
Committee Stage: Monday 5 September 2022

Levelling-up and Regeneration Bill

(Amendment Paper)

This document lists all amendments tabled to the Levelling-up and Regeneration Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

Amendments which will comply with required notice period at their next appearance.

★ New Amendments.

☆ Amendments which will comply with the required notice period at their next appearance.

New Amendments: 199 to 206

Marcus Jones

Gov 74

Clause 99, page 116, line 27, leave out from beginning to “for” in line 28 and insert “planning permission has been granted under section 70 or 73”

Member's explanatory statement

This amendment corrects a cross-reference.

Marcus Jones

Gov 75

Clause 99, page 117, line 25, leave out “58(1)(b)” and insert “70”

Member's explanatory statement

This amendment corrects a cross-reference.

Marcus Jones

Gov 76

Clause 99, page 117, line 29, at end insert—

“() In section 56 (time when development begins), in subsection (3), after “92,” insert “93G, ”.”

Member's explanatory statement

This amendment adds a consequential amendment to section 56 of the Town and Country Planning Act 1990 (which determines the time when development begins).

Mrs Emma Lewell-Buck

170

Clause 100, page 118, line 31, at end insert—

- “(3A) But notwithstanding subsection (3) the completion notice deadline may be less than 12 months after the completion notice was served if the local planning authority are of the opinion that—
- (a) development has not taken place on the site for prolonged period,
 - (b) there is no reasonable prospect of development being completed within a reasonable period, and
 - (c) it is in the public interest to issue an urgent completion notice.
- (3B) A completion notice may include requirements concerning the removal of any buildings or works authorised by the permission, or the discontinuance of any use of land so authorised, at the end of the completion period, and the carrying out of any works required for the reinstatement of land at the end of that period.”

Member's explanatory statement

This amendment would enable the issuance of completion notices withdrawing planning permission with a deadline of less than 12 months when certain conditions are met, and enable completion notices to require that building works be removed from a site or a site be reinstated to its previous condition.

Matthew Pennycook

116

Alex Norris
Colleen Fletcher

Clause 103, page 122, line 36, at end insert—

- “(4) The Secretary of State must provide sufficient additional financial resources to local planning authorities to enable them to implement the provisions in this section.”

Member's explanatory statement

This amendment, along with New Clause 36, would require the Secretary of State to provide sufficient additional resources to local planning authorities to enable them to implement the changes required by Chapter 5 of Part 3.

Marcus Jones

Gov 73

Clause 104, page 123, line 19, after “authority” insert “or the Secretary of State”

Member's explanatory statement

This amendment extends new section 174(2AA)(b) to cases where the Secretary of State declined to determine an application for planning permission.

Rachael Maskell**137**

Clause 107, page 125, line 35, at end insert—

“(1A) But regulations under this section may not provide for relief from a planning condition relating to the development of a type or volume of affordable housing in a development.”

Member's explanatory statement

This amendment would exclude planning conditions relating to the delivery of agreed on-site affordable housing in developments from the power to provide relief from the enforcement of planning conditions.

Matthew Pennycook**142**

Alex Norris
Colleen Fletcher

Clause 113, page 131, line 38, leave out “a charge” and insert “an optional charge”

Member's explanatory statement

This amendment would ensure that application of the Infrastructure Levy would be optional rather than mandatory.

Matthew Pennycook**148**

Alex Norris
Colleen Fletcher

Schedule 11, page 282, line 29, leave out “and in achieving any purpose specified under section 204N(5)”

Member's explanatory statement

This amendment and Amendment 149 would prevent the Secretary of State directing the proceeds of the infrastructure levy towards purposes other than supporting the development of an area by funding the provision, improvement, replacement, operation or maintenance of infrastructure.

Marcus Jones**Gov 196**

☆ Schedule 11, page 282, line 30, after “section 204N(5)” insert “, 204O(3) or 204P(3)”

Member's explanatory statement

This amendment provides that the Secretary of State's duty to aim to ensure that the overall purpose of the Infrastructure Levy is to ensure that certain costs are funded by owners or developers of land also covers costs incurred in achieving any purpose specified under section 204O(3) or 204P(3) of the Planning Act 2008 (as inserted by paragraph 1 of Schedule 11 to the Bill).

Matthew Pennycook

150

Alex Norris
Colleen Fletcher

Schedule 11, page 282, line 32, at end insert—

“(2A) The intention of IL is to enable local authorities to raise money from developments to fund infrastructure to support the development of their areas while allowing planning obligations under section 106 of the Town and Country Planning Act 1990 to continue to be used to provide affordable housing and ensure that development is acceptable in planning terms.”

Matthew Pennycook

153

Alex Norris
Colleen Fletcher

Schedule 11, page 283, leave out lines 22 and 23

Member's explanatory statement

This amendment would amend the definition of “affordable housing” to ensure that the infrastructure levy could only be spent on social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008.

Matthew Pennycook

143

Alex Norris
Colleen Fletcher

Schedule 11, page 283, leave out lines 27 and 28 and insert—

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

Member's explanatory statement

This amendment to inserted section 204B, which is connected to Amendment 142, would ensure that application of the Infrastructure Levy would be optional rather than mandatory

Matthew Pennycook

157

Alex Norris
Colleen Fletcher

Schedule 11, page 283, line 28, at end insert—

“(1A) But a charging authority may not charge IL on development in its area comprising—
 (a) over 150 residential units, or
 (b) over 10,000 sq m of floorspace
and instead Part 11 of the Planning Act 2008 (Community Infrastructure Levy) applies to such developments.”

Member's explanatory statement

This amendment would specify a threshold for large sites in relation to which the role of section 106 TCPA 1990 agreements would be retained, meaning that the community infrastructure levy would continue to be used to support such development.

Matthew Pennycook

154

Alex Norris
Colleen Fletcher

Schedule 11, page 285, line 35, at end insert—

“(9) IL regulations must provide for exemption from liability to pay IL in respect of a development which exclusively contains affordable housing.”

Member's explanatory statement

This amendment would provide for an exemption from liability to pay IL in respect of a development which contains 100 per cent affordable housing.

Matthew Pennycook

158

Alex Norris
Colleen Fletcher

Schedule 11, page 286, line 38, leave out “IL” and insert—

“that part of the IL not applied to the provision of affordable housing”

Member's explanatory statement

This amendment would mean that charities in England and Wales were not exempt from contributing to the provision of affordable housing on any given development.

Matthew Pennycook

159

Alex Norris
Colleen Fletcher

Schedule 11, page 287, leave out lines 5 to 14

Member's explanatory statement

This amendment and Amendment 160 would ensure that charitable exemptions were limited to development undertaken by charities in England and Wales.

Matthew Pennycook

160

Alex Norris
Colleen Fletcher

Schedule 11, page 287, line 26, leave out from "2011" to end of line 28

Member's explanatory statement

See explanatory statement for Amendment 159.

Rachael Maskell

167

Schedule 11, page 287, line 28, at end insert—

"204FA Social enterprises and community interest companies

- (1) IL regulations must provide for an exemption from liability to pay IL in respect of a development where—
 - (a) the person who would otherwise be liable to pay IL in respect of the development is a social enterprise or a community interest company, and
 - (b) the building or structure in respect of which IL liability would otherwise arise is to be used wholly or mainly for the purposes of social enterprise or the community interest.
- (2) IL regulations may—
 - (a) provide for an exemption from liability to pay IL where the person who would otherwise be liable to pay IL in respect of the development is a social enterprise or a community interest company;
 - (b) require charging authorities to make arrangements for an exemption from, or reduction in, liability to pay IL where the person who would otherwise be liable to pay IL in respect of the development is a social enterprise or a community interest company.
- (3) Regulations under subsection (1) or (2) may provide that an exemption or reduction does not apply if specified conditions are satisfied."

Member's explanatory statement

This amendment makes equivalent provisions about the Infrastructure Levy for social enterprise or community interest companies as it does for charities under inserted section 204F.

Theresa Villiers**58**

Bob Seely
Greg Smith
Gordon Henderson
James Gray
Sir Geoffrey Clifton-Brown
Anthony Mangnall

Schedule 11, page 287, line 33, at end insert—

“(1A) A charging schedule may—

- (a) require a developer to pay their full IL liability for a development before being permitted to commence work on that development,
- (b) require infrastructure funded by IL associated with a development to be built before work on that development may commence.”

Member's explanatory statement

This amendment would enable Infrastructure Levy charging authorities to require a developer to pay their full IL liability, or for infrastructure funded by IL associated with a development to be built, before development may commence.

Matthew Pennycook**155**

Alex Norris
Colleen Fletcher

Schedule 11, page 287, leave out lines 34 to 42 and insert—

“(2) A charging authority, in setting rates or other criteria, must ensure that—

- (a) the level of affordable housing which is funded by developers and provided in the authority's area, and
 - (b) the level of the funding provided by the developers,
- is maintained at a level which, over a specified period, enables it to meet the level of affordable housing need identified in the local development plan.”

Member's explanatory statement

This amendment would require Infrastructure Levy rates to be set at such a level as to meet the level of affordable housing need specified in a local development plan.

Matthew Pennycook**162**

Alex Norris
Colleen Fletcher

Schedule 11, page 288, line 11, after “development” insert “of the area”

Member's explanatory statement

This amendment seeks to ensure consistency with inserted section 204A(2) on page 282 and ensure that consideration of viability relates to the area as a whole.

Rachael Maskell

168

Schedule 11, page 288, line 25, at end insert—

“(4A) IL regulations must make provision for a sliding scale of charges increasing in proportion to the share of the development that is on greenfield land, for the purposes of incentivising brownfield development, unless any development on greenfield land is offset by the re-greening of an agreed area of brownfield land in a densely developed or populated area.”

Member's explanatory statement

This amendment is offered as an alternative proposition to Amendment 59, adding safeguards intended to prevent extremely dense development in urban centres with an undersupply of open space.

Theresa Villiers

59

Bob Seely
Greg Smith
Gordon Henderson
James Gray
Sir Geoffrey Clifton-Brown
Anthony Mangnall

Schedule 11, page 288, line 25, at end insert—

“(4A) IL regulations must make provision for a sliding scale of charges increasing in proportion to the share of the development that is on greenfield land, for the purposes of incentivising brownfield development.”

Member's explanatory statement

This amendment would require rates of the Infrastructure Levy to be varied in line with the proportion of the development that is on greenfield land in order to promote brownfield development.

Matthew Pennycook

145

Alex Norris
Colleen Fletcher

Schedule 11, page 289, line 18, leave out “or require”

Member's explanatory statement

This amendment and Amendment 146, would give charging authorities discretion over the basis on which infrastructure levy rates are calculated.

Matthew Pennycook**146**

Alex Norris
Colleen Fletcher

Schedule 11, page 289, line 30, leave out "or require"

Member's explanatory statement

See explanatory statement for Amendment 145.

Matthew Pennycook**163**

Alex Norris
Colleen Fletcher

Schedule 11, page 289, line 33, leave out "or require"

Member's explanatory statement

This amendment and Amendment 164 would prevent the Secretary of State imposing a nil rate, differential rates, reductions, or a minimum threshold below which IL is not charged and ensure that rates are set by the charging authority.

Matthew Pennycook**164**

Alex Norris
Colleen Fletcher

Schedule 11, page 289, line 36, leave out "or require"

Member's explanatory statement

See explanatory statement for Amendment 163.

Rachael Maskell**169**

Schedule 11, page 294, leave out lines 15 to 28 and insert—

- “(a) roads and other transport facilities, including routes for good quality active travel including cycling, walking and micro-mobility, parking facilities and street infrastructure including benches,
- (b) flood defences,
- (c) schools and other educational facilities including nurseries, play areas and family friendly areas,

- (d) medical facilities including dentists, diagnostic hubs, general practices and other community spaces to address mental health and promote wellbeing,
- (e) sporting and recreational facilities including youth centres and skate parks,
- (f) open spaces,
- (g) affordable houses,
- (h) facilities and equipment for emergency and rescue services,
- (i) facilities and spaces which—
 - (i) preserve or improve the natural environment, or
 - (ii) enable or facilitate enjoyment of the natural environment,
 - (iii) provide outdoor space for communities including allotments and forest schools,
 - (iv) provide flood and drought mitigation,
- (j) space for energy generation
- (k) space for business incubation
- (l) community buildings for social, cultural, religious purposes,
- (m) community facilities including post offices, cafes, libraries, support and advice centres
- (n) day centres for the elderly or disabled people, including for the purposes of state-provided day or residential care.”

Member's explanatory statement

This amendment broadens the scope of inserted section 204N(5), which defines “infrastructure” for the purposes of the Infrastructure Levy.

Stella Creasy

171

☆ Schedule 11, page 294, line 17, at end insert—

“including facilities providing childcare to children under eleven,”

Member's explanatory statement

This amendment would add childcare facilities to the list of “infrastructure” in this schedule and therefore include it in the list of facilities which IL regulations may or must require charging authorities to use the Infrastructure Levy to fund, improve, replace or maintain.

Matthew Pennycook

151

Alex Norris
Colleen Fletcher

Schedule 11, page 294, leave out line 21

Member's explanatory statement

This amendment would remove affordable housing from the application of the infrastructure levy to with the intention that it would continue to be funded under current system of s106 TCPA 1990 obligations.

Matthew Pennycook**152**

Alex Norris
Colleen Fletcher

Schedule 11, page 294, line 31, at end insert “, other than to add affordable housing”

Member's explanatory statement

This amendment would prevent affordable housing being added to the list of matters included within the meaning of “infrastructure” at a future date by regulations.

Matthew Pennycook**149**

Alex Norris
Colleen Fletcher

Schedule 11, page 294, line 35, after “purposes” insert “which support the development of the area and”

Member's explanatory statement

See explanatory statement for Amendment 148.

Matthew Pennycook**156**

Alex Norris
Colleen Fletcher

Schedule 11, page 298, line 13, at end insert—

“(aa) set out how the charging authority intends to use IL to meet the level of affordable housing need identified in the local development plan, and”

Member's explanatory statement

This amendment would require a charging authority to detail the way in which it intends to use the infrastructure levy to meet its identified housing need in preparing and publishing an infrastructure delivery strategy for its area.

Matthew Pennycook**161**

Alex Norris
Colleen Fletcher

Schedule 11, page 299, line 35, at end insert—

“(2A) IL regulations must specify that payment of IL must take place within a reasonable period of implementation of a development or phase of development or in accordance with any instalment policy adopted by the charging authority.”

Member's explanatory statement

This amendment would seek to ensure that infrastructure levy payments were made following implementation of development (or following the implementation of phases or instalments where permitted by the charging authority).

Matthew Pennycook

165

Alex Norris
Colleen Fletcher

Schedule 11, page 306, leave out from line 38 to line 2 on page 307

Member's explanatory statement

This amendment would limit the circumstances under which the Secretary of State could direct a charging authority to review its charging schedule.

Matthew Pennycook

166

Alex Norris
Colleen Fletcher

Schedule 11, page 308, leave out line 25

Member's explanatory statement

This amendment would prevent IL regulations making unspecified provision about how powers under section 106 of TCPA 1990 (planning obligations) are used.

Matthew Pennycook

147

Alex Norris
Colleen Fletcher

Schedule 11, page 308, leave out from line 40 to line 13 on page 309 and insert—

“may be given under subsection (4) for authorities that have adopted an IL charging schedule, only if it is necessary for—

- (a) delivering the overall purpose of IL mentioned in section 204A(2), or
- (b) avoiding charging a specific development more than once for the same infrastructure project through both IL and the following powers—
 - (i) Part 11 (Community Infrastructure Levy) (including any power conferred by CIL regulations under that Part),

- (ii) Section 106 of TCPA 1990 (planning obligations), and
 - (iii) Section 278 of the Highways Act 1980 (execution of works)
- unless this is essential to rendering the development acceptable in planning terms.”

Member's explanatory statement

This amendment would avoid restrictions being placed on the use of the community infrastructure levy, section 106 obligations, and section 278 agreements at the Secretary of State's discretion unless necessary to avoid double charging for the same infrastructure provision.

Matthew Pennycook**144**

Alex Norris
Colleen Fletcher

Page 132, line 13, leave out Clause 115

Member's explanatory statement

This amendment, which is consequential on Amendment 142, would ensure that charging authorities in England can continue to apply the community infrastructure levy if they wish to do so.

Matthew Pennycook**173**

Alex Norris
Colleen Fletcher

☆ Clause 116, page 133, leave out lines 13 to 20 and insert—

- “(a) protection of the natural environment, cultural heritage and the landscape from the effects of human activity;
- (b) maintenance, restoration or enhancement of the natural environment, cultural heritage or the landscape;
- (c) protection of people and their long-term health, safety and wellbeing from the effects of human activity on the natural environment, cultural heritage and the landscape;
- (d) protection of the climate from the effects of human activity;
- (e) monitoring, assessing, considering, advising or reporting on anything in paragraphs (a) to (d).”

Member's explanatory statement

This amendment would broaden the definition of environmental protection to allow the Secretary of State to specify outcomes relating to climate change obligations and public health objectives.

Matthew Pennycook**174**

Alex Norris
Colleen Fletcher

☆ Clause 116, page 133, line 29, leave out subsection (5) and insert—

- “(5) Before making any EOR regulations which contain provision about what the specified environmental outcomes are to be, the Secretary of State must ensure they are in accordance with—
- (a) the current environmental improvement plan (within the meaning of Part 1 of the Environment Act 2021),
 - (b) biodiversity targets including those required under sections 1 and 3 of the Environment Act 2021,
 - (c) the duty to conserve biodiversity as required under section 40 of the Natural Environment and Rural Communities Act 2006,
 - (d) local nature recovery strategies as required under section 104 of the Environment Act 2021, and
 - (e) lowering the net UK carbon account as required under section 1 of the Climate Change Act 2008.”

Member's explanatory statement

This amendment would ensure that when using EOR regulations to specify environmental outcomes the Secretary of State would have to ensure they are in accordance with the current environmental improvement plan and additional criteria.

Matthew Pennycook

175

Alex Norris
Colleen Fletcher

☆ Clause 117, page 134, line 26, at end insert “relative to the current status of the environment as assessed in a prepared baseline study”

Member's explanatory statement

This amendment would ensure that the preparation of a baseline study which sets the context for assessing the environmental effects of a proposed project remains a core requirement of producing an EOR.

Matthew Pennycook

176

Alex Norris
Colleen Fletcher

☆ Clause 120, page 137, line 21, leave out subsection (1) and insert—

- “(1) The Secretary of State may only make EOR regulations if doing so will result in no diminution of environmental protection as provided for by environmental law at the time this Act is passed.”

Member's explanatory statement.

This amendment would ensure that the new system of environmental assessment would not reduce existing environmental protections in any way rather than merely maintaining overall existing levels of environmental protection.

Matthew Pennycook

177

Alex Norris
Colleen Fletcher

- ☆ Clause 120, page 137, line 26, leave out from “Kingdom” to end of line 28

Member's explanatory statement

This amendment would ensure that for the purposes of making EOR regulations international obligations are not limited to those that regulate the process for environmental impact assessment.

Matthew Pennycook

178

Alex Norris
Colleen Fletcher

- ☆ Clause 121, page 138, line 3, leave out “after consulting” and insert “with the consent of”

Member's explanatory statement

This amendment, along with Amendments 179 and 180 would ensure that EOR regulations which contain provision within devolved competence can only be made with the consent of the relevant devolved administration.

Matthew Pennycook

179

Alex Norris
Colleen Fletcher

- ☆ Clause 121, page 138, line 16, leave out “after consulting” and insert “with the consent of”

Member's explanatory statement

See explanatory statement to Amendment 178.

Matthew Pennycook

180

Alex Norris
Colleen Fletcher

- ☆ Clause 121, page 138, line 34, leave out “after consulting” and insert “with the consent of”

Member's explanatory statement

See explanatory statement to Amendment 178.

Matthew Pennycook

181

Alex Norris
Colleen Fletcher

- ☆ Clause 127, page 141, line 32, leave out “in particular” and insert “not”

Member's explanatory statement

This amendment would ensure that any specified environmental outcomes arising from EOR regulations made would augment not substitute those arising from existing environmental assessment legislation and the Habitats Regulations.

Matthew Pennycook

182

Alex Norris
Colleen Fletcher

- ☆ Clause 127, page 142, leave out lines 12 and 13

Member's explanatory statement

This amendment would ensure that EOR regulations cannot be used to amend, repeal or revoke existing environmental assessment legislation.

Matthew Pennycook

183

Alex Norris
Colleen Fletcher

- ☆ Clause 138, page 157, line 26, at end insert—

- “(4) In the case of a locally-led urban development corporation, the board must include no less than three community members who represent a local qualifying body.
- (5) In this section, “local qualifying body” means a parish or town council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development plan or such other bodies that reflect the cultural, social or environmental priorities of the locality to be designated as a locally-led urban development area.”

Member's explanatory statement

This amendment would ensure that local communities within the locality to be designated as a locally-led urban development area are represented on the board of a locally-led urban development corporation.

Matthew Pennycook

184

Alex Norris
Colleen Fletcher

- ☆ Clause 138, page 157, line 39, at end insert—

- “(2ZC) In the case of a locally-led development corporation, the board must include no less than three community members who represent a local qualifying body.

(2ZD) In this section, “local qualifying body” means a parish or town council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development plan or such other bodies that reflect the cultural, social or environmental priorities of the locality to be designed as the site of a proposed new town.”

Member's explanatory statement

This amendment would ensure that local communities within the locality to be designated as the site of a proposed new town are represented on the board of a locally-led development corporation.

Alex Norris

185

Matthew Pennycook
Colleen Fletcher

☆ Clause 150, page 171, line 4, at end insert—

“(2A) Designations under subsections (1) and (2) can only be made following consultation with the local community.”

Member's explanatory statement

This amendment would require designation of a high street or town centre to be consulted upon.

Alex Norris

186

Matthew Pennycook
Colleen Fletcher

☆ Clause 150, page 171, line 4, at end insert—

“(2A) The local community may make application for designations under subsections (1) and (2) to be made.”

Member's explanatory statement

This amendment would allow the local community to apply for a street or area to be designated as a high street or town centre.

Alex Norris

187

Matthew Pennycook
Colleen Fletcher

☆ Clause 152, page 172, line 21, leave out subsections (5) and (6)

Member's explanatory statement

This amendment would remove the Henry VIII power for the Secretary of State to alter the circumstances of vacancy.

Alex Norris

188

Matthew Pennycook
Colleen Fletcher

☆ Page 172, line 28, leave out Clause 153

Alex Norris

189

Matthew Pennycook
Colleen Fletcher

☆ Clause 154, page 173, line 5, leave out "ten weeks" and insert "28 days"

Member's explanatory statement

This amendment would reduce the period after which an initial letting notice would expire to 28 days.

Alex Norris

190

Matthew Pennycook
Colleen Fletcher

☆ Clause 155, page 173, line 14, at end insert—

“(c) transfer the premises to a related entity.”

Member's explanatory statement

This amendment would prevent the landlord from transferring the premises between related entities while the initial letting notice is in force.

Alex Norris

191

Matthew Pennycook
Colleen Fletcher

☆ Clause 157, page 174, line 25, leave out "eight weeks" and insert "two weeks"

Member's explanatory statement

This amendment would reduce the period of time before a final letting notice can be issued to two weeks.

Alex Norris

192

Matthew Pennycook
Colleen Fletcher

☆ Clause 160, page 176, line 25, leave out subsection (5)

Member's explanatory statement

This amendment would remove the Henry VIII power that allows the Secretary of State to add or remove grounds of appeal.

Alex Norris**193**

Matthew Pennycook
Colleen Fletcher

- ☆ Clause 162, page 177, line 36, at end insert "These regulations must be laid before Parliament before the end of a period of 90 days beginning with Royal Assent."

Member's explanatory statement

This amendment would require the Secretary of State to lay any regulations under this section before Parliament within a period of 90 days.

Alex Norris**194**

Matthew Pennycook
Colleen Fletcher

- ☆ Clause 175, page 185, line 16, at end insert—

"(1A) Compensation for damage under subsection (1) does not include damage that reasonably occurred gaining access to the site or premises where a landlord fails to grant such access."

Member's explanatory statement

This amendment would exempt from compensation damage that is caused when the authority, or their agent, needs to force access to a site following the failure to allow such access by the landlord.

Alex Norris**195**

Matthew Pennycook
Colleen Fletcher

- ☆ Clause 177, page 186, line 9, at end insert—

"(2A) "the local community" means persons resident in the vicinity of premises."

Member's explanatory statement

This amendment defines the local community.

Alex Norris**199**

Matthew Pennycook
Colleen Fletcher

★ Schedule 17, page 321, line 27, at end insert—

“(A1) In section 1 of the 2020 Act (Pavement licences), in subsection (5)(b) at end insert “but includes any part of a vehicular highway which is adjacent to a highway to which part 7A applies.”.”

Member's explanatory statement

This amendment would enable the pavement licence to include part of the carriageway, where the carriageway were adjacent to, for example, an eligible pavement. This would enable a licensing authority to grant licences which occupy part of the highway shared between space for pedestrians and vehicles.

Alex Norris

204

Matthew Pennycook
Colleen Fletcher

★ Schedule 17, page 322, line 7, at end insert “, together with any profit share, the maintenance fee and the cleansing fee”

Member's explanatory statement

This amendment and Amendment 205 would enable the local authority to share in the additional profit accruing from a licence enabling the licensed business to trade on the highway, and to recharge to the licensee the cost of maintaining and cleansing the licensed part of the highway.

Alex Norris

205

Matthew Pennycook
Colleen Fletcher

★ Schedule 17, page 322, line 10, at end insert—

“(1C) In subsection (1A)—

- (a) “the profit share” is such sum as the person who applies for a pavement licence, as part of an entity employing more than 250 people, and the local authority may agree represents one half of the additional profits arising from the grant of the licence during its term, or such sum as the local authority may reasonably determine to represent that amount in default of agreement;
- (b) “the maintenance fee” is such sum as the person who applies for a pavement licence and the local authority may agree represents the cost of maintaining that part of the highway comprised in the licence during its term, or such sum as the local authority may reasonably determine to represent that amount in default of agreement;
- (c) “the cleansing fee” is such sum as the person who applies for a pavement licence and the local authority may agree represents the cost of sweeping and cleansing that part of the highway comprised in the licence during its term, or such sum as the local authority may reasonably determine to represent that amount in default of agreement.”

Member's explanatory statement

See explanatory statement to Amendment 204.

Alex Norris**200**

Matthew Pennycook
Colleen Fletcher

★ Schedule 17, page 322, line 19, at end insert—

“(2B) In subsection (7), for “it is sent to” substitute “a receipt for the application is sent to the person who applies for a pavement licence by”.”

Member's explanatory statement

This amendment would cause the public consultation period to begin from the date on which the local authority sends a receipt to the applicant.

Alex Norris**201**

Matthew Pennycook
Colleen Fletcher

★ Schedule 17, page 322, line 30, for “14” substitute “28”**Member's explanatory statement**

This amendment would amend section 2 of the 2020 Act so that the consultation period for licence applications would be 28 days, rather than 14.

Alex Norris**203**

Matthew Pennycook
Colleen Fletcher

★ Schedule 17, page 322, line 31, leave out paragraph 7 and insert—

“7 (1) Section 3 of the 2020 Act (determination) is amended as follows.

(2) After subsection (8) insert—

“(8A) A local authority, in deciding whether to grant a pavement licence under subsection (3), shall have regard to the desirability of maintaining the free flow of pedestrians and other road users along the highway, and the avoidance of inconvenience to such persons.”.”

Member's explanatory statement

This amendment would confer discretion on a local authority to have regard to the needs of road users in deciding whether to grant a pavement licence.

Alex Norris

202

Matthew Pennycook
Colleen Fletcher

★ Schedule 17, page 322, line 32, for “14” substitute “28”

Member's explanatory statement

This amendment would allow a local authority 28 days to determine the application, instead of 14.

Alex Norris

206

Matthew Pennycook
Colleen Fletcher

★ Schedule 17, page 323, line 5, at end insert—

- “(8A) (1) Section 5 of the 2020 Act (conditions), is amended as follows.
(2) After subsection (7) insert—
“(7A) The conditions to which a licence granted by a local authority may be subject include—
(a) a condition that any furniture which may be placed on the highway under the licence must be removed from the highway at times when the premises are not open to the public;
(b) a condition that, where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must ensure that smoking or vaping does not affect others.”.
(3) After subsection (8) insert—
“(9) But regulations under subsection (8) must not prevent a local authority imposing a condition, nor affect a condition imposed by a local authority for the purposes of subsection (7A)(b).””

Member's explanatory statement

This amendment would allow a local authority to require that furniture is removed from the highway when it is not in use, as well as imposing a condition to require the licensee to prevent smoke-drift affecting those in the vicinity.

Rachael Maskell

130

Clause 185, page 190, line 2, leave out “an historic environment record” and insert “or have access to an historic environment record and adequate specialist advisory capacity”

Member's explanatory statement

This amendment is intended to ensure that all current models for service provision of HERs are covered by the provisions of Clause 185 and that HERs have access to specialist archaeologists and conservation officers.

Stella Creasy

172

☆ Clause 187, page 192, line 27, at end insert—

- “(3) The Secretary of State may by regulations make provision about providing access to public services for individuals engaging in conduct which was, or is similar to conduct which was, an offence under—
- (a) section 3 of the Vagrancy Act 1824 (offences relating to begging), or
 - (b) section 4 of that Act (persons committing certain offences deemed to be rogues and vagabonds),
- prior to the repeal of that Act by the Police, Crime and Sentencing Act 2022.
- (4) Within six months of the day on which this Act receives Royal Assent, the Secretary of State must make regulations under subsection (3) making provision for individuals with no fixed address to access dental healthcare services provided by an NHS provider.”

Nickie Aiken

1

Robert Jenrick
Tom Tugendhat
Sir Iain Duncan Smith
Sir Gary Streeter
Lee Anderson

Siobhan Baillie
Damian Green
Bob Blackman
Stephen Hammond
Simon Hoare
Anthony Mangnall
Darren Jones
Jacob Young

Andrew Bowie
Alicia Kearns
Jo Gideon
Aaron Bell
David Simmonds
Steve Brine
Dame Diana Johnson

Mr Steve Baker
Caroline Nokes
Sir Robert Neill
Sir Bernard Jenkin
Karen Bradley
Sir Stephen Timms
John Penrose

Page 192, line 16, leave out Clause 187

Member's explanatory statement

This amendment would leave out clause 187, which allows the Government to use regulations to create criminal offences similar to those under the Vagrancy Act 1824, disregarding the repeal of that Act by the Police, Crime, Courts and Sentencing Act 2022.

Marcus Jones

Gov 77

Clause 192, page 195, line 7, at end insert—

“(fa) under Part 8;”

Member's explanatory statement

This amendment corrects a drafting omission by applying the negative procedure to regulations under Part 8 (unless they amend primary legislation, in which case the affirmative procedure will apply under the existing drafting of the clause).

Alex Norris

45

Matthew Pennycook
Colleen Fletcher

Clause 195, page 196, line 33, at end insert "but the Secretary of State must formally consult representatives of local government before making such regulations"

Member's explanatory statement

This amendment would delay the implementation of clause 71 until a formal consultation has taken place with local government representatives.

Marcus Jones

Gov 198

- ☆ Clause 195, page 197, line 1, after "sections 107" insert ", (*Additional powers in relation to non-material changes to development consent orders*)"

Member's explanatory statement

This amendment provides that the clause in NC61 will come into force two months after the Bill is given Royal Assent.

Marcus Jones

Gov 197

- ☆ Clause 195, page 197, line 1, after "sections 107" insert ", (*Power to shorten deadline for examination of development consent order applications*)"

Member's explanatory statement

This amendment provides that the clause inserted by NC60 will come into force two months after the Bill is given Royal Assent.

Marcus Jones

Gov NC60

- ☆ To move the following Clause—

"Power to shorten deadline for examination of development consent order applications"

- (1) Section 98 of the Planning Act 2008 (timetable for examining, and reporting on, application for development consent order) is amended as follows.

(2) After subsection (4) insert—

“(4A) The Secretary of State may set a date for a deadline under subsection (1) that is earlier than the date for the time being set.”

(3) In subsection (6), after “subsection (4)” insert “or (4A)”.

Member's explanatory statement

This new clause allows the Secretary of State to set a shorter deadline for the examination of applications for development consent orders and makes related provision. The new clause will be inserted after clause 110.

Marcus Jones

Gov NC61

☆ To move the following Clause—

“Additional powers in relation to non-material changes to development consent orders

In paragraph 2 of Schedule 6 to the Planning Act 2008 (non-material changes), after sub-paragraph (1) insert—

“(1A) The Secretary of State may by regulations make provision about—

- (a) the decision-making process in relation to the exercise of the power conferred by sub-paragraph (1);
- (b) the making of the decision as to whether to exercise that power;
- (c) the effect of a decision to exercise that power.

This is subject to sub-paragraph (2).

(1B) The power to make regulations under sub-paragraph (1A) includes power to allow a person to exercise a discretion.””

Member's explanatory statement

This new clause gives the Secretary of State the power to make provision about the decision-making process for non-material changes to development consent orders (for example, by setting time limits for making decisions). The new clause will be inserted after clause 110.

Marcus Jones

Gov NC62

☆ To move the following Clause—

“Prospects of planning permission for alternative development

(1) The Land Compensation Act 1961 is amended as follows.

(2) In section 14 (taking account of actual or prospective planning permission in valuing land)—

(a) in subsection (2), for paragraph (b) substitute—

“(b) of the prospect of planning permission being granted on or after that date for development, whether on the

relevant land or other land, other than development for which planning permission is in force at the relevant valuation date.”;

- (b) for subsections (3) and (4) substitute—

“(2A) If a description of development is certified under section 17 as appropriate alternative development in relation to the relevant land (or any part of it), it is to be taken as certain for the purposes of subsection (2)(b) that—

- (a) planning permission for development of that description would be (or would have been) granted on the relevant valuation date, and
- (b) the permission would be (or would have been) granted in accordance with any indication given under section 17(5B).

(2B) In relation to any other development, the prospects of planning permission are to be assessed for the purposes of subsection (2)(b)—

- (a) on the assumptions set out in subsection (5), and
- (b) otherwise, in the circumstances known to the market at the relevant valuation date.”;

(c) in subsection (5), in the words before paragraph (a), for “subsections (2)(b) and (4)(b)” substitute “subsection (2B)(a) (and in section 17(1B)(a))”;

(d) in subsection (9), in the words before paragraph (a), for the words from “to” to “15(1)(b)” substitute “in subsection (2) to planning permission that is in force”.

- (3) In section 17 (certification of appropriate alternative development)—

(a) in subsection (1), for the words from “containing” to the end substitute “stating that a certain description of development is appropriate alternative development in relation to the acquisition”;

- (b) after subsection (1) insert—

“(1A) Development is “appropriate alternative development” for this purpose if it is development—

- (a) on the land in which the interest referred to in subsection (1) subsists (whether alone or together with other land),
- (b) for which planning permission is not in force at the relevant planning date, and
- (c) in respect of which the following test is met.

(1B) The test is whether, had an application for planning permission for the development been determined on the relevant planning date, the local planning authority would have been more likely than not to grant the permission—

- (a) on the assumptions set out in section 14(5),
- (b) on the assumption that it would act lawfully, and

- (c) otherwise, in the circumstances known to the market at the relevant planning date.
- (1C) For the purposes of subsections (1A) and (1B), the “relevant planning date” is—
 - (a) the relevant valuation date, or
 - (b) if earlier, the date on which the application under this section is determined.”;
- (c) in subsection (3), for paragraphs (a) and (b) substitute—
 - “(ba) must set out the applicant’s reasons for considering that the description of development given in the application is appropriate alternative development, and”;
- (d) for subsections (5) to (8) substitute—
 - “(5A) The local planning authority may issue a certificate under this section in respect of—
 - (a) the description of development given in the application for the certificate, or
 - (b) a description of development less extensive than, but otherwise falling within, the description given in the application.
 - (5B) A certificate under this section must give a general indication of—
 - (a) any conditions to which planning permission for the development would have been subject, and
 - (b) any pre-condition for granting the permission (for example, entry into an obligation) that would have had to be met.
 - (5C) The test to be applied for the purposes of subsection (5B) is whether the local planning authority would have been more likely than not to impose such conditions, or insist on such a pre-condition, on the assumptions, and otherwise in the circumstances, referred to in subsection (1B).”;
- (e) in subsection (10)—
 - (i) for “there must be taken into account any expenses reasonably” substitute “no account is to be taken of any expenses”;
 - (ii) omit the words from “where” to “favour”.
- (4) In section 18 (appeals to Upper Tribunal)—
 - (a) in subsection (2)—
 - (i) after paragraph (a) (but before the “and” at the end) insert—
 - “(aa) must consider those matters as if, in subsections (1B) and (5C), the references to the local planning authority were references to a reasonable planning authority,”;

- (ii) in paragraph (b), after sub-paragraph (ii) insert—
 - “(iia) cancel it, or”;
 - (b) after subsection (2) insert—
 - “(2A) Where the local planning authority have rejected an application for a certificate under section 17, the person who applied for the certificate may appeal to the Upper Tribunal against the rejection.
 - (2B) On an appeal under subsection (2A)—
 - (a) paragraphs (a) and (aa) of subsection (2) apply as on an appeal under subsection (1), and,
 - (b) the Upper Tribunal must—
 - (i) confirm the rejection, or
 - (ii) issue a certificate,
 as the Upper Tribunal may consider appropriate.”;
 - (c) in subsection (3), for the words from “the preceding” to the end substitute “subsection (2A) applies as if the local planning authority have rejected the application”;
 - (d) after subsection (3) insert—
 - “(4) The references in sections 14(2A) and 17(5A) and (5B) to a certificate under section 17 include a certificate issued, or as varied, by the Upper Tribunal under this section.”
- (5) In section 19 (applications by surveyors)—
 - (a) in subsection (3), for “paragraphs (a) and (b)” substitute “paragraph (ba)”;
 - (b) after that subsection insert—
 - “(4) In the application of section 18 by virtue of subsection (1)—
 - (a) subsection (1)(a) of that section is to be read as if it included the surveyor, and
 - (b) subsection (2A) of that section is to be read as if the reference to the person who applied for the certificate included the person entitled to the interest.”
- (6) In section 20(a) (power to prescribe time limit for issuing certificate under section 17), for the words from “time” to the end substitute “period within which an application under that section is to be determined”.
- (7) In section 22 (interpretation of Part 3), after subsection (2) insert—
 - “(2A) The completion of the acquisition or purchase referred to in the applicable paragraph of subsection (2) does not affect the continued application of that subsection.””

Member's explanatory statement

This new clause (to be inserted after clause 149) changes how prospects of planning permission are taken into account when assessing land value for purposes of compulsory purchase compensation.

Planning permission will be taken for granted only if the planning authority certifies that it would have granted it, and such certificates will be reduced in scope.

Judith Cummins

NC1

Alex Norris
Darren Jones
Dame Diana Johnson
John Penrose
Mr David Davis

To move the following Clause—

“Independent body to monitor levelling up missions

- (1) The Secretary of State must assign an independent body to assess the Government’s progress on levelling-up missions and make recommendations for improvements to delivery of them.
- (2) The body must prepare parallel independent reports for each period to which a report under section 2 applies.
- (3) Each parallel independent report must—
 - (a) assess the progress that has been made in the relevant period in delivering each of the levelling-up missions in the current statement levelling-up missions, as it has effect at the end of the period, and
 - (b) make recommendations for what the Government should do to deliver each levelling-up mission in the following period.
- (4) The Secretary of State must lay each report under this section before Parliament on the same day as the report under section 2 which applies to the relevant period.”

Member's explanatory statement

This new clause would require the Secretary of State to establish an independent body that can provide reports on the Government’s progress on levelling-up missions and outline recommendations for their future delivery.

Emma Hardy

NC2

Rachael Maskell
Matthew Pennycook
Alex Norris

To move the following Clause—

“Minimum requirements for flood mitigation and protection

- (1) The Secretary of State must, before the end of the period of six months beginning on the day this Act is passed, use the power under section 1 of the Building Act 1984 to make building regulations for the purpose in subsection (2).

- (2) That purpose is to set minimum standards for new build public and private properties in England for—
 - (a) property flood resilience,
 - (b) flood mitigation, and
 - (c) waste management in connection with flooding.”

Member's explanatory statement

This new clause would require the Government to set minimum standards for flood resilience, flood mitigation and flood waste management in building regulations.

Emma Hardy**NC3**

Rachael Maskell
Matthew Pennycook
Alex Norris

To move the following Clause—

“Duty to make flooding data available

- (1) The Secretary of State and local authorities in England must take all reasonable steps to make data about flood prevention and risk publicly available.
- (2) The duty under subsection (1) extends to seeking to facilitate use of the data by—
 - (a) insurers for the purpose of accurately assessing risk, and
 - (b) individual property owners for the purpose of assessing the need for property flood resilience measures.”

Member's explanatory statement

This new clause would place a duty on the Government and local authorities to make data about flood prevention and risk available for the purpose of assisting insurers and property owners.

Emma Hardy**NC4**

Rachael Maskell
Matthew Pennycook
Alex Norris

To move the following Clause—

“Flood prevention and mitigation certification and accreditation schemes

- (1) The Secretary of State must by regulations establish—
 - (a) a certification scheme for improvements to domestic and commercial properties in England made in full or in part for flood prevention or flood mitigation purposes, and
 - (b) an accreditation scheme for installers of such improvements.
- (2) The scheme under subsection (1)(a) must—

- (a) set minimum standards for the improvements, including that they are made by a person accredited under subsection (1)(b), and
 - (b) provide for the issuance of certificates stating that improvements to properties have met those standards.
- (3) The scheme under subsection (1)(a) may make provision for the certification of improvements that were made before the establishment of the scheme provided those improvements meet the minimum standards in subsection (2)(a).
- (4) Regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (5) A draft statutory instrument containing regulations under this section must be laid before Parliament before the end of the period of six months beginning with the day on which this Act comes into force."

Member's explanatory statement

This new clause would require the Government to establish a certification scheme for improvements to domestic and commercial properties in England made for flood prevention or flood mitigation purposes and an accreditation scheme for installers of such improvements.

Emma Hardy

NC5

Rachael Maskell
Matthew Pennycook
Alex Norris

To move the following Clause—

"Insurance premiums

- (1) The Financial Conduct Authority must, before the end of the period of six months beginning on the day this Act is passed, make rules under the Financial Services and Markets Act 2000 requiring insurance companies to take into account the matters in subsection (2) when calculating insurance premiums relating to residential and commercial properties.
- (2) Those matters are—
 - (a) that certified improvements have been made to a property under section [*flood prevention and mitigation certification and accreditation schemes*], or
 - (b) that measures that were in full or in part for the purposes of flood prevention or mitigation have been taken in relation to the property that were requirements of the local planning authority for planning permission purposes."

Member's explanatory statement

This new clause would require the Financial Conduct Authority to make rules requiring insurance companies to take into account flood prevention or mitigation improvements that are either certified or planning permission requirements in setting insurance premiums.

Emma Hardy

NC6

Rachael Maskell
Matthew Pennycook
Alex Norris

To move the following Clause—

“Flood Reinsurance scheme eligibility

- (1) The Secretary of State must, before the end of the period of six months beginning on the day this Act is passed—
 - (a) establish a new Flood Reinsurance scheme under section 64 of the Water Act 2014 which is in accordance with subsection (2), and
 - (b) lay before Parliament a draft statutory instrument containing regulations under that section to designate that scheme.
- (2) A new Flood Reinsurance scheme is in accordance with this section if it extends eligibility to—
 - (a) premises built on or after 1 January 2009 which have property flood resilience measures that meet the standard under section [*minimum requirements for flood mitigation and protection*](2)(a), and
 - (b) buildings insurance for small and medium-sized enterprise premises.
- (3) The Secretary of State may by regulations require public bodies to share business rates information with the scheme established under subsection (1)(a) for purposes connected with the scheme.
- (4) The Water Act 2014 is amended in accordance with subsections (5) to (9).
- (5) In section 64 (the Flood Reinsurance scheme), after “household premises”, in each place it occurs, insert “and small and medium-sized enterprise premises”.
- (6) In section 67 (scheme administration), after “household premises”, in each place it occurs, insert “and small and medium-sized enterprise premises”.
- (7) After section 69 (disclosure of HMRC council tax information) insert—

“69A Disclosure of business rates information

- (1) The Secretary of State may by regulations require public bodies to disclose information relating to business rates to any person who requires that information for either of the following descriptions of purposes—
 - (a) purposes connected with such scheme as may be established and designated in accordance with section 64 (in any case arising before any scheme is so designated);
 - (b) purposes connected with the FR Scheme (in any case arising after the designation of a scheme in accordance with section 64).
- (2) A person to whom information is disclosed under regulations made under subsection (1)(a) or (b)—
 - (a) may use the information only for the purposes mentioned in subsection (1)(a) or (b), as the case may be;

- (b) may not further disclose the information except in accordance with those regulations.”
- (8) In section 82(5) (interpretation)—
 - (a) for “69” substitute “69A”;
 - (b) after “household premises” insert “small and medium-sized enterprise premises”.
- (9) In section 84(6) (regulations and orders), after paragraph (e) insert—
 - “(ea) regulations under section 69A (disclosure of business rates information),”.

Member's explanatory statement

This new clause would require the Government to extend the FloodRe scheme to premises built since 2009 that have property flood resilience measures that meet minimum standards and buildings insurance for small and medium-sized enterprise premises.

Emma Hardy**NC7**

Rachael Maskell
Matthew Pennycook
Alex Norris

To move the following Clause—

“FloodRe Build Back Better scheme participation

- (1) The Financial Conduct Authority must, before the end of the period of six months beginning on the day this Act is passed, make rules under the Financial Services and Markets Act 2000 requiring insurance companies to participate in the FloodRe Build Back Better scheme to reimburse flood victims for costs of domestic flood resilience and prevention measures.
- (2) In making those rules the Financial Conduct Authority must have regard to its operation objectives to—
 - (a) protect consumers, and
 - (b) promote competition.”

Member's explanatory statement

This new clause would require the Financial Conduct Authority to make rules requiring insurance companies to participate in the currently voluntary Build Back Better scheme, which was launched by FloodRe in April 2022.

Mrs Emma Lewell-Buck**NC8**

Sarah Champion
Mick Whitley
Simon Hoare
Tim Farron

To move the following Clause—

“Industrial support reporting

- (1) The Secretary of State must prepare annual reports on—
 - (a) the rates of the matters in subsection (2), and
 - (b) the extent to which the fiscal and regulatory framework supports growth in those matters in areas with rates of poverty, unemployment or economic inactivity above the national average.
- (2) The matters are—
 - (a) new factory openings,
 - (b) investment in new factory equipment,
 - (c) the introduction of tailored skills-acquisition programmes, and
 - (d) the creation of manufacturing jobs.
- (3) The first such report must be laid before Parliament before the end of 2023.
- (4) A further such report must be laid before Parliament in each subsequent calendar year.”

Member's explanatory statement

This new clause would require the Secretary of State to report annually to Parliament on the rates of, and the extent to which the fiscal and regulatory framework supports, new factory openings, investment in new factory equipment, introduction of tailored skills-acquisition programmes and creation of manufacturing jobs in areas with rates of poverty, unemployment or economic inactivity above the national average.

Dr Ben Spencer

NC9

Greg Smith
Alicia Kearns
Paul Holmes
Anthony Mangnall

To move the following Clause—

“Declaration of previous breaches on planning applications

- (1) The Secretary of State may by regulations require planning applicants to declare previous breaches of planning control to local planning authorities in England in a manner that may be prescribed.
- (2) The regulations may include provision—
 - (a) creating offences punishable with a fine in respect of failures to comply with the regulations;
 - (b) about such offences.
- (3) In this section, “breach of planning control” has the same meaning as in section 171A of the Town and Country Planning Act 1990.

- (4) The Secretary of State may not make regulations under this section unless a draft of the statutory instrument containing the regulations has been laid before, and approved by resolution of, each House of Parliament.”

Member's explanatory statement

This new clause would enable the Government to make regulations requiring planning applicants to declare previous breaches of planning control to local planning authorities.

Dr Ben Spencer

NC10

Greg Smith
Alicia Kearns
Paul Holmes
Anthony Mangnall

To move the following Clause—

“Application to High Court for injunction: major or repeat breaches of planning control

- (1) A local planning authority in England may apply to the High Court for an injunction relating to a breach of planning control which is subject to enforcement proceedings, or appeal, or is otherwise unresolved.
- (2) An injunction under this section may make requirements of a person or company that is—
 - (a) in breach of planning control,
 - (b) associated with the person or company that is in breach of planning control, or
 - (c) operating from the site to which the breach of planning control relates.
- (3) An injunction under this section may—
 - (a) restrict a person or company from making further applications to a local planning authority relating to any site;
 - (b) restrict the use of a site subject to a planning application or to which a breach of planning control relates;
 - (c) require a person or company to return a site to its state before a breach of planning control occurred;
 - (d) make further provision as the Court sees fit to prevent major or repeat breaches of planning control.
- (4) The Secretary of State may by regulations define a “major breach” and “repeat breach” of planning control for the purposes of this section.
- (5) In this section, “breach of planning control” has the same meaning as in section 171A of the Town and Country Planning Act 1990.
- (6) The Secretary of State may issue guidance to local planning authorities in connection with their functions under this section.
- (7) A local planning authority must have regard to guidance issued under this section.”

Member's explanatory statement

This new clause would allow local authorities to apply to the High Court for an injunction against a person or company associated with an unresolved breach of planning control.

Dr Ben Spencer

NC11

Greg Smith
Alicia Kearns
Paul Holmes
Anthony Mangnall

To move the following Clause—

“Review of planning offences

- (1) The Secretary of State must undertake a review of—
 - (a) the adequacy of measures in this Act in reducing major or repeat breaches of planning control, and
 - (b) whether new criminal offences, or increased penalties for existing offences, are required to satisfactorily achieve that objective.
- (2) A report of the review must be laid before Parliament before the end of the period of one year beginning on the day that this Act is passed.”

Member's explanatory statement

The new clause would require the Government to report on a review of whether further new criminal offences or increased penalties are required to reduce major or repeat breaches of planning control.

Greg Smith

NC12

Sir Roger Gale

To move the following Clause—

“Duty to have regard to impacts on UK agriculture, agricultural land and domestic food production

- (1) A relevant authority must, when making policy, have regard to any potential impacts of that policy on the resilience of UK agriculture, agricultural land and domestic food production, and seeking to minimise any adverse such impacts so far as is reasonably practicable.
- (2) In this section, a “relevant authority” means—
 - (a) a Minister of the Crown;
 - (b) a relevant planning authority (under the meaning in section 81).
- (3) In order to comply with the duty under this section, the relevant authority must have regard to—
 - (a) any impacts the proposal may have on agricultural production in the UK;

- (b) any impacts the proposal may have on the area of land available for agricultural production in the UK, including in particular the area of grade 1 and 2 land available for production;
 - (c) any impacts on the genetic diversity of domestic livestock populations;
 - (d) the impact on farming in areas of natural constraints including land above the moorland line;
 - (e) the ability of agricultural producers in the UK to operate competitive businesses;
 - (f) any impacts on food security; and
 - (g) any other factor which appears relevant to the relevant authority.
- (4) Nothing in subsection (1) requires a relevant authority to do anything (or refrain from doing anything) if doing it (or refraining from doing it) would be in any other way disproportionate to the impact on UK agriculture, agricultural land and domestic food production.
- (5) This section does not apply to policy so far as relating to—
- (a) the armed forces, defence or national security, or
 - (b) taxation, spending or the allocation of resources within government;
 - (c) Wales;
 - (d) Scotland; or
 - (e) Northern Ireland.”

Member's explanatory statement

This new clause requires Ministers of the Crown and planning authorities (with a broad definition) to take account of the impact their policies are likely to have on the resilience of the agricultural sector, agricultural land and domestic food production.

Greg Smith

NC13

Sir Roger Gale

To move the following Clause—

“Statements about Bills which may impact on UK agriculture, agricultural land or domestic food production

- (1) This section applies where a Minister of the Crown in charge of a Bill in either House of Parliament is of the view that the Bill as introduced into that House contains provision which, if enacted, could have an impact on UK agriculture, agricultural land or domestic food production.
- (2) The Minister must, before Second Reading of the Bill in the House in question, make a statement under subsection (3) or (4).
- (3) A statement under this subsection is a statement to the effect that in the Minister's view the Bill will not have an adverse impact on UK agriculture, agricultural land or domestic food production.
- (4) A statement under this subsection is a statement to the effect that—

- (a) the Minister is unable to make a statement under subsection (3), but
- (b) Her Majesty's Government nevertheless wishes the House to proceed with the Bill.

- (5) A statement under this section must be in writing and be published in such manner as the Minister considers appropriate."

Member's explanatory statement

This new clause requires a Minister of the Crown to make a statement when a Bill is introduced which is likely to have an impact on UK agriculture, agricultural land or domestic food production.

Theresa Villiers

NC14

Bob Seely
Greg Smith
Gordon Henderson
Angela Richardson
Anne Marie Morris

James Gray
John Redwood

Sir Geoffrey Clifton-Brown

Anthony Mangnall

To move the following Clause—

"Prohibition of mandatory targets and abolition of five-year land supply rule

- (1) Any housebuilding target for local planning authorities in—
 - (a) the National Planning Policy Framework (NPPF),
 - (b) regulations made under any enactment, or
 - (c) any planning policy document
 may only be advisory and not mandatory.
- (2) Accordingly, such targets should not be taken into account in determining planning applications.
- (3) The NPPF must not impose an obligation on local planning authorities to ensure that sufficient housing development sites are available over five years or any other given period."

Member's explanatory statement

This new clause requires a revised NPPF within six months to provide that housing targets are advisory not mandatory and that the five-year housing land supply rule will no longer apply.

Theresa Villiers

NC15

Bob Seely
Greg Smith
Gordon Henderson
Angela Richardson
James Gray

Sir Geoffrey Clifton-Brown

Anthony Mangnall

John Redwood

To move the following Clause—

“Requirements of the National Planning Policy Framework

- (1) The Secretary of State must ensure that the National Planning Policy Framework (NPPF) is in accordance with subsections (2) to (6).
- (2) The NPPF must not contain a presumption in favour of sustainable development including where there are no relevant development plan policies, or such policies are out-of-date.
- (3) The NPPF must provide for the right for persons to object to individual planning applications.
- (4) The NPPF must provide that the Planning Inspectorate may only recommend that local plans not be adopted if—
 - (a) the consequences of that local plan would be detrimental to the objectives of such plans, and
 - (b) that local plan is markedly and verifiably atypical in comparison to other such plans.
- (5) The NPPF must permit local planning authorities to impose bans on greenfield development in their areas, other than in exceptional circumstances, where—
 - (a) greenfield areas make a marked contribution to the local economy through leisure or tourism, and
 - (b) where sufficient brownfield land is likely to be available to meet housing needs identified in neighbourhood and local plans.
- (6) The NPPF must include specific measures designed to support the creation of additional retirement homes, sheltered accommodation for the elderly and facilities for care homes.
- (7) This section comes into force at the end of the period of six months beginning on the day on which this Act is passed.”

Member's explanatory statement

This new clause requires a revised NPPF within six months to provide that, among other things, there should be no presumption of sustainable development.

Theresa Villiers

NC16

Bob Seely
Greg Smith
James Gray
Sir Geoffrey Clifton-Brown
Anthony Mangnall

To move the following Clause—

“Character test: determination of applications

- (1) Section 70 of the Town and Country Planning Act 1990 (determination of applications: general considerations) is amended as follows.

(2) After subsection (2)(b) insert—

“(ba) the applicant’s character as developer, including their previous compliance with planning rules and conditions, their record of engagement with planning authorities and delivery of developments, and accounting for whether they have made multiple, repetitive applications, and”.”

Member's explanatory statement

This new clause would amend section 70 of the Town and Country Planning Act 1990 to require the local planning authority to have regard to an applicant’s character and prior record of engagement and delivery in dealing with an application for planning permission.

Theresa Villiers

NC17

Bob Seely
Greg Smith
Gordon Henderson
James Gray
Sir Geoffrey Clifton-Brown

Anthony Mangnall John Redwood

To move the following Clause—

“Community right of appeal

- (1) The Town and Country Planning Act 1990 is amended as follows.
- (2) After section 78 (right to appeal against planning decisions and failure to take such decisions) insert—

“78ZA Community right of appeal

- (1) The Secretary of State must by regulations make provision—
 - (a) enabling communities to appeal against a decision to grant planning permission or permission in principle for a development, and
 - (b) about such appeals.
- (2) The regulations may require a certain number or proportion of residents of a local area to record objection against a decision for such an appeal to proceed.
- (3) The regulations may, in particular, make provision the upholding of such appeals and the revocation of permission if—
 - (a) the development is inconsistent with a relevant neighbourhood plan, or
 - (b) due process has not been followed in relation to the planning application.
- (4) The first regulations under this section must be laid before Parliament before the end of the period of six months beginning on the day on which this section comes into force.”

Member's explanatory statement

This new clause would introduce a community right of appeal against the granting of planning permission.

Theresa Villiers**NC18**

Bob Seely
Greg Smith
Gordon Henderson
James Gray
Sir Geoffrey Clifton-Brown
Anthony Mangnall

To move the following Clause—

“Start of development for planning purposes

- (1) The Town and Country Planning Act 1990 is amended as follows.
- (2) In section 56(4) (time when development begun) leave out paragraphs (aa) to (c)
- (3) In section 92(2)(b) (outline planning permission) for “two years” substitute “one year”.

Member's explanatory statement

This new clause would amend the Town and Country Planning Act 1990 to remove provisions which define demolition, trench digging or laying underground pipes or foundations as the start of development, and to change the statutory limit for starting development after outline planning permission from two years to one.

Theresa Villiers**NC19**

Bob Seely
James Gray
Sir Geoffrey Clifton-Brown
Anthony Mangnall

To move the following Clause—

“Planning permission required for change of use to second home or tourist rental

- (1) The Town and Country Planning Act 1990 is amended as follows.
- (2) In section 55 (meaning of “development” and “new development”), after subsection (3)(a) insert—
 - “(aa) the use as a second home or tourist rental market property of any building previously used as a primary residence involves a material change in the use of the building;”

Member's explanatory statement

This new clause would mean planning permission would be required to convert a primary residence to a second home or holiday let.

Theresa Villiers**NC20**

Bob Seely
Greg Smith
Gordon Henderson
James Gray
Sir Geoffrey Clifton-Brown
Anthony Mangnall

To move the following Clause—

“Revocation and modification of planning permission for unbuilt development by Secretary of State

- (1) Section 100 of the Town and Country Planning Act 1990 (revocation and modification of planning permission or permission in principle by the Secretary of State) is amended as follows.
- (2) After subsection (1) insert—
 - “(1A) In this section, “expedient” includes circumstances in which—
 - (a) a development for which planning permission has been granted is unbuilt and appears likely to remain unbuilt, and
 - (b) in the opinion of the Secretary of State it is in the public interest to revoke or modify that planning permission.””

Member's explanatory statement

This new clause is intended to clarify the powers of the Secretary of State to intervene where planning permissions remain unbuilt.

Theresa Villiers**NC21**

Bob Seely
Greg Smith
Gordon Henderson
Angela Richardson
James Gray
Sir Geoffrey Clifton-Brown Anthony Mangnall

To move the following Clause—

“Council tax to be payable on undeveloped sites for which planning permission granted

- (1) The Local Government Finance Act 1992 is amended in accordance with subsections (2) and (3).

- (2) In section 3 (meaning of “dwelling” for Council Tax purposes), after subsection (3) insert—
- “(3A) A hereditament which—
- (a) is all or part of a new or proposed new building the terms of planning permission for which required the building to already be completed, and
 - (b) which otherwise would be a dwelling for the purposes of this Part is a dwelling for the purposes of this Part.”
- (3) In section (4) (dwellings chargeable to council tax), at the end insert—
- “(5) But a dwelling under section 3(3A) may not be an exempt dwelling.”
- (4) Schedule 4A of the Local Government Finance Act 1988 (non-domestic rating: new building (completion days)) is amended in accordance with subsections (5) to (7).
- (5) In paragraph 1(1), after “months” insert—
- “or the terms of planning permission require the building to be completed within three months,”
- (6) At the end of paragraph 2(2) insert—
- “or, if it is sooner, the day on which the terms of planning permission required the building to be completed.”
- (7) After paragraph 4(1) insert—
- “(1A) But a person may not appeal under sub-paragraph (1) if the terms of planning permission required the building to be completed on or before the completion day.””

Member's explanatory statement

This new clause would make uncompleted dwellings subject to Council Tax from the day that planning permission required them to be completed.

Theresa Villiers

NC22

Bob Seely
Greg Smith
Gordon Henderson
James Gray
Sir Geoffrey Clifton-Brown
Anthony Mangnall

To move the following Clause—

“Abolition of planning enforcement time limits in protected landscapes

- (1) Section 171B of the Town and Country Planning Act 1990 (enforcement time limits) is amended as follows.

(2) At the end of the section insert—

- “(5) But there is no restriction on when enforcement action may be taken in relation to a breach of planning control in—
- (a) an Area of Outstanding Natural Beauty,
 - (b) a National Park,
 - (c) a Site of Special Scientific Interest, or
 - (d) any other protected landscape as may be prescribed by the Secretary of State in regulations.””

Member's explanatory statement

This new clause would abolish the time limits for planning control enforcement action (principally four years from the breach) in protected landscapes.

Theresa Villiers

NC23

Bob Seely
 Greg Smith
 Gordon Henderson
 James Gray
 Sir Geoffrey Clifton-Brown
 Anthony Mangnall

To move the following Clause—

“Report on measures to incentivise brownfield development over greenfield development

- (1) The Secretary of State must, within 60 days of the day on which this Act is passed, establish a review of the merits of measures to financially incentivise brownfield development over greenfield development.
- (2) The review must, in particular, consider the impact of—
 - (a) introducing a greenfield plot tax to provide dedicated funding streams for brownfield development,
 - (b) setting a uniform zero-rating of VAT for development on brownfield sites,
 - (c) applying standard VAT to development on greenfield sites,
 - (d) applying variable measures to ensure that increases in land values attributable to the granting of planning permission for development are used in support of communities local to those developments, and
 - (e) allowing a high degree of variation in the Infrastructure Levy to enable communities to value the loss of greenfield land depending on local circumstances.
- (3) The Secretary of State must lay a report on the findings of this review before Parliament no later than one year after this Act comes into force.”

Member's explanatory statement

This new clause would require the Secretary of State to review the merits of measures that would financially incentivise brownfield development over greenfield development and to report the findings to Parliament.

Theresa Villiers**NC24**

Bob Seely
Greg Smith
Gordon Henderson
James Gray
Sir Geoffrey Clifton-Brown
Anthony Mangnall

To move the following Clause—

“Report on measures to improve the efficiency of the housing market

- (1) The Secretary of State must, within 60 days of the day on which this Act is passed, establish a review of the merits of measures to improve the efficiency of the housing market.
- (2) The review must, in particular, consider the impact of—
 - (a) a stamp duty exemption to encourage elderly homeowners to downsize,
 - (b) an additional stamp duty surcharge on purchases by person not resident in the UK,
 - (c) a stamp duty surcharge on second home purchases,
 - (d) a reduction in the highest rates of stamp duty, and
 - (e) measures to promote an active market in long-term fixed rate mortgages to encourage lending to first time buyers.
- (3) The Secretary of State must lay a report on the findings of this review before Parliament no later than one year after this Act comes into force.”

Member's explanatory statement

This new clause would require the Secretary of State to review the merits of measures to improve the efficiency of the housing market and to report the findings to Parliament.

Theresa Villiers**NC25**

Bob Seely
Greg Smith
Gordon Henderson
James Gray
Sir Geoffrey Clifton-Brown
Anthony Mangnall

To move the following Clause—

“Report on promoting development in already developed areas

- (1) The Secretary of State must prepare a report on possible measures to promote development in areas that are already developed.
- (2) The report must consider measures to promote—
 - (a) the purchasing by housing associations of properties that—
 - (i) have been unoccupied for an extended period (with reference to the vacancy condition in section 152), or
 - (ii) are currently unfit for human habitation (with reference to requirements of the Homes (Fitness for Human Habitation) Act 2018;
 - (b) novel means of providing increased affordable housing that is sustainable and accords with surrounding areas.
- (3) The report must be laid before Parliament before the end of the period of six months beginning on the day on which this Act is passed.”

Theresa Villiers

NC26

Bob Seely
Greg Smith
Gordon Henderson
James Gray
Sir Geoffrey Clifton-Brown
Anthony Mangnall

To move the following Clause—

“Review of compulsory purchase powers

- (1) The Secretary of State must undertake a review of whether the powers of compulsory purchase available to—
 - (a) local authorities , and
 - (b) the Secretary of Stateare adequate to meet the objectives of this Act.
- (2) In undertaking the review the Secretary of State must, in particular, consider—
 - (a) whether existing statutory time limits for compulsory purchase action are appropriate,
 - (b) other means of accelerating compulsory purchase action with particular reference to properties to which subsection (3) applies, and
 - (c) the adequacy of compulsory purchase powers in relation to properties to which subsection (3) applies.
- (3) This subsection applies to—
 - (a) properties that have been unoccupied for a prolonged period (with reference to the vacancy condition in section 152), and
 - (b) buildings of local public importance such as hotels and high street properties.”

Member's explanatory statement

This new clause would require the Government to review powers of compulsory purchase and whether they are adequate to meet its levelling-up and regeneration objectives.

Theresa Villiers**NC27**

Bob Seely
Greg Smith
Gordon Henderson
James Gray
Sir Geoffrey Clifton-Brown
Anthony Mangnall

To move the following Clause—

“Deliberate damage to trees linked to development

(1) Section 210 of the Town and Country Planning Act 1990 (penalties for non-compliance with tree preservation order) is amended as follows.

(2) After subsection (4) insert—

“(4AA) Subsection (4AB) applies if—

- (a) the court is considering for the purposes of sentencing the seriousness of an offence under this section, and
- (b) the offence was committed for purposes connected to planning or development.

(4AB) The court—

- (a) must treat the fact mentioned in subsection (1)(b) as an aggravating factor (that is to say, a factor that increases the seriousness of the offence), and
- (b) must state in open court that the offence is so aggravated.””

Member's explanatory statement

This new clause would make damage to trees or woodland in contravention of a tree preservation order an aggravated offence if it was committed for purposes connected to development or planning.

Theresa Villiers**NC28**

Bob Seely
Greg Smith
Matthew Pennycook
Gordon Henderson
James Gray

Sir Geoffrey Clifton-Brown Anthony Mangnall

To move the following Clause—

“Local planning authorities to be allowed to meet virtually

- (1) This section applies to any meeting of a planning committee of a local authority in England.
- (2) A reference in any enactment to a meeting 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.
- (3) 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 (4) are satisfied.
- (4) Those conditions are that the member in remote attendance is able at that time—
 - (a) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,
 - (b) to hear, and where practicable see, and be so heard and, where practicable, be 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 so heard and, where practicable, be seen by any other members of the public attending the meeting.
- (5) In this section any reference to a member, or a member of the public, attending a meeting includes that person attending by remote access.
- (6) 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.
- (7) 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.
- (8) In this section, “planning committee” means any committee or sub-committee to which a local authority has arranged for the discharge of planning functions under section 101 of the Local Government Act 1972.”

Member's explanatory statement

This new clause would enable planning committees to meet virtually. It is based on the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and

Crime Panel Meetings) (England and Wales) Regulations 2020, made under s78 of the Coronavirus Act 2020.

Theresa Villiers

NC29

Bob Seely
Greg Smith
Gordon Henderson
James Gray
Sir Geoffrey Clifton-Brown
Anthony Mangnall

To move the following Clause—

“Local authorities to be able to raise planning fees to cover costs including planners

- (1) Section 303 of the Town and Country Planning Act 1990 (fees for planning applications etc.) is amended as follows.
- (2) After subsection (5) insert—
 - “(5A) Regulations made by the Secretary of State under this section may provide for local planning authorities to vary fees or charges under this section payable to the local planning authority to cover the reasonable costs of their exercise of planning functions.
 - (5B) In subsection (5A), “reasonable costs” includes the employment of qualified planners.””

Member's explanatory statement

This new clause would enable the Government to allow local planning authorities to vary planning fees and charges to cover their costs relating to planning, which could include the employment of qualified planners.

Theresa Villiers

NC30

Bob Seely
Greg Smith
James Gray
Sir Geoffrey Clifton-Brown
Anthony Mangnall

To move the following Clause—

“Housing powers of the Mayor of London

- (1) Article 7 of the Town and Country Planning (Mayor of London) Order 2008 (direction that the Mayor is to be the local planning authority) is hereby revoked.
- (2) Section 333D of the Great London Authority Act 1999 (duties of the Authority and local authorities) is amended as follows.

- (3) At the end of subsection (2) (general conformity with the London housing strategy), insert—

“, but any housebuilding target in the London housing strategy is advisory not mandatory and should not be taken into account in determining planning applications.””

Member's explanatory statement

This new clause would remove the Mayor of London's power to direct a London borough that the Mayor will be the local planning authority for a development, and clarify that any housebuilding target in the Mayor's housing strategy is advisory only.

Anne Marie Morris

NC31

Anthony Mangnall
Selaine Saxby

To move the following Clause—

“Planning permission required for change of use to tourist rental

- (1) The Town and Country Planning Act 1990 is amended as follows.
- (2) In section 55 (meaning of “development” and “new development”), after subsection (3)(a) insert—
- “(aa) the use as a tourist rental market property of any building previously used as a primary residence involves a material change in the use of the building;”.”

Member's explanatory statement

This new clause would mean planning permission would be required to convert a primary residence to a holiday let.

Matthew Pennycook

NC32

Alex Norris
Colleen Fletcher

To move the following Clause—

“Duty to provide sufficient resources to local planning authorities for new burdens: planning data

- (1) The Secretary of State must provide commensurate additional financial resources to local planning authorities to enable them to implement the provisions in Chapter 1 of Part 3.
- (2) Where local planning authorities have made investments in planning data software that is incompatible with the changes in that Chapter, the Secretary of State must provide compensation for this additional cost.”

Member's explanatory statement

This new clause, along with Amendment 67, would require the Secretary of State to provide sufficient additional resources to local planning authorities to enable them to implement the changes required by Chapter 1 of Part 3.

Anne Marie Morris

NC33

Anthony Mangnall
Selaine Saxby

To move the following Clause—

“Registration of tourist rental properties

- (1) Section 17 of the Development of Tourism Act 1969 (registration of tourist accommodation) is amended as follows.
- (2) After subsection (1) (registration of hotels, etc.) insert—
 - “(1A) Her Majesty must by Order in Council make provision for the registration by the Tourist Boards in England of tourist rental properties at which sleeping accommodation is provided by way of trade or business.””

Member's explanatory statement

This new clause would establish a registration system for tourist rental properties.

Rachael Maskell

NC34

To move the following Clause—

“Local government capital investments: economic appraisal

- (1) This section applies to local government capital investments of a value of £2 million or more.
- (2) Before making an investment to which this section applies, a local authority must—
 - (a) commission an economic appraisal of the investment, and
 - (b) publish the findings of that appraisal.”

Member's explanatory statement

This new clause would require local authorities to commission, and publish the findings of any capital investment of the value of £2 million or more.

Matthew Pennycook

NC35

Alex Norris
Colleen Fletcher

To move the following Clause—

“Report about uptake of neighbourhood development plans

- (1) Section 38A of PCPA 2004 (Meaning of “neighbourhood development plan”) is amended as follows.
- (2) After subsection (11C) insert—
 - “(11D) The Secretary of State must prepare and publish an annual report on the uptake of neighbourhood development plans. The report must, in particular, set out—
 - (a) the uptake of neighbourhood development plans in less affluent neighbourhoods,
 - (b) the uptake of neighbourhood development plans in urban neighbourhoods, and
 - (c) the steps that Government are taking to increase this uptake.”

Matthew Pennycook

NC36

Alex Norris
Colleen Fletcher

To move the following Clause—

“Duty to provide sufficient resources to local planning authorities for new burdens: enforcement of planning controls

The Secretary of State must provide commensurate additional financial resources to local planning authorities to enable them to implement the provisions in Chapter 5 of Part 3.”

Member's explanatory statement

See explanatory statement for Amendment 116.

Matthew Pennycook

NC37

Alex Norris
Colleen Fletcher

To move the following Clause—

“Prohibition on development for prescribed persons

- (1) The Secretary of State may by regulations prohibit a person of a prescribed description from carrying out development of land in England (or a prescribed description of such development).
- (2) The descriptions of persons which may be prescribed include in particular persons who—
 - (a) have been found to be in breach of planning control on a development undertaken by them, and

- (b) that breach has not been rectified.
- (3) A prohibition under the regulations applies despite planning permission (or any prescribed description of planning permission) having been granted."

Tim Farron

NC38

To move the following Clause—

"New use classes for second homes and holiday lets

- (1) Part 1 of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (S.I. 1987/764) is amended as follows.
- (2) In paragraph 3 (dwellinghouses)—
 - (a) for "whether or not as a sole or" substitute "as a", and
 - (b) after "residence" insert "other than a use within Class 3B)".
- (3) After paragraph 3 insert—

"3A Class C3A Second homes

Use, following a change of ownership, as a dwellinghouse as a secondary or supplementary residence by—

- (a) a single person or by people to be regarded as forming a single household;
- (b) not more than six residents living together as a single household where care is provided for residents; or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within class C4).

Interpretation of Class C3A

For the purposes of Class C3A "single household" is to be construed in accordance with section 258 of the Housing Act 2004.

Class C3B Holiday rentals

Use, following a change of ownership, as a dwellinghouse as a holiday rental property."

Member's explanatory statement

This new clause would create new class uses for second homes and short-term holiday lets.

Tim Farron

NC39

To move the following Clause—

"Planning permission required for use of dwelling as second home

- (1) The Town and Country Planning Act 1990 is amended as follows.

- (2) In section 55 (meaning of “development” and “new development”), after subsection (3)(a) insert—

“(aa) the use of a dwelling as a second home following a change in ownership involves a material change in the use of the building (whether or not it was previously used as a second home);”.

Member's explanatory statement

This new clause would mean planning permission would be required for a dwelling to be used as a second home following a change of ownership.

Tim Farron

NC40

To move the following Clause—

“Local authorities to be permitted to require that new housing in National Parks and AONB is affordable

- (1) Notwithstanding the National Planning Policy Framework, a local planning authority may mandate that any new housing in its area that is within—
- (a) a National Park, or
 - (b) an Area of Outstanding Natural Beauty
- is affordable.
- (2) A local planning authority may define “affordable” for the purposes of subsection (1).”

Member's explanatory statement

This new clause would enable local authorities to mandate that new housing under their jurisdiction and within a National Park or an Area of Outstanding Natural Beauty is affordable, and to define “affordable” for that purpose.

Tim Farron

NC41

To move the following Clause—

“Local authorities to be permitted to require that new housing is affordable

- (1) Notwithstanding the National Planning Policy Framework, a local planning authority may mandate that any new housing in its area is affordable.
- (2) A local planning authority may define “affordable” for the purposes of subsection (1).”

Member's explanatory statement

This new clause would enable local authorities to mandate that new housing under their jurisdiction is affordable, and to define “affordable” for that purpose.

Rachael Maskell

NC42

To move the following Clause—

“Deliberative democracy: local planning

- (1) Before the preparation of any development or outline plan the local planning authority must undertake a process of deliberative democracy which involving the community to set—
 - (a) the balance of economic, environmental, infrastructure and special plans,
 - (b) the type of housing to be delivered,
 - (c) the infrastructure that is required to be hosted,
 - (d) the type of economic space, and
 - (e) environmental considerations, including making sites sustainable.
- (2) A process of deliberative democracy under this section must—
 - (a) invite all residents of the local authority area to apply to be a representative in the deliberative democracy process,
 - (b) include measures to try to ensure that there will be a diverse representation of that community in the process, and
 - (c) provide for a forum of representatives that—
 - (i) will determine its terms of reference, number of meetings and agenda at its first meeting, and
 - (ii) will produce a report from the deliberative democracy process.
- (3) A report under subsection (2)(c)(ii) may determine the scope of development on a site.”

Member's explanatory statement

This new clause would introduce a deliberative democracy forum comprised of members of the public prior to the formation of a new development plan or outline plan.

Rachael Maskell

NC43

To move the following Clause—

“Review of permitted development rights

- (1) The Secretary of State must, within 12 months of the day on which this Act is passed, publish a review of permitted development rights under Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596).
- (2) The review must include an assessment of—
 - (a) the past effectiveness of permitted development rights in achieving housing targets;
 - (b) the quality of housing delivered under permitted development rights;
 - (c) the impacts of permitted development on heritage, conservation areas and setting;

- (d) the estimated carbon impact of the use of permitted development rights since the expansion of permitted development to demolition;
- (e) the relative cost to local planning authorities of processing permitted development compared to full planning consent;
- (f) potential conflict between existing Permitted Development Rights and the application of national development management policies;
- (g) the impact of permitted development rights, or other policies in this Act designed to deliver streamlined consent, on the efficacy of levelling-up missions.

(3) The review should make recommendations.”

Rachael Maskell

NC44

To move the following Clause—

“Mission on environmental equality

- (1) When preparing a statement of levelling-up missions under section 1, a Minister of the Crown must include a mission on environmental equality.
- (2) The environmental equality mission must include the objective of ensuring equitable access to high quality natural spaces.”

Member's explanatory statement

This new clause would require the Government to include a mission on environmental equality, incorporating equitable access to nature in particular, within the levelling up programme.

Rachael Maskell

NC45

To move the following Clause—

“General duty to reduce health inequalities and improve well-being

- (1) For the purposes of this section “the general health and well-being objective” is the reduction of health inequalities and the improvement of well-being in England through the exercise of functions in relation to England.
- (2) A public authority which has any functions exercisable in relation to England must prepare and publish a plan to be known as a health inequalities and well-being improvement plan.
- (3) A relevant planning authority must have regard to the general health and wellbeing objective and that plan when preparing relevant plans, policies and strategies.
- (4) A relevant planning authority when making a planning decision must aim to ensure the decision is consistent with achieving the general health and well-being objective.

- (5) In complying with this section a relevant planning authority must have special regard to the desirability of—
 - (a) delivering mixed-use walkable neighbourhoods which accord with the 20 minute neighbourhood principle; and
 - (b) creating opportunities to enable everyday physical activity, through improving existing and creating new walking, cycling and wheeling routes and networks and natural spaces.
- (6) For the purposes of subsection (5)(a), neighbourhoods which accord with the 20 minute neighbourhood principle are places where people can meet most of their daily needs including food shops, schools, health services and natural space within a 20 minute return walk of their home.
- (7) Where the relevant authority is a local authority, in complying with this section, the authority must—
 - (a) include specific objectives for access to natural spaces and ensure that those objectives are met;
 - (b) ensure that the objectives established under subsection (a) set out standards for high quality accessible natural green and blue spaces, using Natural England's Accessible Natural Greenspace Standards as a baseline, and going beyond these standards where possible; and
 - (c) implement and monitor the delivery of those objectives."

Member's explanatory statement

This new clause would create a general health and well-being objective for public authorities and require them to prepare and publish a health inequalities and well-being improvement plan. It makes further specific requirements of planning authorities.

Rachael Maskell

NC46

To move the following Clause—

"Nature restoration duty

- (1) It is the duty of relevant Ministers to identify of and maintain a network of sites for the purposes of restoring and protecting the natural environment in local areas.
- (2) By 2030 and thereafter, the network must include at least 30% of land in England that is protected, monitored and managed as a "protected site" or other effective area-based conservation measures for the protection and restoration of biodiversity.
- (3) For the purposes of subsection (2), "protected site" means a site that satisfies the following conditions—
 - (a) habitats, species and other significant features of the natural environment with biodiversity value within the site are strictly protected from direct and indirect harm;
 - (b) management and monitoring provisions are made to ensure that habitats, species and other significant features of the natural

- environment with biodiversity value within the site are restored to and maintained at favourable condition and are subject to continuing improvement; and
- (c) provision is made to ensure that conditions (a) and (b) are met in perpetuity.
- (4) In carrying out duties under this section, the Secretary of State must be satisfied that—
- (a) any areas of special interest for biodiversity in England as defined in section 28 of the Wildlife and Countryside Act 1981;
- (b) all irreplaceable habitats; and
- (c) areas identified in Local Nature Recovery Strategies that are protected in the planning system and managed for the recovery of the natural environment
- have been identified and designated as a protected site.”

Member's explanatory statement

This new clause would require relevant Ministers to identify and maintain a network of sites for nature to protect at least 30% of the land in England for nature by 2030. The clause defines the level of protection sites require to qualify for inclusion in the new network and requires key sites for nature to be included within it.

Rachael Maskell

NC47

To move the following Clause—

“Churches and church land to be registered as assets of community value

- (1) (1) The Assets of Community Value (England) Regulations 2012 (S.I. 2421/2012) are amended as follows.
- (2) After regulation 2 (list of assets of community value), insert—
- “2A Parish churches and associated glebe land are land of community value and must be listed.””

Member's explanatory statement

This new clause would require parish churches and associated glebe land to be listed as assets of community value, meaning communities would have the right to bid on them before any sale.

Rachael Maskell

NC48

To move the following Clause—

“Requirement to hold a referendum for large and strategic sites

- (1) A planning application which a local planning authority has received is subject to approval by residents in a referendum in either of the following cases—
- (a) the planning application is for a site of two hectares or over, or

- (b) the planning application is for a site of one hundred housing units or over.
- (2) The local planning authority may not approve an application under section (1) unless the result of the referendum is to approve the application.
- (3) Where the result of the referendum is not to secure an application the applicant may resubmit an application to the local planning authority if the following conditions are met—
 - (a) they have carried out further public consultation on the plan, and
 - (b) the plan has been substantively revised as a result of this consultation.”

Member's explanatory statement

This new clause would require planning applications for large and strategic sites to be subject to approval by residents in a referendum.

Rachael Maskell

NC49

To move the following Clause—

“Requirement to hold a referendum where planning permission has been granted

- (1) A planning application which a local planning authority has received is subject to approval by residents in a referendum in either of the following cases—
 - (a) where outline planning permission has been granted, all applications for sites with over fifty housing units that have been in place for five years or more without the approved development being completed, or
 - (b) where full planning permission has been granted, all applications for sites with over fifty housing units that have been in place for three years or more without the approved development being completed.
- (2) The local planning authority may not approve an application under section (1) unless the result of the referendum is to approve the application.
- (3) Where the result of the referendum is not to secure an application the applicant may resubmit an application to the local planning authority if the following conditions are met—
 - (a) they have carried out further public consultation on the plan, and
 - (b) the plan has been substantively revised as a result of this consultation.”

Member's explanatory statement

This new clause would require that applications which have already been granted are subject to approval by referendum after a certain period of time for large sites.

Rachael Maskell

NC50

To move the following Clause—

“Requirement to hold a referendum: affordable housing targets

- (1) A planning application which a local planning authority has received is subject to approval by residents in a referendum if—
 - (a) the planning application is for a site of fifty housing units or more, or
 - (b) the planning application is for a site identified for housing in an adopted or draft Local Plan
 and the application fails to meet the local planning authority’s quota for the delivery of affordable housing.
- (2) The local planning authority may not approve an application under section (1) unless the result of the referendum is to approve the application.
- (3) Where the result of the referendum is not to secure an application the applicant may resubmit an application to the local planning authority if the following conditions are met—
 - (a) they have carried out further public consultation on the plan, and
 - (b) the plan has been substantively revised as a result of this consultation.”

Member's explanatory statement

This new clause would subject planning applications for less affordable housing to approval by residents in a referendum.

Munira Wilson

NC51

Tim Farron

☆ To move the following Clause—

“Disposal of land held by public bodies

- (1) The Local Government Act 1972 is amended in accordance with subsections (2) and (3).
- (2) In section 123 (disposal of land by principal councils), after subsection (2) insert—

“(2ZA) But the Secretary of State must give consent if the disposal is in accordance with section [*Disposal of land held by public bodies*] of the Levelling-up and Regeneration Act 2022.”
- (3) In section 127(3) (disposal of land held by parishes and communities), after “(2A)” insert “, (2ZA)”.
- (4) The National Health Service Act 2006 is amended in accordance with subsection (5).

- (5) After section 211 (acquisition, use and maintenance of property) insert—

“211A Disposal of land held by NHS bodies

Any power granted by this Act to an NHS body to dispose of land is exercisable in accordance with section [*Disposal of land held by public bodies*] of the Levelling-up and Regeneration Act 2022 as if the NHS body were a local authority.”

- (6) Subject to subsection (8), a disposal of land is in accordance with this section if it is in accordance with the Local Government Act 1972 General Disposal Consent (England) 2003 published in Department for Communities and Local Government Circular 06/03, as amended by subsection (7).

- (7) Those amendments to the Local Government Act 1972 General Disposal Consent (England) 2003 are—

- (a) after paragraph 1 insert—

“(1A) This consent also applies to any NHS body in England as if it were a local authority in accordance with section 211A of the National Health Service Act 2006;”;

- (b) in paragraph 2(b), for “£2,000,000 (two million pounds)” substitute “£3,000,000 (three million pounds) or 40% of the unrestricted market value, whichever is greater”;

- (c) for paragraph 3(1)(vii) substitute—

“(viii) a Police and Crime Commissioner established under the Police Reform and Social Responsibility Act 2011;”;

- (d) for paragraph 3(1)(ix) substitute—

“(ix) the Mayor’s Office for Policing and Crime;”;

- (e) for paragraph 3(1)(x) substitute—

“(x) the London Fire Commissioner;”;

- (f) after paragraph 3(1)(xii) insert—

“(xiii) a combined authority;

(xiv) a mayoral combined authority;

(xv) the Greater London Authority;

(xvi) any successor body established by or under an Act of Parliament to any body listed in this sub-paragraph.”.

- (8) The Secretary of State may, to reflect inflation, further amend the cash value that the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal must not exceed.”

Member's explanatory statement

This new clause would bring an amended and updated version of the Local Government Act 1972 General Disposal Consent (England) 2003 into primary legislation, extends its application to NHS bodies and clarifies that the Consent applies to Police and Crime Commissioners, MOPAC and the London Fire Commissioner.

Matthew Pennycook

NC52

Alex Norris
Colleen Fletcher

☆ To move the following Clause—

“Super-affirmative procedure for major regulations made under Part 5

- (1) If the Secretary of State proposes to make EOR regulations which fall under section 192(5), the Secretary of State must lay before Parliament a document that—
 - (a) explains the proposal, and
 - (b) sets it out in the form of draft EOR regulations.
- (2) During the period of 60 days beginning with the day on which the document was laid under subsection (1) (“the 60-day period”), the Secretary of State may not lay before Parliament draft regulations to give effect to the proposal (with or without modifications).
- (3) In preparing draft regulations under this Part to give effect to the proposal, the Secretary of State must have regard to any of the following that are made with regard to the draft regulations during the 60-day period—
 - (a) any representations, and
 - (b) any recommendations of a committee of either House of Parliament charged with reporting on the draft regulations.
- (4) When laying before Parliament draft regulations to give effect to the proposal (with or without modifications), the Secretary of State must also lay a document that explains any changes made to the proposal contained in the document laid before Parliament under subsection (1).
- (5) In calculating the 60-day period, no account is to be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned for more than 4 days.”

Member's explanatory statement

This new clause would require major EOR regulations made under Part 5 to be subject to the super-affirmative procedure.

Matthew Pennycook

NC53

Alex Norris
Colleen Fletcher

☆ To move the following Clause—

“Independent examination of locally-led urban development corporations

- (1) A proposing authority must submit a proposal for designation of a locally-led urban development area in England under section 134A of the Local

Government, Planning and Land Act 1980 to the Secretary of State for independent examination.

- (2) The examination must be carried out by a person appointed by the Secretary of State.
- (3) The purpose of the examination is to determine whether the proposal is in general conformity with national planning policy, the local development plan, and any other material considerations.
- (4) Any person who makes representations seeking to change a proposal for designation of a locally-led urban development area must, if they so request, be given the opportunity to appear before and be heard by the person carrying out the examination."

Member's explanatory statement

This new clause would ensure that proposals to designate land as an urban development area and to establish a locally-led urban development corporation to oversee it would be subject to independent examination at which the public would have a right to be heard.

Matthew Pennycook

NC54

Alex Norris
Colleen Fletcher

☆ To move the following Clause—

"Independent examination of locally-led new town development corporations

- (1) A proposing authority must submit a proposal for designating an area of land as the site of a proposed new town under section 1ZA of the New Towns Act 1981 to the Secretary of State for independent examination.
- (2) The examination must be carried out by a person appointed by the Secretary of State.
- (3) The purpose of the examination is to determine whether the proposal is in general conformity with national planning policy, the local development plan, and any other material considerations.
- (4) Any person who makes representations seeking to change a proposal for designating an area of land as the site of a proposed new town must, if they so request, be given the opportunity to appear before and be heard by the person carrying out the examination."

Member's explanatory statement

This new clause would ensure that proposals to designate land as the site of a proposed new town and to establish a locally-led new town development corporation to oversee it would be subject to independent examination at which the public would have a right to be heard.

Alex Norris

NC55

Matthew Pennycook
Colleen Fletcher

☆ To move the following Clause—

“Resources

- (1) Within a period of 90 days beginning from Royal Assent the Secretary of State must publish a report detailing the new resources made available by Her Majesty’s Government to local authorities in order to exercise Part 8 powers.
- (2) In order to discharge the powers under Part 8, Local authorities may charge landlords for associated reasonable costs.”

Alex Norris

NC56

Matthew Pennycook
Colleen Fletcher

☆ To move the following Clause—

“Annual pubs reports

- (1) Each tier 2 local authority in England must produce an Annual Pubs Report.
- (2) A report under this section must consider the latest trends in pubs and on-licensed establishments across the authority.
- (3) The Secretary of State may by guidance suggest the contents of such reports.
- (4) Central government must provide funding to local authorities to cover the costs of this new responsibility.”

Alex Norris

NC57

Matthew Pennycook
Colleen Fletcher

☆ To move the following Clause—

“Review of England's public conveniences

- (1) The Secretary of State must, within 6 months of the day on which this Act is passed, appoint commissioners to consider the level of need for public conveniences in England and the extent to which current provision matches that need.
- (2) The Secretary of State must publish the report of the Commissioners before the end of the period of 12 months beginning with the day of their appointment.”

Alex Norris

NC58

Matthew Pennycook
Colleen Fletcher

☆ To move the following Clause—

“Public convenience plans

- (1) Each tier 2 local authority in England must produce a Public Convenience Plan for their authority.
- (2) A plan under this section must be formulated in consultation with local partners and the public.
- (3) Such a plan must consider—
 - (a) the current level of public convenience provision,
 - (b) the current level of demand for such conveniences,
 - (c) what gaps there are in provision, and
 - (d) the needs of communities with protected characteristics under the Equality Act 2010.
- (4) Central government must provide funding to local authorities to cover the costs of this new responsibility.”

Alex Norris

NC59

Matthew Pennycook
Colleen Fletcher

☆ To move the following Clause—

“Business rate relief scheme for business making toilets publicly available

The Secretary of State must by regulations make provision for a scheme under which if a business liable to business rates permits non-customers to use their toilets as a public convenience, the area of the premises containing the toilets is discounted from the calculation of the premises' overall rateable value.”

Order of the House

[8 June 2022]

That the following provisions shall apply to the Levelling-up and Regeneration Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 20 September 2022.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.

Order of the Committee

[21 June 2022, as amended 7 July 2022]

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 21 June) meet—
 - (a) at 2.00 pm on Tuesday 21 June;
 - (b) at 11.30 am and 2.00 pm on Thursday 23 June;
 - (c) at 9.25 am and 2.00 pm on Tuesday 28 June;
 - (d) at 11.30 am and 2.00 pm on Thursday 30 June;
 - (e) at 9.25 am and 2.00 pm on Tuesday 5 July;
 - (f) at 11.30 am on Thursday 7 July;
 - (g) at 9.25 am and 2.00 pm on Tuesday 12 July;
 - (h) at 11.30 am and 2.00 pm on Thursday 14 July;
 - (i) at 9.25 am and 2.00 pm on Tuesday 19 July;
 - (j) at 9.25 am and 2.00 pm on Tuesday 6 September;
 - (k) at 11.30 am and 2.00 pm on Thursday 8 September;
 - (l) at 9.25 am and 2.00 pm on Tuesday 13 September;

- (m) at 11.30 am and 2.00 pm on Thursday 15 September;
- (n) at 9.25 am and 2.00 pm on Tuesday 20 September;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

Date	Time	Witness
Tuesday 21 June	Until no later than 10.10 am	Professor Dame Ottoline Leyser, UK Research & Innovation
Tuesday 21 June	Until no later than 10.50 am	Tracy Brabin, Mayor of West Yorkshire; West Yorkshire Combined Authority
Tuesday 21 June	Until no later than 11.25 am	Professor Mairi Spowage, University of Strathclyde
Tuesday 21 June	Until no later than 2.40 pm	Greater Manchester Combined Authority; West Midlands Combined Authority; Solace
Tuesday 21 June	Until no later than 3.20 pm	Professor Graeme Atherton, University of West London; We're Right Here; Institute for Public Policy Research
Tuesday 21 June	Until no later than 4.00 pm	Local Government Association; County Councils Network; District Councils Network
Thursday 23 June	Until no later than 12.15 pm	Royal Town Planning Institute; Royal Institution of Chartered Surveyors; Savills
Thursday 23 June	Until no later than 1.00 pm	National Association of Local Councils; Neighbourhood Planners London
Thursday 23 June	Until no later than 2.30 pm	Andy Street, Mayor of the West Midlands
Thursday 23 June	Until no later than 3.10 pm	Create Streets; Heritage Alliance; Royal Institute of British Architects
Thursday 23 June	Until no later than 3.55 pm	Wildlife and Countryside Link; ADEPT; CPRE
Thursday 23 June	Until no later than 4.15 pm	Town and Country Planning Association
Thursday 23 June	Until no later than 4.45 pm	Chartered Institute of Housing; National Housing Federation
Thursday 23 June	Until no later than 5.15 pm	Onward; Centre for Policy Studies

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 13; Schedule 1; Clauses 14 to 24; Schedule 2; Clauses 25 to 30; Schedule 3; Clauses 31 to 53; Schedule 4; Clauses 54 to 74; Schedule 5; Clauses 75 to 83; Schedule 6; Clauses 84 to 87; Schedule 7; Clauses 88 to 91; Schedule 8; Clauses 92 to 97; Schedule 9; Clauses 98 to 100; Schedule 10; Clauses 101 to 113; Schedule 11; Clauses 114 to 133; Schedule 12; Clauses 134 to 137; Schedule 13; Clauses 138 to 144; Schedule 14; Clauses 145 to 160; Schedule 15; Clauses 161 to 164; Schedule 16; Clauses 165 to 184; Schedule 17; Clauses 185 to 196; new Clauses; new Schedules; remaining proceedings on the Bill;
 - (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 20 September.
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Withdrawn Amendments

The following amendments were withdrawn on 30 June 2022: 44

The following amendments were withdrawn on 13 July 2022: 129