans relating to National Parks and AONB in England and the Broads to contribute to meeting targets under the Environment Act 2021, and to furthering the purposes of the protected landscapes. The clause also confers a power to require certain public bodies to contribute to preparing, implementing and reviewing such plans. The clause strengthens the duty on certain public authorities when carrying out functions in relation to these landscapes to seek to further the statutory purposes and confers a power to make provision as to how they should do this.

Clause 256

BARONESS SCOTT OF BYBROOK

- 10★ Clause 256, page 300, line 24, leave out “the following provisions” and insert “section 171(3)(e)”

Member's explanatory statement

This amendment is consequential on the amendment made to Clause 256 at line 26 on page 300.

BARONESS SCOTT OF BYBROOK

- 11★ Clause 256, page 300, line 26, leave out paragraphs (a) and (b)

Member's explanatory statement

This amendment tidies up Clause 256 to remove reference to a provision that was not agreed to at Report stage.

Clause 262

BARONESS SCOTT OF BYBROOK

- 12★ Clause 262, page 304, line 8, after “246” insert “and (Protected landscapes)”

Member's explanatory statement

This amendment provides that new Clause (Protected landscapes), tabled in the Minister’s name and to be inserted after Clause 253, extends to England and Wales only.

BARONESS SCOTT OF BYBROOK

- 13★ Clause 262, page 304, line 9, leave out “and 253”

Member's explanatory statement

This amendment is consequential on the amendment in the Minister’s name correcting the extent of section 253 (road user charging schemes).

BARONESS SCOTT OF BYBROOK

14★ Clause 262, page 304, line 10, at end insert –

“(c) section 253 extends to England and Wales and Scotland.”

Member's explanatory statement

This amendment corrects the extent of section 253 (road user charging schemes in London) to improve the drafting so that it extends to England and Wales and Scotland so that it reflects the extent of the Greater London Authority Act 1999, which it amends.

Clause 263

BARONESS SCOTT OF BYBROOK

15★ Clause 263, page 306, line 4, after “246” insert “and (*Protected landscapes*)”

Member's explanatory statement

*This amendment provides that new Clause (*Protected landscapes*), tabled in the Minister's name and to be inserted after Clause 253, comes into force 2 months after Royal Assent.*

Schedule 16

BARONESS SCOTT OF BYBROOK

16★ Schedule 16, page 479, line 9, leave out sub-paragraph (e) and insert –

“(e) the decision is made –

- (i) where the plant is a non-catchment permitting area plant, before the upgrade date, or
- (ii) where the plant is a catchment permitting area plant, before the applicable date.”

Member's explanatory statement

This amendment, which is consequential on amendments agreed at Report stage, amends the provision to be inserted into the Conservation of Habitats and Species Regulations 2017 by Schedule 16 so that provision functions in relation to catchment permitting areas.

BARONESS SCOTT OF BYBROOK

17★ Schedule 16, page 479, line 12, after “(1)(d)(i)” insert “and (e)(i)”

Member's explanatory statement

This amendment is consequential on the amendment to Schedule 16 at page 479, line 9.

BARONESS SCOTT OF BYBROOK

18★ Schedule 16, page 479, line 15, after “(1)(d)(ii)” insert “and (e)(i)”

Member's explanatory statement

This amendment is consequential on the amendment to Schedule 16 at page 479, line 9.

BARONESS SCOTT OF BYBROOK

19★ Schedule 16, page 479, line 17, at end insert—

- “(c) in a case within paragraph (1)(d)(i) and (e)(ii), that the plant will meet the nitrogen nutrient pollution standard on and after the applicable date;
- (d) in a case within paragraph (1)(d)(ii) and (e)(ii), that the plant will meet the phosphorus nutrient pollution standard on and after the applicable date.”

Member's explanatory statement

This amendment is consequential on the amendment to Schedule 16 at page 479, line 9.

BARONESS SCOTT OF BYBROOK

20★ Schedule 16, page 479, line 23, after “plant” insert “that is a non-catchment permitting area plant”

Member's explanatory statement

This amendment, which is consequential on amendments agreed at Report stage, amends the provision to be inserted into the Conservation of Habitats and Species Regulations 2017 by Schedule 16 so that provision functions in relation to catchment permitting areas.

BARONESS SCOTT OF BYBROOK

21★ Schedule 16, page 480, line 32, leave out sub-paragraph (d) and insert—

- “(d) the decision is made—
 - (i) where the plant is a non-catchment permitting area plant, before the upgrade date, or
 - (ii) where the plant is a catchment permitting area plant, before the applicable date.”

Member's explanatory statement

This amendment, which is consequential on amendments agreed at Report stage, amends the provision to be inserted into the Conservation of Habitats and Species Regulations 2017 by Schedule 16 so that provision functions in relation to catchment permitting areas.

BARONESS SCOTT OF BYBROOK

22★ Schedule 16, page 480, line 35, after “(1)(c)(i)” insert “and (d)(i)”

Member's explanatory statement

This amendment is consequential on the amendment to Schedule 16 at page 480, line 32.

BARONESS SCOTT OF BYBROOK

- 23★ Schedule 16, page 480, line 38, after “(1)(c)(ii)” insert “and (d)(i)”

Member's explanatory statement

This amendment is consequential on the amendment to Schedule 16 at page 480, line 32.

BARONESS SCOTT OF BYBROOK

- 24★ Schedule 16, page 480, line 40, at end insert –

- “(c) in a case within paragraph (1)(c)(i) and (d)(ii), that the plant will meet the nitrogen nutrient pollution standard on and after the applicable date;
- (d) in a case within paragraph (1)(c)(ii) and (d)(ii), that the plant will meet the phosphorus nutrient pollution standard on and after the applicable date.”

Member's explanatory statement

This amendment is consequential on the amendment to Schedule 16 at page 480, line 32.

BARONESS SCOTT OF BYBROOK

- 25★ Schedule 16, page 481, line 5, after “plant” insert “that is a non-catchment permitting area plant”

Member's explanatory statement

This amendment, which is consequential on amendments agreed at Report stage, amends the provision to be inserted into the Conservation of Habitats and Species Regulations 2017 by Schedule 16 so that provision functions in relation to catchment permitting areas.

BARONESS SCOTT OF BYBROOK

- 26★ Schedule 16, page 481, line 11, leave out from “satisfied” to end of line 12 and insert “–

- (a) where the plant is a non-catchment permitting area plant, that the plant will not be able to meet the standard by the upgrade date;
- (b) where the plant is a catchment permitting area plant –
 - (i) that the plant will not be able to meet the standard by the applicable date, or
 - (ii) that the first effect described in paragraph (3A) will, on the applicable date, be more significant than the second effect described in that paragraph.”

Member's explanatory statement

This amendment, which is consequential on amendments agreed at Report stage, amends the provision to be inserted into the Conservation of Habitats and Species Regulations 2017 by Schedule 16 so that provision functions in relation to catchment permitting areas.

BARONESS SCOTT OF BYBROOK

- 27★ Schedule 16, page 481, line 14, leave out from “satisfied” to end of line 15 and insert “–
- (a) where the plant is a non-catchment permitting area plant, that the plant will meet the standard by the upgrade date;
 - (b) where the plant is a catchment permitting area plant –
 - (i) that the plant will meet the standard by the applicable date, or
 - (ii) that the first effect described in paragraph (3A) will, on the applicable date, be the same or less significant than the second effect described in that paragraph.”

Member's explanatory statement

This amendment, which is consequential on amendments agreed at Report stage, amends the provision to be inserted into the Conservation of Habitats and Species Regulations 2017 by Schedule 16 so that provision functions in relation to catchment permitting areas.

BARONESS SCOTT OF BYBROOK

- 28★ Schedule 16, page 481, line 15, at end insert –
- “(3A) For the purposes of paragraphs (2)(b) and (3)(b) –
- (a) the “first effect” is the overall effect on the habitats site associated with the catchment permitting area of nutrients in treated effluent discharged by all plants that discharge into the area;
 - (b) the “second effect” is the overall effect on the site of nutrients in treated effluent that would be discharged by all plants that discharge into the area if –
 - (i) the upgrade date that applied to nutrient significant plants that discharge into the area was the same as the applicable date,
 - (ii) the standard concentration (of nutrients) applied to those nutrient significant plants, and
 - (iii) those nutrient significant plants were (on that basis) meeting the nutrient pollution standard on the applicable date.”

Member's explanatory statement

This amendment defines terms used in the amendments to Schedule 16 at page 481, lines 11 and 14.

BARONESS SCOTT OF BYBROOK

- 29★ Schedule 16, page 481, line 18, leave out from “regard” to end of line 19 and insert “–
- (a) where the plant is a non-catchment permitting area plant, to when the plant can be expected to meet the standard;
 - (b) where the plant is a catchment permitting area plant, to when –
 - (i) the plant can be expected to meet the standard, and
 - (ii) the sewerage undertaker for the plant can be expected to be in compliance with conditions in the environmental permit for the

plant imposed in pursuance of section 96G(3)(b) of the Water Industry Act 1991.”

Member's explanatory statement

This amendment, which is consequential on amendments agreed at Report stage, amends the provision to be inserted into the Conservation of Habitats and Species Regulations 2017 by Schedule 16 so that provision functions in relation to catchment permitting areas.

BARONESS SCOTT OF BYBROOK

30★ Schedule 16, page 482, line 11, at end insert –

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

Member's explanatory statement

This amendment is consequential on various other amendments to Schedule 16.

BARONESS SCOTT OF BYBROOK

31★ Schedule 16, page 482, line 14, at end insert –

““nutrient significant plant”;

Member's explanatory statement

This amendment is consequential on the amendment to Schedule 16 at page 481, line 15.

BARONESS SCOTT OF BYBROOK

32★ Schedule 16, page 482, line 17, at end insert –

““sensitive catchment area”;

Member's explanatory statement

This amendment is consequential on various other amendments to Schedule 16.

BARONESS SCOTT OF BYBROOK

33★ Schedule 16, page 482, line 18, at end insert –

““standard concentration”;

Member's explanatory statement

This amendment is consequential on the amendment to Schedule 16 at page 481, line 15.

BARONESS SCOTT OF BYBROOK

34★ Schedule 16, page 482, line 20, at end insert –

“(1A) In regulations 85A to 85C and this regulation –

“catchment permitting area plant” means a nutrient significant plant that discharges (or will discharge) treated effluent into a catchment permitting area;

“non-catchment permitting area plant” means a nutrient significant plant that discharges (or will discharge) treated effluent into a sensitive catchment area other than a catchment permitting area.”

Member's explanatory statement

This amendment defines terms used in various other amendments to Schedule 16.

BARONESS SCOTT OF BYBROOK

35★ Schedule 16, page 482, line 22, after “plant,” insert “which is a non-catchment permitting area plant and”

Member's explanatory statement

This amendment, which is consequential on amendments agreed at Report stage, amends the provision to be inserted into the Conservation of Habitats and Species Regulations 2017 by Schedule 16 so that provision functions in relation to catchment permitting areas.

BARONESS SCOTT OF BYBROOK

36★ Schedule 16, page 482, line 28, leave out “96F(1) or (2)” and insert “96F(1)(a)(i) or (2)(a)(i), under section 96C(6)(e) or 96D(5) or by virtue of regulations made under section 96D(11)”

Member's explanatory statement

This amendment is consequential on amendments agreed at Report stage to Clause 173.

BARONESS SCOTT OF BYBROOK

37★ Schedule 16, page 482, line 29, at end insert –

“(3) For the purposes of regulations 85A to 85C, the “applicable date”, in relation to a catchment permitting area, is to be determined in accordance with section 96G(6)(a) of the Water Industry Act 1991.

(4) For the purposes of regulation 85C(3A) –

(a) a habitats site is “associated” with a catchment permitting area if water released into the area would drain into the site;

(b) “nutrients” –

(i) in relation to an area designated under section 96C(2) of the Water Industry Act 1991, means nutrients comprising nitrogen or compounds of nitrogen;

(ii) in relation to an area designated under section 96C(3) of that Act, means nutrients comprising phosphorus or compounds of phosphorus.”

Member's explanatory statement

This amendment defines terms used in various other amendments to Schedule 16.

BARONESS SCOTT OF BYBROOK

38★ Schedule 16, page 483, line 19, leave out sub-paragraph (d) and insert –

“(d) the decision is made –

- (i) where the plant is a non-catchment permitting area plant, before the upgrade date, or
- (ii) where the plant is a catchment permitting area plant, before the applicable date.”

Member's explanatory statement

This amendment, which is consequential on amendments agreed at Report stage, amends the provision to be inserted into the Conservation of Habitats and Species Regulations 2017 by Schedule 16 so that provision functions in relation to catchment permitting areas.

BARONESS SCOTT OF BYBROOK

39★ Schedule 16, page 483, line 21, after “(1)(c)(i)” insert “and (d)(i)”

Member's explanatory statement

This amendment is consequential on the amendment to Schedule 16 at page 483, line 19.

BARONESS SCOTT OF BYBROOK

40★ Schedule 16, page 483, line 24, after “(1)(c)(ii)” insert “and (d)(i)”

Member's explanatory statement

This amendment is consequential on the amendment to Schedule 16 at page 483, line 19.

BARONESS SCOTT OF BYBROOK

41★ Schedule 16, page 483, line 26, at end insert –

- “(c) in a case within paragraph (1)(c)(i) and (d)(ii), that the plant will meet the nitrogen nutrient pollution standard on and after the applicable date;
- (d) in a case within paragraph (1)(c)(ii) and (d)(ii), that the plant will meet the phosphorus nutrient pollution standard on and after the applicable date.”

Member's explanatory statement

This amendment is consequential on the amendment to Schedule 16 at page 483, line 19.

BARONESS SCOTT OF BYBROOK

42★ Schedule 16, page 483, line 32, after “plant” insert “that is a non-catchment permitting area plant”

Member's explanatory statement

This amendment, which is consequential on amendments agreed at Report stage, amends the provision to be inserted into the Conservation of Habitats and Species Regulations 2017 by Schedule 16 so that provision functions in relation to catchment permitting areas.

BARONESS SCOTT OF BYBROOK

- 43★** Schedule 16, page 484, line 11, leave out from “satisfied” to end of line 12 and insert “–
- (a) where the plant is a non-catchment permitting area plant, that the plant will not be able to meet the standard by the upgrade date;
 - (b) where the plant is a catchment permitting area plant –
 - (i) that the plant will not be able to meet the standard by the applicable date, or
 - (ii) that the first effect described in paragraph (3A) will, on the applicable date, be more significant than the second effect described in that paragraph.”

Member's explanatory statement

This amendment, which is consequential on amendments agreed at Report stage, amends the provision to be inserted into the Conservation of Habitats and Species Regulations 2017 by Schedule 16 so that provision functions in relation to catchment permitting areas.

BARONESS SCOTT OF BYBROOK

- 44★** Schedule 16, page 484, line 14, leave out from “satisfied” to end of line 15 and insert “–
- (a) where the plant is a non-catchment permitting area plant, that the plant will meet the standard by the upgrade date;
 - (b) where the plant is a catchment permitting area plant –
 - (i) that the plant will meet the standard by the applicable date, or
 - (ii) that the first effect described in paragraph (3A) will, on the applicable date, be the same or less significant than the second effect described in that paragraph.”

Member's explanatory statement

This amendment, which is consequential on amendments agreed at Report stage, amends the provision to be inserted into the Conservation of Habitats and Species Regulations 2017 by Schedule 16 so that provision functions in relation to catchment permitting areas.

BARONESS SCOTT OF BYBROOK

- 45★** Schedule 16, page 484, line 15, at end insert –
- “(3A) For the purposes of paragraphs (2)(b) and (3)(b) –
- (a) the “first effect” is the overall effect on the habitats site associated with the catchment permitting area of nutrients in treated effluent discharged by all plants that discharge into the area;

- (b) the “second effect” is the overall effect on the site of nutrients in treated effluent that would be discharged by all plants that discharge into the area if –
- (i) the upgrade date that applied to nutrient significant plants that discharge into the area was the same as the applicable date,
 - (ii) the standard concentration (of nutrients) applied to those nutrient significant plants, and
 - (iii) those nutrient significant plants were (on that basis) meeting the nutrient pollution standard on the applicable date.”

Member's explanatory statement

This amendment defines terms used in the amendments to Schedule 16 at page 484, lines 11 and 14.

BARONESS SCOTT OF BYBROOK

- 46★** Schedule 16, page 484, line 18, leave out from “regard” to end of line 19 and insert “–
- (a) where the plant is a non-catchment permitting area plant, to when the plant can be expected to meet the standard;
 - (b) where the plant is a catchment permitting area plant, to when –
 - (i) the plant can be expected to meet the standard, and
 - (ii) the sewerage undertaker for the plant can be expected to be in compliance with conditions in the environmental permit for the plant imposed in pursuance of section 96G(3)(b) of the Water Industry Act 1991.”

Member's explanatory statement

This amendment, which is consequential on amendments agreed at Report stage, amends the provision to be inserted into the Conservation of Habitats and Species Regulations 2017 by Schedule 16 so that provision functions in relation to catchment permitting areas.

BARONESS SCOTT OF BYBROOK

- 47★** Schedule 16, page 485, line 11, at end insert –
- ““catchment permitting area”;
 “environmental permit”;
 “habitats site”;

Member's explanatory statement

This amendment is consequential on various other amendments to Schedule 16.

BARONESS SCOTT OF BYBROOK

- 48★** Schedule 16, page 485, line 14, at end insert –
- ““nutrient significant plant”;

Member's explanatory statement

This amendment is consequential on the amendment to Schedule 16 at page 484, line 15.

BARONESS SCOTT OF BYBROOK

- 49★ Schedule 16, page 485, line 17, at end insert –
 ““sensitive catchment area”;

Member's explanatory statement

This amendment is consequential on various other amendments to Schedule 16.

BARONESS SCOTT OF BYBROOK

- 50★ Schedule 16, page 485, line 18, at end insert –
 ““standard concentration”;

Member's explanatory statement

This amendment is consequential on the amendment to Schedule 16 at page 484, line 15.

BARONESS SCOTT OF BYBROOK

- 51★ Schedule 16, page 485, line 20, at end insert –
 “(1A) In regulations 110A and 110B and this regulation –
 “catchment permitting area plant” means a nutrient significant plant that discharges
 (or will discharge) treated effluent into a catchment permitting area;
 “non-catchment permitting area plant” means a nutrient significant plant that
 discharges (or will discharge) treated effluent into a sensitive catchment area other
 than a catchment permitting area.”

Member's explanatory statement

This amendment defines terms used in various other amendments to Schedule 16.

BARONESS SCOTT OF BYBROOK

- 52★ Schedule 16, page 485, line 21, after “plant,” insert “which is a non-catchment permitting
 area plant and”

Member's explanatory statement

*This amendment, which is consequential on amendments agreed at Report stage, amends the
 provision to be inserted into the Conservation of Habitats and Species Regulations 2017 by Schedule
 16 so that provision functions in relation to catchment permitting areas.*

BARONESS SCOTT OF BYBROOK

- 53★ Schedule 16, page 485, line 28, leave out “96F(1) or (2)” and insert “96F(1)(a)(i) or (2)(a)(i), under section 96C(6)(e) or 96D(5) or by virtue of regulations made under section 96D(11)”

Member's explanatory statement

This amendment is consequential on amendments agreed at Report stage to Clause 173.

BARONESS SCOTT OF BYBROOK

- 54★ Schedule 16, page 485, line 29, at end insert –
- “(3) For the purposes of regulations 110A and 110B, the “applicable date”, in relation to a catchment permitting area, is to be determined in accordance with section 96G(6)(a) of the Water Industry Act 1991.
- (4) For the purposes of regulation 110B(3A) –
- (a) a habitats site is “associated” with a catchment permitting area if water released into the area would drain into the site;
 - (b) “nutrients” –
 - (i) in relation to an area designated under section 96C(2) of the Water Industry Act 1991, means nutrients comprising nitrogen or compounds of nitrogen;
 - (ii) in relation to an area designated under section 96C(3) of that Act, means nutrients comprising phosphorus or compounds of phosphorus.”

Member's explanatory statement

This amendment defines terms used in various other amendments to Schedule 16.

Title

BARONESS SCOTT OF BYBROOK

- 55★ In the Title, after “London;” insert “about National Parks, areas of outstanding natural beauty and the Broads;”

Member's explanatory statement

This amendment amends the long title to reflect the new Clause (Protected landscapes) tabled in the Minister's name and to be inserted after Clause 253.

Levelling-up and Regeneration Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON THIRD READING

20 September 2023

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS