Levelling-up and Regeneration Bill

COMMONS AMENDMENTS, DISAGREEMENTS, AMENDMENTS IN LIEU AND REASONS

[The page and line references are to HL Bill 84, the Bill as first printed for the Lords]

Clause 1

LORDS AMENDMENT 1

1 Clause 1, page 1, line 6, after "Parliament" insert "within 30 days of the passing of this Act"

COMMONS REASON

The Commons disagree to Lords Amendment 1 for the following Reason –

1A *Because the first statement of levelling-up missions should not be required to be laid before Parliament by the time provided for by the Lords Amendment.*

LORDS AMENDMENT 2

2 Clause 1, page 1, line 14, at end insert –

"(2A) The levelling-up missions must include a mission to reduce the proportion of children of all ages living in poverty in all its dimensions."

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 2 but propose amendments 4A and 4B as amendments in lieu.

LORDS AMENDMENT 3

3 Clause 1, page 1, line 14, at end insert –

"(2A) A statement of levelling-up missions must include an assessment of geographical disparities in the United Kingdom, broken down by local authority and by postcode area and council ward.

(2B) An assessment of geographical disparities must consider—

(a) levels of public spending, both capital and revenue,
(b) levels of private sector inward investment,
(c) levels of disposable household income,
(d) levels of employment, unemployment, and economic inactivity,
(e) differences in housing supply and tenure,
(f) levels of educational attainment,
(g) numbers of young people not in education, employment or training,
(h) levels of child poverty,
(i) success of government policies in reducing health inequalities,
(j) the availability and cost of public transport, and
(k) levels of fuel poverty."

COMMONS REASON

The Commons disagree to Lords Amendment 3 for the following Reason –

3A *Because it is unnecessary and inappropriate for a statement of levelling-up missions to include such an assessment of geographical disparities in the United Kingdom.*

LORDS AMENDMENT 4

4 Clause 1, page 1, line 14, at end insert—

"(2A) When preparing a statement of levelling-up missions under subsection (1), a Minister of the Crown must include a mission to address health disparities, aimed at reducing gaps in healthy life expectancy between communities, and addressing disparities in health outcomes throughout people's life course."

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 4 but propose amendments 4A and 4B to the Bill in lieu of Lords Amendments 2 and 4 –

4A Clause 1, page 1, line 14, at end insert—

"(2A) In the course of preparing a statement of levelling-up missions, the Minister of the Crown must have regard to the importance of the levelling-up missions in the statement (taken as a whole) addressing both economic and social disparities in opportunities or outcomes."

4B Clause 5, page 6, line 7, at end insert—

"(12) In carrying out functions under this section, a Minister of the Crown must have regard to the importance of the levelling-up missions in the statement of levelling-up missions (taken as a whole) addressing both economic and social disparities in opportunities or outcomes."

After Clause 1

LORDS AMENDMENT 6

6 After Clause 1, insert the following new Clause—

"Rural proofing report

Alongside the first statement of levelling-up missions required by section 1, the Secretary of State must publish a rural proofing report detailing the ways in which the levelling-up missions have regard to their impact on rural areas and will address the needs of rural communities."

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 6 but propose amendments 6A, 6B, 6C and 6D as amendments in lieu—

6A Clause 1, page 1, line 14, at end insert—

"(2B) In the course of preparing a statement of levelling-up missions, the Minister of the Crown must have regard to the needs of rural areas."

6B Clause 2, page 2, line 32, at end insert—

"(1A) In the course of preparing each report, the Minister of the Crown must have regard to the needs of rural areas."

6C Clause 4, page 4, line 16, at end insert—

"(2A) In discharging functions under this section, a Minister of the Crown must have regard to the needs of rural areas."

6D Clause 5, page 6, line 7, at end insert—

"(13) In carrying out functions under this section, a Minister of the Crown must have regard to the needs of rural areas."

After Clause 5

LORDS AMENDMENT 10

10 After Clause 5, insert the following new Clause—

"Levelling Up Fund: round three

(1) Within 30 days of the passing of this Act, the Secretary of State must lay a statement before each House of Parliament detailing the application process for round three of the Levelling Up Fund, including criteria for applications.

(2) The Secretary of State must take steps to simplify the application process and reduce the requirements, and resources necessary, for applications.

(3) The Secretary of State may not introduce additional criteria for applications after the publication of the statement being laid under subsection (1).

(4) Within 60 days of the statement being laid under subsection (1), the Secretary of State must lay a statement before each House of Parliament listing the allocations of the third round of the Levelling Up Fund and explaining how each allocation supports the delivery of the levelling-up missions.

(5) In determining the allocations, the Secretary of State must only make allocations which support the delivery of the levelling-up missions with a long-term and strategic vision.

(6) The Secretary of State must not make allocations which are based on political and electoral motivations.

(7) A Minister of the Crown must provide feedback on unsuccessful applications."

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 10 but propose amendments 10A and 10B as amendments in lieu—

10A Page 6, line 7, at end insert the following new Clause—

"Levelling-up Fund Round 3

(1) Before the end of the period of three months beginning with the day on which this Act is passed, a Minister of the Crown must lay before each House of Parliament a statement on Levelling-up Fund Round 3.

(2) A "statement on Levelling-up Fund Round 3" is a statement about the allocation of a third round of funding from the Levelling-up Fund.

(3) The "Levelling-up Fund" is the programme run by His Majesty's Government which is known as the Levelling-up Fund and was announced on 25 November 2020."

10B Clause 222, page 251, line 3, leave out "Part 1 comes" and insert "In Part 1—

(a) section (*Levelling-Up Fund Round 3*) comes into force on the day on which this Act is passed, and

(b) the remaining provisions come"

Clause 9

LORDS AMENDMENT 13

13 Clause 9, page 9, line 30, at end insert—

"(7) A Minister of the Crown may by regulations establish a process for non-constituent members to become full members."

COMMONS REASON

The Commons disagree to Lords Amendment 13 for the following Reason—

13A *Because it would undermine the key feature of a combined county authority, that only upper-tier local authorities can be constituent members.*

Clause 10

LORDS AMENDMENT 14

14 Clause 10, page 9, leave out line 35

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 14 but propose amendments 14A, 14B, 14C, 14D, 14E, 14F, 14G, 14H, 14J, 14K, 14L, 14M, 14N, 14P, 14Q and 14R as amendments in lieu –

14A Clause 9, page 9, line 26, leave out subsection (5)

14B Clause 10, page 9, line 35, leave out "unless the voting members resolve otherwise"

14C Clause 10, page 9, line 36, leave out subsection (3)

14D Clause 10, page 10, line 1, leave out subsection (4)

14E Clause 12, page 11, line 24, leave out "or associate"

14F Clause 23, page 20, line 21, leave out "or associate"

14G Clause 40, page 36, line 19, leave out "or an associate member"

14H Clause 41, page 38, line 15, leave out "or an associate member"

14J Clause 56, page 48, line 11, leave out "or associate"

14K Clause 57, page 50, line 13, leave out "or associate"

14L Clause 61, page 54, leave out lines 19 and 20

14M Clause 61, page 54, line 35, leave out "unless the voting members resolve otherwise"

14N Clause 61, page 54, line 36 leave out from beginning to end of line 3 on page 55

14P Clause 72, page 72, line 2, leave out "or an associate member"

14Q Clause 72, page 73, line 16, leave out "or an associate member"

14R Clause 72, page 75, line 24, leave out "or an associate member"

Clause 57

LORDS AMENDMENT 18

18 Clause 57, page 49, line 15, at end insert –

"(3AB) An order under this section, laid within nine months of the Levelling-up and Regeneration Act 2023 being passed, which adds a local government area to an existing area of a mayoral combined authority may be made only if –

(a) the relevant council in relation to the local government area consents,

(b) the mayor for the area of the combined authority consents,

(c) the combined authority consents,

(d) the statement of a consultation with the residents of the local government area asking their views on the order has been laid before each House of Parliament, and

(e) the Secretary of State has consulted, and had regard to advice provided by, the Boundary Commission for England."

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 18 but propose amendments 18A and 18B as amendments in lieu—

18A Page 50, line 13, at end insert the following new Clause:—

"Changes to mayoral combined authority's area: additional requirements

(1) An order under section 106 of the Local Democracy, Economic Development and Construction Act 2009 which adds a local government area to an existing area of a mayoral combined authority may only be made during the relevant period if the consultation requirements in subsection (2) are met.

(2) The consultation requirements are as follows—

(a) the Secretary of State has consulted the Local Government Boundary Commission for England,

(b) the mayor for the area of the combined authority has consulted the residents of the local government area which is to be added to that area, and

(c) the mayor has given the Secretary of State a report providing information about the consultation carried out under paragraph (b), and the Secretary of State has laid the report before Parliament.

(3) In this section, "the relevant period" means the period of 9 months beginning with the day on which this Act is passed."

18B Clause 222, page 251, line 12, leave out "section 57 comes" and insert "sections 57 and (*Changes to mayoral combined authority's area: additional requirements*) come"

After Clause 70

LORDS AMENDMENT 22

22 After Clause 70, insert the following new Clause—

"Local authorities to be allowed to meet virtually

(1) A reference in any enactment to a meeting of a local authority is not limited to a meeting of persons all of whom, or any of whom, are present in the same place and any reference to a "place" where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

(2) For the purposes of any such enactment, a member of a local authority (a "member in remote attendance") attends the meeting at any time if all of the conditions in subsection (3) are satisfied.

(3) Those conditions are that the member in remote attendance is able at that time—

(a) to hear, and where practicable see, and be heard and, where practicable, seen by the other members in attendance,

(b) to hear, and where practicable see, and be heard and, where practicable, seen by any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and

(c) to be heard and, where practicable, seen by any other members of the public attending the meeting.

(4) In this section any reference to a member, or a member of the public, attending a meeting includes that person attending by remote access.

(5) The provision made in this section applies notwithstanding any prohibition or other restriction contained in the standing orders or any other rules of the authority governing the meeting and any such prohibition or restriction has no effect.

(6) A local authority may make other standing orders and any other rules of the authority governing the meeting about remote attendance at meetings of that authority, which may include provision for—

(a) voting,

(b) member and public access to documents, and

(c) remote access of public and press to a local authority meeting to enable them to attend or participate in that meeting by electronic means, including by telephone conference, video conference, live webcasts, and live interactive streaming."

COMMONS REASON

The Commons disagree to Lords Amendment 22 for the following Reason –

22A *Because local authorities should continue to meet in person to ensure good governance.*

Clause 83

LORDS AMENDMENT 30

30 Clause 83, page 90, line 29, at end insert ", unless that provision is merely incidental to, or consequential on, provision that would be outside that devolved competence"

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 30 but propose Amendments 31A, 31B, 31C and 31D as amendments in lieu.

LORDS AMENDMENT 31

31 Clause 83, page 90, line 37, leave out sub-paragraph (ii)

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 31 but propose amendments 31A, 31B, 31C and 31D to the Bill in lieu of Lords Amendments 30 and 31 —

31A Clause 83, page 90, line 28, leave out from "provision" to end of line 29 and insert "—

(a) within Scottish devolved legislative competence, or

(b) which could be made by the Scottish Ministers,

with the consent of the Scottish Ministers, unless that provision is merely incidental to, or consequential on, provision that would be outside that devolved legislative competence."

31B Clause 83, page 90, line 29, at end insert—

"(1A) The Secretary of State may only make planning data regulations which contain provision that confers a function on, or modifies or removes a function of, the Scottish Ministers after consulting the Scottish Ministers, unless—

(a) that provision is contained in regulations which require the consent of the Scottish Ministers by virtue of subsection (1), or

(b) that provision is merely incidental to, or consequential on, provision that would be outside Scottish devolved legislative competence."

31C Clause 83, page 90, line 30, after "devolved" insert "legislative"

31D Clause 83, page 90, line 33, leave out paragraphs (b) and (c)

Clause 87

LORDS AMENDMENT 44

44 Clause 87, page 95, leave out lines 9 to 16 and insert—

"(2) Before designating a policy as a national development management policy for the purposes of this Act the Secretary of State must carry out an appraisal of the sustainability of that policy.

(3) A policy may be designated as a national development management policy for the purposes of this Act only if the consultation and publicity requirements set out in clause 38ZB, and the parliamentary requirements set out in clause 38ZC, have been complied with in relation to it, and—

(a) the consideration period for the policy has expired without the House of Commons resolving during that period that the statement should not be proceeded with, or

(b) the policy has been approved by resolution of the House of Commons—

(i) after being laid before Parliament under section 38ZC, and

(ii) before the end of the consideration period.

(4) In subsection (3) "the consideration period", in relation to a policy, means the period of 21 sitting days beginning with the first sitting day after the day on which the statement is laid before Parliament under section 38ZC, and here "sitting day" means a day on which the House of Commons sits.

(5) A policy may not be designated a national development management policy unless—

(a) it contains explanations of the reasons for the policy, and

(b) in particular, includes an explanation of how the policy set out takes account of Government policy relating to the mitigation of, and adaptation to, climate change.

(6) The Secretary of State must arrange for the publication of a national policy statement.

38ZB Consultation and publicity

(1) This section sets out the consultation and publicity requirements referred to in sections 38ZA(3) and 38ZD(7).

(2) The Secretary of State must carry out such consultation, and arrange for such publicity, as the Secretary of State thinks appropriate in relation to the proposal. This is subject to subsections (4) and (5).

(3) In this section "the proposal" means—

(a) the policy that the Secretary of State proposes to designate as a national development management policy for the purposes of this Act, or

(b) (as the case may be) the proposed amendment (see section 38ZD).

(4) The Secretary of State must consult such persons, and such descriptions of persons, as may be prescribed.

(5) If the policy set out in the proposal identifies one or more locations as suitable (or potentially suitable) for a specified description of development, the Secretary of State must ensure that appropriate steps are taken to publicise the proposal.

(6) The Secretary of State must have regard to the responses to the consultation and publicity in deciding whether to proceed with the proposal.

38ZC Parliamentary requirements

(1) This section sets out the parliamentary requirements referred to in sections 38ZA(3) and 38ZD(7).

(2) The Secretary of State must lay the proposal before Parliament.

(3) In this section "the proposal" means—

(a) the policy that the Secretary of State proposes to designate as a national development management policy for the purposes of this Act, or

(b) (as the case may be) the proposed amendment (see section 38ZD).

(4) Subsection (5) applies if, during the relevant period—

(a) either House of Parliament makes a resolution with regard to the proposal, or

(b) a committee of either House of Parliament makes recommendations with regard to the proposal.

(5) The Secretary of State must lay before Parliament a statement setting out the Secretary of State's response to the resolution or recommendations.

(6) The relevant period is the period specified by the Secretary of State in relation to the proposal.

(7) The Secretary of State must specify the relevant period in relation to the proposal on or before the day on which the proposal is laid before Parliament under subsection (2).

(8) After the end of the relevant period, but not before the Secretary of State complies with subsection (5) if it applies, the Secretary of State must lay the proposal before Parliament.

38ZD Review of national development management policies

(1) The Secretary of State must review a national development management policy whenever the Secretary of State thinks it appropriate to do so.

(2) A review may relate to all or part of a national development management policy.

(3) In deciding when to review a national development management policy the Secretary of State must consider whether—

(a) since the time when the policy was first published or (if later) last reviewed, there has been a significant change in any circumstances on the basis of which any of the policy set out in the statement was decided,

(b) the change was not anticipated at that time, and

(c) if the change had been anticipated at that time, any of the policy set out would have been materially different.

(4) In deciding when to review part of a national development management policy ("the relevant part") the Secretary of State must consider whether—

(a) since the time when the relevant part was first published or (if later) last reviewed, there has been a significant change in any circumstances on the basis of which any of the policy set out in the relevant part was decided,

(b) the change was not anticipated at that time, and

(c) if the change had been anticipated at that time, any of the policy set out in the relevant part would have been materially different.

(5) After completing a review of all or part of a national development management policy the Secretary of State must do one of the following—

(a) amend the policy;

(b) withdraw the policy's designation as a national development management policy;

(c) leave the policy as it is.

(6) Before amending a national development management policy the Secretary of State must carry out an appraisal of the sustainability of the policy set out in the proposed amendment.

(7) The Secretary of State may amend a national development management policy only if the consultation and publicity requirements set out in section 38ZB, and the parliamentary requirements set out in section 38ZC, have been complied with in relation to the proposed amendment, and—

(a) the consideration period for the amendment has expired without the House of Commons resolving during that period that the amendment should not be proceeded with, or

(b) the amendment has been approved by resolution of the House of Commons—

(i) after being laid before Parliament under section 38ZA, and

(ii) before the end of the consideration period.

(8) In subsection (7) "the consideration period", in relation to an amendment, means the period of 21 sitting days beginning with the first sitting day after the day on which the amendment is laid before Parliament, and here "sitting day" means a day on which the House of Commons sits.

(9) If the Secretary of State amends a national development management policy, the Secretary of State must—

(a) arrange for the amendment, or the policy as amended, to be published, and

(b) lay the amendment, or the policy as amended, before Parliament.""

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 44 but propose amendments 44A and 44B as amendments in lieu—

44A Clause 87, page 95, line 15, leave out "(if any)"

44B Clause 87, page 95, line 16, at end insert—

"(4) The only cases in which no consultation or participation need take place under subsection (3) are those where the Secretary of State thinks that none is appropriate because—

(a) a proposed modification of a national development management policy does not materially affect the policy or only corrects an obvious error or omission, or

(b) it is necessary, or expedient, for the Secretary of State to act urgently."

After Clause 87

LORDS AMENDMENT 45

45 After Clause 87, insert the following new Clause—

"Duties in relation to mitigation of, and adaptation to, climate change in relation to planning

(1) The Secretary of State must have special regard to the mitigation of, and adaptation to, climate change in preparing—

(a) national policy, planning policy or advice relating to the development or use of land,

(b) a national development management policy pursuant to section 38ZA of the Planning and Compulsory Purchase Act 2004.

(2) When making a planning decision relating to development arising from an application for planning permission, the making of a development order granting planning permission or an approval pursuant to a development order granting planning permission, a relevant planning authority (as defined in section 84 (interpretation of chapter 1)) must have special regard to the mitigation of, and adaptation to, climate change.

(3) For the purposes of interpretation of this section, Part 3 of this Act, and Schedules 7 and 11 to this Act—

"the mitigation of climate change" includes the achievement of—

(a) the target for 2050 set out in section 1 of the Climate Change Act 2008,

(b) applicable carbon budgets made pursuant to section 4 of the Climate Change Act 2008, and

(c) sections 1 to 3 of the Environment Act 2021 (environmental targets) where applicable to the mitigation of climate change;

"adaptation to climate change" includes—

(a) the mitigation of the risks identified in the latest climate change risk assessment conducted under section 56 of the Climate Change Act 2008, and

(b) the achievement of the objectives of the latest flood and coastal erosion risk management strategy made pursuant to section 7 of the Flood and Coastal Water Management Act 2010."

COMMONS REASON

The Commons disagree to Lords Amendment 45 for the following Reason –

45A *Because it is not appropriate to place a duty on the Secretary of State to have special regard to the mitigation of, and adaptation to, climate change, in preparing the policies or advice concerned.*

LORDS AMENDMENT 46

46 After Clause 87, insert the following new Clause—

"Secretary of State's duty to promote healthy homes and neighbourhoods

(1) The Secretary of State must promote a comprehensive regulatory framework for planning and the built environment designed to secure—

(a) the physical, mental and social health and well-being of the people of England, and

(b) healthy homes and neighbourhoods.

(2) The Secretary of State may by regulations make provision for a system of standards that promotes and secures healthy homes on condition that certain requirements prescribed in the regulations are met.

(3) Schedule *(Healthy homes)* makes provision about healthy homes standards."

COMMONS REASON

The Commons disagree to Lords Amendment 46 for the Reason as set out under Lords Amendment 327.

After Clause 123

LORDS AMENDMENT 80

80 After Clause 123, 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."

COMMONS REASON

The Commons disagree to Lords Amendment 80 for the following Reason—

80A *Because requiring local planning authorities to refuse planning permission for residential property on Zone 3a or 3b flood zones would inappropriately and excessively limit the places where residential property could be built.*

LORDS AMENDMENT 81

81 After Clause 123, 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."

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 81 but propose amendments 81A, 81B, and 81C as amendments in lieu—

81A Page 157, line 17, at end insert the following new Clause:—

"Development affecting ancient woodland

(1) Before the end of the period of three months beginning with the day on which this Act is passed, the Secretary of State must vary the Town and Country Planning (Consultation) (England) Direction 2021 ("the 2021 Direction") so that it applies in relation to applications for planning permission for development affecting ancient woodland.

(2) In subsection (1) "ancient woodland" means an area in England which has been continuously wooded since at least the end of the year 1600 A.D.

(3) This section does not affect whether or how the Secretary of State may withdraw or vary the 2021 Direction after it has been varied as mentioned in subsection (1)."

81B Clause 221, page 250, line 26, at end insert—

"(e) section (*Development affecting ancient woodland*) extends to England and Wales."

81C Clause 222, page 251, line 33, after "123" insert "and (*Development affecting ancient woodland*)"

LORDS AMENDMENT 82

82 After Clause 123, 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).""

COMMONS REASON

The Commons disagree to Lords Amendment 82 for the following Reason—

82A *Because it would alter the financial arrangements made by the Commons, and the Commons do not offer any further Reason, trusting that this Reason may be deemed sufficient.*

Clause 138

LORDS AMENDMENT 90

90 Clause 138, page 170, line 9, leave out from "to" to end of line 10 and insert "—

(a) in the case of regulations made by the Secretary of State acting alone or jointly with a devolved authority or by the Welsh Ministers acting alone, the current environmental improvement plan (within the meaning of Part 1 of the Environment Act 2021),

(b) in the case of regulations made by a Northern Ireland department acting alone, the current environmental improvement plan (within the meaning of Schedule 2 to that Act), or

(c) in the case of regulations made by the Scottish Ministers acting alone, the current environmental policy strategy (within the meaning of section 47 of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021) (asp 4)."

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

The Commons disagree to Lords Amendment 90 but propose amendment 90A as an amendment in lieu –

90A Clause 138, page 170, line 9, leave out from "to" to end of line 10 and insert "—

(a) in the case of regulations made by the Secretary of State acting alone or jointly with a devolved authority, the current environmental improvement plan (within the meaning of Part 1 of the Environment Act 2021),

(b) in the case of regulations made by the Scottish Ministers acting alone, the current environmental policy strategy (within the meaning of section 47 of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 (asp 4)),

(c) in the case of regulations made by the Welsh Ministers acting alone, the current national natural resources policy (within the meaning of section 9 of the Environment (Wales) Act 2016), or

(d) in the case of regulations made by a Northern Ireland department acting alone, the current environmental improvement plan (within the meaning of Schedule 2 to the Environment Act 2021)."

Clause 143

LORDS AMENDMENT 102

102 Clause 143, page 174, line 13, at end insert ", unless that provision is merely incidental to, or consequential on, provision that would be outside that devolved competence"

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 102 but propose amendments 103A, 103B, 103C and 103D as amendments in lieu.

LORDS AMENDMENT 103

103 Clause 143, page 174, line 21, leave out sub-paragraph (ii)

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 103 but propose amendments 103A, 103B, 103C and 103D to the Bill in lieu of Lords Amendments 102 and 103 –

103A Clause 143, page 174, leave out line 13 and insert "—

(a) within Scottish devolved legislative competence, or

(b) which could be made by the Scottish Ministers,

with the consent of the Scottish Ministers, unless that provision is merely incidental to, or consequential on, provision that would be outside that devolved legislative competence."

103B Clause 143, page 174, line 13, at end insert—

"(1A) The Secretary of State may only make EOR regulations which contain provision that confers a function on, or modifies or removes a function of, the Scottish Ministers after consulting the Scottish Ministers, unless—

(a) that provision is contained in regulations which require the consent of the Scottish Ministers by virtue of subsection (1), or

(b) that provision is merely incidental to, or consequential on, provision that would be outside Scottish devolved legislative competence."

103C Clause 143, page 174, line 14, after "devolved" insert "legislative"

103D Clause 143, page 174, line 17, leave out paragraphs (b) and (c)

Clause 148

LORDS AMENDMENT 117

117 Clause 148, page 177, line 33, at end insert—

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

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

(a) the Secretary of State must—

(i) consult the Scottish Ministers so far as the guidance relates to a matter provision about which would be within Scottish devolved competence by virtue of section 143(2)(a);

(ii) obtain the consent of the Welsh Ministers so far as the guidance relates to a matter provision about which would be within Welsh devolved legislative competence (see section 143(4));

(iii) obtain the consent of the relevant Northern Ireland department so far as the guidance relates to a matter provision about which would be within Northern Ireland devolved legislative competence (see section 143(6));

(b) the Scottish Ministers must obtain the consent of the Secretary of State so far as the guidance relates to a matter provision about which would not be within Scottish devolved competence by virtue of section 143(2)(a);

(c) the Welsh Ministers must obtain the consent of the Secretary of State so far as the guidance relates to a matter provision about which would be outside Welsh devolved legislative competence (see section 143(4));

(d) a Northern Ireland department must obtain the consent of the Secretary of State so far as the guidance relates to a matter provision about which would be outside Northern Ireland devolved legislative competence (see section 143(6)).

(1C) The "relevant Northern Ireland department" is such Northern Ireland department as the Secretary of State considers appropriate having regard to the material which is to be contained in the guidance concerned.

(1D) A public authority carrying out a function under regulations made under this Part by a devolved authority acting alone must have regard to any guidance issued by the devolved authority in relation to the function.

(1E) A public authority carrying out a function under existing environmental assessment legislation listed in Part 1 of Schedule (*Existing environmental assessment legislation*) must have regard to any guidance issued by the Secretary of State in relation to the function.

(1F) A public authority carrying out a function under existing environmental assessment legislation listed in Part 2 of Schedule (*Existing environmental assessment legislation*) must have regard to any guidance issued by the Scottish Ministers in relation to the function.

(1G) A public authority carrying out a function under existing environmental assessment legislation listed in Part 3 of Schedule (*Existing environmental assessment legislation*) must have regard to any guidance issued by the Welsh Ministers in relation to the function.

(1H) A public authority carrying out a function under existing environmental assessment legislation listed in Part 4 of Schedule (*Existing environmental assessment legislation*) must have regard to any guidance issued by a Northern Ireland department in relation to the function."

COMMONS AMENDMENTS

The Commons agree with the Lords in their Amendment 117 and propose amendments 117A, 117B, 117C and 117D as amendments thereto –

117A Line 9, leave out "consult" and insert "obtain the consent of"

117B Line 10, leave out "competence by virtue of section 143(2)(a)" and insert "legislative competence by virtue of section 143(2) or which could be made by the Scottish Ministers"

117C Line 20, leave out "competence by virtue of section 143(2)(a)" and insert "legislative competence by virtue of section 143(2) or which could not be made by the Scottish Ministers"

117D Line 35, after "Part 1 of Schedule (*Existing environmental assessment legislation*)" insert "(other than a function under Schedule 3 to the Harbours Act 1964 so far as relating to environmental impact assessments in Scotland)"

Clause 153

LORDS AMENDMENT 133

133 Clause 153, page 182, line 20, leave out "Sensitive" and insert "Nutrient affected and sensitive"

COMMONS REASON

The Commons disagree to Lords Amendment 133 for the Reason as set out under Lords Amendment 180.

LORDS AMENDMENT 134

134 Clause 153, page 182, line 20, 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."

COMMONS REASON

The Commons disagree to Lords Amendment 134 for the Reason as set out under Lords Amendment 180.

LORDS AMENDMENT 137

137 Clause 153, page 182, line 33, after "pollution" insert "from nutrients in water of any kind, or"

COMMONS REASON

The Commons disagree to Lords Amendment 137 for the Reason as set out under Lords Amendment 180.

LORDS AMENDMENT 139

139 Clause 153, page 182, line 38, 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."

COMMONS REASON

The Commons disagree to Lords Amendment 139 for the Reason as set out under Lords Amendment 180.

LORDS AMENDMENT 142

142 Clause 153, page 183, line 10, after "subsection" insert "(A1),"

COMMONS REASON

The Commons disagree to Lords Amendment 142 for the Reason as set out under Lords Amendment 180.

LORDS AMENDMENT 156

156 Clause 153, page 186, line 12, at end insert—

"(za) all the nutrient affected catchment areas,"

COMMONS REASON

The Commons disagree to Lords Amendment 156 for the Reason as set out under Lords Amendment 180.

LORDS AMENDMENT 157

157 Clause 153, page 186, line 16, before "sensitive" insert "nutrient affected and"

COMMONS REASON

The Commons disagree to Lords Amendment 157 for the Reason as set out under Lords Amendment 180.

LORDS AMENDMENT 172

172 Clause 153, page 189, line 15, at end insert—

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

COMMONS REASON

The Commons disagree to Lords Amendment 172 for the Reason as set out under Lords Amendment 180.

Clause 155

LORDS AMENDMENT 180

180 Clause 155, page 191, line 20, leave out "96C" and insert "96C(1) or (2)"

COMMONS REASON

The Commons disagree to Lords Amendments 133, 134, 137, 139, 142, 156, 157, 172 and 180 for the following Reason and set the Reason out as 180A —

180A *Because the amendments were introduced at Lords Report stage in connection with other amendments that were not agreed to.*

After Clause 197

LORDS AMENDMENT 199

199 After Clause 197, insert the following new Clause—

"High street financial services

(1) The Secretary of State must engage with local authorities to devise strategies to reduce the number of high street financial services becoming vacant premises.

(2) For the purposes of this section high street financial services includes but is not limited to banks, post offices and cash machines."

COMMONS REASON

The Commons disagree to Lords Amendment 199 for the following Reason—

199A *Because it is not appropriate for the Government, and local authorities, to intervene in high street financial services.*

After Clause 214

LORDS AMENDMENT 231

231 After Clause 214, insert the following new Clause—

"Power to replace Health and Safety Executive as building safety regulator

(1) The Secretary of State may by regulations make provision for a body ("the new regulator") to replace the Health and Safety Executive as the building safety regulator for the purposes of the Building Safety Act 2022.

(2) The new regulator may be—
  (a) a body established by the regulations, or
  (b) another body specified in the regulations.

(3) The Secretary of State may by regulations make further provision in connection with subsection (1), including provision—
  (a) conferring the functions of the Health and Safety Executive as the building safety regulator on to the new regulator;
  (b) establishing or modifying the constitutional arrangements of the new regulator;
  (c) establishing or modifying the funding arrangements of the new regulator;
  (d) conferring a power on the Secretary of State to give directions to the new regulator.

(4) Regulations under this section may amend, repeal or revoke any provision made by or under—
  (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 (subject to subsection (5)).

(5) Regulations under this section may not amend or repeal—

(a) sections 9, 10 and 11,

(b) section 12(2), or

(c) section 21,

of the Building Safety Act 2022.

(6) No regulations may be made under this section after the end of the period of 24 months beginning with the day on which the final report of the Grenfell Tower Inquiry is presented to Parliament in accordance with section 26 of the Inquiries Act 2005.

(7) In this section—

"constitutional arrangements", in relation to the new regulator, include matters relating to—

(a) the name and status of the body;

(b) the chair, members and staff of the body (including qualifications and procedures for appointment and functions);

(c) the body's powers to employ staff;

(d) remuneration, allowances and pensions for the body's members and staff;

(e) governing procedures and arrangements (including the role and membership of committees and sub-committees);

(f) reports and accounts (including audit);

"funding arrangements", in relation to the new regulator, include provision for it to be funded by a Minister of the Crown and the extent of such funding;

"Grenfell Tower Inquiry" means the public inquiry into the fire at Grenfell Tower on 14 June 2017 as set up on 15 August 2017 for the purposes of section 5 of the Inquiries Act 2005;

"Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975."

COMMONS AMENDMENT

The Commons agree with the Lords in their Amendment 231 and propose amendment 231A as an amendment thereto—

231A Line 24, leave out "(subject to subsection (5)).

(5) Regulations under this section may not amend or repeal—

(a) sections 9, 10 and 11,

(b) section 12(2), or

(c) section 21,

of the Building Safety Act 2022."

LORDS AMENDMENT 237

237 After Clause 214, 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.""

COMMONS AMENDMENTS

The Commons agree with the Lords in their Amendment 237 and propose amendments 237A and 237B as amendments thereto—

237A Line 4, leave out "as follows" and insert "in accordance with subsections (2) and (3)"

237B Line 17, at end insert—

"(4) In the Procurement Act 2023—

(a) in section 118 (concurrent powers and the Government of Wales Act 2006), for paragraphs (c) and (d) substitute—

"(c) at the end of paragraph 11(6)(b)(x), omit "or", and

(d) in paragraph 11(6)(b)(xi), at the end insert ", or

(xii) the Procurement Act 2023."";

(b) in Schedule 11 (repeals and revocations), for paragraph 1 substitute—

"1 In Schedule 7B to the Government of Wales Act 2006 (general restrictions on devolved competence)—

(a) paragraph 9(9)(d) (as inserted by the Trade (Australia and New Zealand) Act 2023), and

(b) paragraph 11(6)(b)(x) (as inserted by the Levelling-up and Regeneration Act 2023).""

LORDS AMENDMENT 239

239 After Clause 214, 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)."

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 239 but propose amendments 239A, 239B, and 239C as amendments in lieu –

239A Page 247, line 15, at end 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)—

(a) in subsection (1)(c) omit "subject to subsection (3),";

(b) omit subsections (3) to (5)."

239B Clause 221, page 250, line 34, after "212" insert "and (*Powers of local authority in relation to the provision of childcare*)"

239C Clause 222, page 252, line 9, after "213" insert "and (*Powers of local authority in relation to the provision of childcare*)"

LORDS AMENDMENT 240

240 After Clause 214, 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."

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 240 but propose amendments 240A, 240B, and 240C as amendments in lieu –

240A Page 247, line 15, at end insert the following new Clause:—

"Report on enforcement of the Vagrancy Act 1824

(1) The Secretary of State must prepare and publish a report on the impact of the enforcement of sections 3 and 4 of the Vagrancy Act 1824 on the levelling-up missions (within the meaning given by section 1(2)(a)).

(2) The report must be published within the period of 12 months beginning with the day on which this section comes into force.

(3) This section ceases to have effect on the day on which section 81 of the Police, Crime, Sentencing and Courts Act 2022 (repeal of the Vagrancy Act 1824 etc) comes into force."

240B Clause 221, page 250, line 36, after "214" insert "and (*Report on enforcement of the Vagrancy Act 1824*)"

240C Clause 222, page 252, line 9, after "213" insert "and (*Report on enforcement of the Vagrancy Act 1824*)"

LORDS AMENDMENT 241

241 After Clause 214, 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."

COMMONS REASON

The Commons disagree to Lords Amendment 241 for the following Reason—

241A *Because it would involve a charge on public funds, and the Commons do not offer any further Reason, trusting that this Reason may be deemed sufficient.*

LORDS AMENDMENT 242

242 After Clause 214, insert the following new Clause—

"Non-qualifying leases under the Building Safety Act 2022

(1) Section 119 of the Building Safety Act 2022 (meaning of "qualifying lease" and "the qualifying time") is amended as follows.

(2) After section 119(1) insert—

"(1A) This section only applies to a dwelling if it is a dwelling in a relevant building and the relevant building has one or more relevant defects."

(3) After section 119(4)(b) insert—

"(ba) where a person ("T") was a tenant under a lease of, or had a freehold interest in, a dwelling and at the qualifying time T was a tenant in common of that dwelling, T is not deemed to own that dwelling unless T's share under the tenancy in common was more than 50%."

(4) After section 119(4) insert—

"(5) Notwithstanding anything in this section:

(a) a tenant is always deemed to own a qualifying lease for each of the first three dwellings that tenant owns; and

(b) a landlord must cease to make any distinction between qualifying leases and non-qualifying leases once all work to remedy relevant defects in a relevant building is completed.""

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 242 but propose amendments 288A, 288B, 288C and 288D as amendments in lieu.

LORDS AMENDMENT 243

243 After Clause 214, 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.""

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 243 but propose amendments 288A, 288B, 288C and 288D as amendments in lieu.

LORDS AMENDMENT 244

244 After Clause 214, 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."

COMMONS REASON

The Commons disagree to Lords Amendment 244 for the following Reason—

244A *Because the National Planning Policy Framework has recently been altered in relation to onshore wind electricity generation and it is not currently appropriate to make further changes to the planning treatment of such electricity generation.*

Clause 219

LORDS AMENDMENT 249

249 Clause 219, page 249, line 3, at end insert—

"(ba) under section (*Secretary of State's duty to promote healthy homes and neighbourhoods*);"

COMMONS REASON

The Commons disagree to Lords Amendment 249 for the Reason as set out under Lords Amendment 327.

Clause 222

LORDS AMENDMENT 273

273 Clause 222, page 251, line 13, leave out paragraph (e) and insert—

"(e) section 58 comes into force at the end of the period of two months beginning with the day on which this Act is passed;

(ea) section 59 comes into force at the end of the period of nine months beginning with the day on which this Act is passed;

(eb) 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;"

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

The Commons disagree to Lords Amendment 273 but propose amendment 273A as an amendment in lieu –

273A Clause 222, page 251, line 13, leave out paragraph (e) and insert—

"(e) section 58 comes into force at the end of the period of two months beginning with the day on which this Act is passed;

(ea) section 59 comes into force on the day on which this Act is passed;

(eb) 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;"

LORDS AMENDMENT 280

280 Clause 222, page 251, line 33, after "123" insert "and (*Biodiversity net gain: pre-development biodiversity value and habitat enhancement*)"

COMMONS REASON

The Commons disagree to Lords Amendment 280 for the following Reason –

280A *Because the new Clause inserted by Lords Amendment 79 (Biodiversity net gain: pre-development biodiversity value and habitat enhancement) should come into force on such day as the Secretary of State may by regulations appoint rather than two months after Royal Assent.*

LORDS AMENDMENT 285

285 Clause 222, page 252, line 7, after "214" insert "and (*Amendments of Schedule 7B to the Government of Wales Act 2006*)"

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

The Commons disagree to Lords Amendment 285 but propose amendment 285A as an amendment in lieu –

285A Clause 222, page 252, line 9, after "213" insert "and (*Amendments of Schedule 7B to the Government of Wales Act 2006*)"

LORDS AMENDMENT 288

288 Clause 222, page 252, line 10, at end insert—

"(c) section (*Qualifying leases under the Building Safety Act 2022*) comes into force on 1 August 2023."

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 288 but propose amendments 288A, 288B, 288C and 288D to the Bill in lieu of Lords Amendments 242, 243 and 288—

288A Page 247, line 15, at end insert the following new Clause—

"Qualifying leases under the Building Safety Act 2022

(1) The Building Safety Act 2022 is amended in accordance with subsections (2) to (4).

(2) In section 119 (meaning of "qualifying lease") after subsection (3) insert—

"(3A) A connected replacement lease (see section 119A) is also a "qualifying lease"."

(3) After section 119 insert—

"119A Meaning of "connected replacement lease"

(1) For the purposes of section 119 (and this section) a lease (the "new lease") is a "connected replacement lease" if—

(a) the new lease is a lease of a single dwelling in a relevant building,

(b) the tenant under the new lease is liable to pay a service charge,

(c) the new lease was granted on or after 14 February 2022,

(d) the new lease replaces—

(i) one other lease, which is a qualifying lease (whether under section 119(2) or (3A)), or

(ii) two or more other leases, at least one of which is a qualifying lease (whether under section 119(2) or (3A)), and

(e) there is continuity in the property let.

(2) For the purposes of subsection (1)(d), the new lease replaces another lease if—

(a) the term of the new lease begins during the term of the other lease, and the new lease is granted in substitution of the other lease, or

(b) the term of the new lease begins at the end of the term of the other lease (regardless of when the lease is granted).

(3) For the purposes of subsection (2)(a), the circumstances in which the new lease is granted in substitution of another lease include circumstances where—

(a) the new lease is granted by way of a surrender and regrant of the other lease (including a deemed surrender and regrant, whether deemed under an enactment or otherwise);

(b) the new lease is granted under—

(i) section 24 of the Landlord and Tenant Act 1954 (renewed business leases),

(ii) section 14 of, or Schedule 1 to, the Leasehold Reform Act 1967 (extension of leases of houses), or

(iii) section 56 of the Leasehold Reform, Housing and Urban Development Act 1993 (extension of leases of flats),

in a case where that provision of that Act applies by virtue of the other lease.

(4) For the purposes of subsection (1)(e) there is continuity in the property let if—

(a) the newly let property is exactly the same as the already let property,

(b) the newly let property consists of some or all of the already let property, together with other property (whether or not that other property was previously let) (a "property combination"), or

(c) the newly let property consists of some, but not all, of the already let property (but no other property) (a "property reduction").

(5) But there is no continuity in the property let by virtue of a property reduction if, as respects any lease in the relevant chain of qualifying leases, there was continuity in the property let by virtue of a property combination.

(6) For that purpose, the "relevant" chain of qualifying leases is the chain of qualifying leases of which the new lease would be part were it a connected replacement lease.

(7) For the purposes of subsection (1)(e) there is also continuity in the property let if the new lease is granted to rectify any error in the lease, or any lease, which the new lease replaces.

(8) Where a dwelling is at any time on or after 14 February 2022 let under two or more leases to which subsection (1)(a) and (b) apply, any of the leases which is superior to any of the other leases is not a connected replacement lease.

(9) For the purposes of sections 122 to 125 and Schedule 8, all of the leases in a chain of qualifying leases are to be treated as a single qualifying lease which has a term that—

(a) began when the term of the initial qualifying lease in that chain began, and

(b) ends when the term of the current connected replacement lease in that chain ends.

(10) The Secretary of State may by regulations make provision about the meaning of "connected replacement lease" (including provision changing the meaning).

(11) The provision that may be made in regulations under this section includes—

(a) provision which amends this section;

(b) provision which has retrospective effect.

(12) Provision in regulations under this section made by virtue of section 168(2)(a) (consequential provision etc) may (in particular) amend this Act.

(13) In this section—

"already let property", in relation to a new lease, means the property let by the lease or leases which the new lease replaces;

"chain of qualifying leases" means—

(a) an initial qualifying lease which is the preceding qualifying lease in relation to a connected replacement lease (the "first replacement lease"),

(b) the first replacement lease, and

(c) any other connected replacement lease if the preceding qualifying lease in relation to it is—

(i) the first replacement lease, or

(ii) any other connected replacement lease which is in the chain of qualifying leases;

and a chain of qualifying leases may accordingly consist of different leases at different times (if further connected replacement leases are granted);

"current connected replacement lease", in relation to a particular time, means a connected replacement lease during the term of which that time falls;

"initial qualifying lease" means a lease which is a qualifying lease under section 119(2);

"new lease" has the meaning given in subsection (1);

"newly let property" means the property let by the new lease;

"preceding qualifying lease", in relation to the new lease, means—

(a) in a case within subsection (1)(d)(i), the lease which the new lease replaces;

(b) in a case within subsection (1)(d)(ii), a lease which—

(i) the new lease replaces, and

(ii) is a qualifying lease.

(14) The definitions in section 119(4) also apply for the purposes of this section."

(4) In section 168(6)(a) (affirmative procedure for regulations), after "74," insert "119A,".

(5) The amendments made by this section are to be treated as having come into force on 28 June 2022."

288B Clause 221, page 250, line 34, after "212" insert "and section (*Qualifying leases under the Building Safety Act 2022*)"

288C Clause 222, page 252, line 9, after "213" insert "and section (*Qualifying leases under the Building Safety Act 2022*)"

288D In the Title, line 10, after "licences;" insert "about qualifying leases under the Building Safety Act 2022;"

Before Schedule 7

LORDS AMENDMENT 327

327 Before Schedule 7, insert the following new Schedule—

"SCHEDULE

HEALTHY HOMES

Policy statement on healthy homes principles

1 The Secretary of State must prepare a statement in accordance with this schedule (the "policy statement on healthy homes principles").

2 The statement must explain how the healthy homes principles are to be interpreted and applied by Ministers of the Crown and relevant responsible authorities in making, developing and revising their policies.

3 The statement may explain how the principles will be implemented and adhered to in a way that takes account of a building development's urban, suburban or rural location.

Meaning of "healthy homes principles"

4 In this Act "healthy homes principles" means the principles that—

(a) all new homes should be safe in relation to the risk of fire,

(b) all new homes should have, as a minimum, the liveable space required to meet the needs of people over their whole lifetime, including adequate internal and external storage space,

(c) all main living areas and bedrooms of a new dwelling should have access to natural light,

(d) all new homes and their surroundings should be designed to be inclusive, accessible, and adaptable to suit the needs of all, with particular regard to protected characteristics under the Equality Act 2010,

(e) all new homes should be built within places that prioritise and provide access to sustainable transport and walkable services, including green infrastructure and play space,

(f) all new homes should secure radical reductions in carbon emissions in line with the provisions of the Climate Change Act 2008,

(g) all new homes should demonstrate how they will be resilient to a changing climate over their full lifetime,

(h) all new homes should be secure and built in such a way as to minimise the risk of crime,

(i) all new homes should be free from adverse and intrusive noise and light pollution,

(j) all new homes should not contribute to unsafe or illegal levels of indoor or ambient air pollution and must be built to minimise, and where possible eliminate, the harmful impacts of air pollution on human health and the environment, and

(k) all new homes should be designed to provide year-round thermal comfort for inhabitants.

Policy statement on healthy homes principles: process

5 The Secretary of State must prepare a draft of the policy statement on healthy homes principles.

6 The Secretary of State must consult such persons as the Secretary of State considers appropriate in relation to the draft statement.

7 The Secretary of State must lay the draft statement before Parliament.

8 If, before the end of the period of 21 sitting days beginning with the day after the day on which the draft statement is laid—

(a) either House of Parliament passes a resolution in respect of the draft, or

(b) a committee of either House, or a joint committee of both Houses, makes recommendations in respect of the draft,

the Secretary of State must produce a response and lay it before Parliament.

9 The Secretary of State must lay before Parliament, and publish, the final statement, but not before—

(a) if paragraph 8 applies, the day on which the Secretary of State lays before Parliament the response required by that subsection, or

(b) otherwise, the end of the period of 21 sitting days beginning with the day after the day on which the draft statement is laid before Parliament.

10 The Secretary of State may revise the policy statement on healthy homes principles at any time (and paragraphs 5 to 11 apply in relation to any revised statement).

11 "Sitting day" means a day on which both Houses of Parliament sit.

Policy statement on healthy homes principles: effect

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

13 Relevant responsible authorities must have regard to the policy statement on healthy homes principles when discharging their duties under the planning, building, and public health acts.

14 "Relevant responsible authorities" include but are not limited to—

(a) local planning authorities;

(b) public health authorities;

(c) urban development corporations;

(d) new town development authorities;

(e) the planning inspectorate;

(f) Homes England.

Annual monitoring

15 The Secretary of State must prepare a progress report for each annual reporting period.

16 A progress report for an annual reporting period is a report on progress made in that period about the extent to which all new homes approved and completed during that period have met the healthy homes principles under paragraph 4.

17 A progress report must include specific consideration of how the approval and creation of new homes has met the needs of those with protected characteristics under section 4 of the Equality Act 2010 (the protected characteristics).

18 A progress report must include consideration of how progress could be improved.

19 The Secretary of State must arrange for each progress report to be—

(a) laid before Parliament, and

(b) published."

COMMONS REASON

The Commons disagree to Lords Amendments 46, 249 and 327 for the following Reason and set the Reason out as 327A –

327A *Because they would involve a charge on public funds, and the Commons do not offer any further Reason, trusting that this Reason may be deemed sufficient.*

Schedule 7

LORDS AMENDMENT 329

329 Schedule 7, page 293, 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."

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 329 but propose amendments 329A and 329B as amendments in lieu –

329A Schedule 7, page 293, line 38, at end insert—

"(6B) The local plan must take account of an assessment of the amount, and type, of housing that is needed in the local planning authority's area, including the amount of affordable housing that is needed."

329B Schedule 7, page 326, line 2, at end insert—

""affordable housing" means—

(a) social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, and

(b) any other description of housing that may be prescribed;"

After Schedule 11

LORDS AMENDMENT 369

369 After Schedule 11, insert the following new Schedule—

"SCHEDULE Section 152(1)

EXISTING ENVIRONMENTAL ASSESSMENT LEGISLATION

PART 1

UNITED KINGDOM AND ENGLAND AND WALES

United Kingdom and England and Wales

- Schedule 3 to the Harbours Act 1964 (procedure for making harbour revision and empowerment orders) so far as relating to environmental impact assessments;
- Part 5A of the Highways Act 1980 (environmental impact assessments);
- Sections 13A to 13D of the Transport and Works Act 1992 (environmental impact assessments);
- The Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1999 (S.I. 1999/360);
- The Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999 (S.I. 1999/1672);
- The Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999 (S.I. 1999/1783);
- The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 (S.I. 1999/2228);
- The Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999 (S.I. 1999/2892);
- The Pipe-line Works (Environmental Impact Assessment) Regulations 2000 (S.I. 2000/1928);
- The Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003 (S.I. 2003/164);

- The Environmental Assessment of Plans and Programmes Regulations 2004 (S.I. 2004/1633);
- The Transport and Works (Applications and Objections Procedure)(England and Wales) Rules 2006 (S.I. 2006/1466) so far as dealing with environmental matters;
- The Environmental Impact Assessment (Agriculture) (England) (No. 2) Regulations 2006 (S.I. 2006/2522);
- The Marine Works (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1518);
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571);
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/572);
- The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017 (S.I. 2017/580);
- The Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020 (S.I. 2020/1497).

PART 2

SCOTLAND

Scotland

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

PART 3

WALES

Wales

- The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (S.I. 2004/1656);
- The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009 (S.I. 2009/3342);
- The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 (S.I. 2016/58);
- The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017 (S.I. 2017/565);
- The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (S.I. 2017/567).

PART 4

NORTHERN IRELAND

Northern Ireland

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

COMMONS AMENDMENTS

The Commons agree with the Lords in their Amendment 369 and propose amendments 369A, 369B, 369C and 369D as amendments thereto –

369A Line 44, leave out "20A to 22B" and insert "20A to 20G, 22A, 22B"

369B Line 44, at end insert –

"• Schedule 3 to the Harbours Act 1964 so far as relating to environmental impact assessments in Scotland;"

369C Line 46, leave out "The Public Gas Transporter Pipeline Works (Environmental Impact Assessment) (Scotland) Regulations 1999 (S.S.I. 1999/1672);"

369D Line 48, at end insert—

"• The Environmental Assessment (Scotland) Act 2005;"

Levelling-up and Regeneration Bill

COMMONS AMENDMENTS, DISAGREEMENTS, AMENDMENTS IN LIEU AND REASONS

18 October 2023.

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