
Report Stage: Thursday 3 November 2022

Levelling-up and Regeneration Bill, As Amended (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 Any withdrawn amendments are listed at the end of the document.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.

★ New Amendments.

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

New Amendments: NC13

John Stevenson

NC1

To move the following Clause—

“Power to provide for an elected mayor

- (1) Part 1A of the Local Government Act 2000 is amended as follows.
- (2) After section 9K insert—

“9KA Power to provide for an elected mayor

- (1) The Secretary of State may by regulations provide for there to be a mayor of a local authority.
- (2) Before making regulations under subsection (1), the Secretary of State must publish a report which contains—
 - (a) an assessment of why it is in the interests of economy, efficiency, effectiveness or public safety for the regulations to be made, and
 - (b) a description of any public consultation the Secretary of State has carried out on the proposal for the regulations to be made.””

Member's explanatory statement

This new clause would allow the Secretary of State to provide for there to be a mayor of any local authority if they deem appropriate.

John Stevenson

NC2

To move the following Clause—

“Resignation requirements for MPs serving as elected mayors

- (1) The Police Reform and Social Responsibility Act 2011 is amended in accordance with subsection.
- (2) In section 67 (Disqualification of person holding office as police and crime commissioner), leave out paragraph (a).
- (3) Schedule 1 to the House of Commons Disqualification Act 1975 is amended as follows.
- (4) In Part 3 (Other Disqualifying Offices), at the appropriate place insert—

“Mayor who is to exercise the functions of police and crime commissioner”

Member's explanatory statement

This new clause would allow an MP who is elected as a mayor who is to exercise the functions of a police and crime commissioner to remain as an MP until the next parliamentary election.

John Stevenson

NC3

Mr Laurence Robertson
Karl McCartney
Ruth Edwards
Chris Grayling
Maria Caulfield

Gordon Henderson
Craig Mackinlay
Paul Maynard
Mrs Heather Wheeler
Stephen Hammond
Dr Dan Poulter

Martin Vickers
Peter Aldous
Dr Matthew Offord
Jack Lopresti
Caroline Ansell

Simon Fell
Henry Smith
Matt Vickers
Sir Peter Bottomley
Chris Loder

To move the following Clause—

“Solar panel requirements for new homes

- (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 provide that all new homes built in England from 1 April 2025 must have solar panels installed.”

Member's explanatory statement

This new clause would require new homes in England from 1 April 2025 to have solar panels.

Nickie Aiken

NC4

To move the following Clause—

“Housing Act 1985

In section 618 of the Housing Act 1985 (The Common Council of the City of London), omit subsections (3) and (4).”

Member's explanatory statement

This new clause would correct a disparity which applies uniquely to Members of the City of London's Common Council in relation to their ability to discuss or vote on local authority matters relating to land, for example housing, by removing a prohibition on participating on such matters.

Chris Grayling

NC5

To move the following Clause—

“Ecological surveys prior to planning application

- (1) TCPA 1990 is amended as follows.
- (2) After section 57 (planning permission required for development) insert—

“57A Ecological surveys prior to planning permission

- (1) Before making an application for planning permission the applicant must undertake an ecological survey of the proposed site to establish whether the proposed development threatens the habitat of a vulnerable species.
- (2) The Secretary of State must by regulations make provision about—
 - (a) such ecological surveys and requirements to undertake them,
 - (b) the definition of “vulnerable species” for the purposes of this section,
 - (c) the mitigation hierarchy being duly followed, and
 - (d) the relocation of species to suitable alternative habitats where clearance or destruction of the habitat cannot be avoided or mitigated onsite
- (3) A person who alters a potential development site—
 - (a) prior to the completion of an ecological survey under this section, and
 - (b) without due regard to potential habitats of vulnerable species on the site commits an offence.
- (4) A person who commits an offence under subsection (3) is liable on summary conviction to a fine.
- (5) The Secretary of State may by regulations make provision about offences under subsection (3).”

- (3) After section 58A (permission in principle) insert—

“58AA Duty of regard to wildlife habitats in granting permissions

In considering whether to grant planning permission or permission in principle for the development of land in England which threatens the habitat of a vulnerable species under section 57A the local planning authority or (as the case may be) the Secretary of State must have special regard to the desirability of preserving or enhancing the habitat.””

Member's explanatory statement

This new clause requires ecological surveys establishing whether a proposed development threatens habitats of a vulnerable species before a planning application. It also requires planning authorities to take vulnerable species' habitats into account in planning decisions and creates an offence relating to destroying habitats prior to the ecological survey.

Munira Wilson

NC6

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 subparagraph.”
- (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.

Dame Caroline Dinenage

NC7

To move the following Clause—

“Council tax: properties of multiple occupancy

- (1) The Local Government Finance Act 1992 is amended as follows.
- (2) In section 3 (meaning of “dwelling”), after subsection (4A), insert—
 - “(4B) Subject to subsection (6) below, the following property is not a dwelling—

- (1) a room or bedroom subject to a tenancy agreement that does not contain bathroom and cooking facilities within its physical curtilage;
- (2) a room or bedroom subject to a tenancy agreement which includes bathroom facilities but does not include cooking facilities within its physical curtilage;
- (3) any rooms or bedrooms within a licensed House of Multiple Occupancy; and
- (4) any room which is not in law a self-contained unit regardless of any clause, term or condition of any contract, license of agreement conferring a right to occupy that room.””

Member's explanatory statement

This new clause is intended to prevent the imposition of Council Tax individually on tenants of a room in a house with shared facilities, or in a licensed House of Multiple Occupancy.

Sir Gary Streeter

NC8

To move the following Clause—

“National Parks purposes

- (1) Section 5 of the National Parks and Access to the Countryside Act 1949 is amended in so far as it applies to England as follows.
- (2) For section 5(1) substitute—
 - “(1) The provisions of this Part of this Act shall have effect for the purpose—
 - (a) of restoring, conserving and enhancing the—
 - (i) biodiversity and the natural environment;
 - (ii) natural beauty; and
 - (iii) cultural heritage
 of the areas specified in the next following subsection; and
 - (b) of providing equal opportunities for all parts of society to improve their connection to biodiversity and the natural environment, natural beauty and cultural heritage of those areas and the enjoyment of their special qualities.”
 - (3) For section 5(2) substitute—
 - “(2) The said areas are those extensive tracts of country in England which it appears to Natural England that by reason of—
 - (a) their biodiversity and natural environment, natural beauty and cultural heritage; and
 - (b) the opportunities they afford for providing equal opportunities for all parts of society to improve their connection to biodiversity and the natural environment, natural beauty and cultural heritage of those areas and the enjoyment of their special

qualities, having regard both to their character and to their position in relation to centres of population,
it is especially desirable that the necessary measures shall be taken for the purposes mentioned in the last foregoing subsection."

(4) Omit section 5(2A).

(5) After subsection (3) insert—

"(4) In subsection (1) above—

"biodiversity" has the meaning given to the term "biological diversity" by Article 2 of the United Nations Environmental Programme Convention on Biological Diversity of 1992;

"natural environment" has the meaning given by section 44 of the Environment Act 2021;

"natural beauty" has the meaning given by section 114(2) of this Act;

"cultural heritage" means any building, structure, other feature of the natural or built environment or site, which is of historic, architectural, archaeological or artistic interest."

(6) The amendments made by subsections (1) to (5) above are without prejudice to the continuing validity of any designation of an area as a National Park under subsection (3) of that section."

Member's explanatory statement

This new clause will amend the statutory purposes of National Parks to make it clearer that National Parks should actively recover nature and improve people's connection with nature, as recommended by the Glover Review. Part (3) amends the criteria for designating new National Parks in line with the updated purposes.

Sir Gary Streeter

NC9

To move the following Clause—

"Duty of certain bodies and persons to have regard to the purposes for which National Parks are designated

(1) Section 11A (Duty of certain bodies and persons to have regard to the purposes for which National Parks are designed) of the National Parks and Access to the Countryside Act 1949 is amended in so far as it applies to England as follows.

(2) After subsection (1) insert—

"(1A) A National Park authority, in pursuing in relation to the National Park the purposes specified in subsection (1) of section 5 of this Act, shall seek to promote climate change mitigation and adaptation, in particular through policies and projects that restore, conserve and enhance biodiversity and the natural environment while also reducing, or increasing the removal of, greenhouse gas emissions or supporting climate adaptation."

(3) For subsection (2) substitute—

“(2) In exercising or performing any functions in relation to, or so as to affect, land in a National Park, any relevant authority must further the purposes specified in subsection (1) of section 5 of this Act and, if it appears that there is a conflict between paragraphs (a) and (b) of that subsection, shall attach greater weight to the purpose of restoring, conserving and enhancing the natural environment and biodiversity, natural beauty and cultural heritage of the area comprised in the National Park.””

Member's explanatory statement

This new clause implements two recommendations from the Glover Review, to give National Park authorities a new duty to address climate change and to strengthen the existing duty on public bodies to “further” National Park purposes.

Sir Gary Streeter

NC10

To move the following Clause—

“National Park Management Plans

(1) Section 66 (National Park Management Plans) of the Environment Act 1995 is amended in so far as it applies to England as follows.

(2) After subsection (1) insert—

“(1A) A National Park Management Plan must include targets and actions to be achieved before the review of the plan under subsection (4) by the National Park authority and other relevant authorities that are exercising or performing any functions in relation to, or so as to affect, land in the National Park.

(1B) The targets and actions must include those that will contribute to—

(a) the furthering of the purposes specified in subsection (1) of section 5 of the National Parks and Access to the Countryside Act 1949;

(b) the achievement of targets as may be set under—

(i) sections 1 to 7 of the Environment Act 2021;

(ii) environmental improvement plans prepared under sections 8 to 15 of that Act; and

(iii) the Climate Change Act 2008 for the protection of the climate, including in respect of the mitigation of, and adaptation to, climate change; and

(c) the implementation of any local nature recovery strategies for an area within the National Park prepared under sections 104 to 107 of the Environment Act 2021.

(1C) In exercising or performing any functions in relation to, or so as to affect, land in a National Park, a relevant authority must—

- (a) in the case of a relevant authority other than a National Park authority, assist with the preparation of the National Park Management Plan by providing to the National Park authority a list of the actions that the relevant authority will take reasonable steps to undertake over the 5 years of the Plan to further the purposes specified in subsection (1) of section 5 of the National Parks and Access to the Countryside Act 1949;
 - (b) take reasonable steps to undertake those actions within that period; and
 - (c) in the case of a relevant authority other than a National Park authority, at least six months prior to the commencement of the review of the National Park Management Plan, provide to the National Park authority the details of the actions that the relevant authority has undertaken during the period to which the Plan relates.
- (1D) For the purposes of (1A) and (1B) “relevant authority” has the same meaning as in section 11A(3) of the National Parks and Access to the Countryside Act 1949.”
- (3) After subsection (4) insert—
 - “(4A) At least three months prior to the commencement of a review under subsection (4) a National Park authority must publish a report setting out, in particular, details of—
 - (a) targets and actions in the National Park Management Plan that have been achieved;
 - (b) targets and actions that have not been achieved;
 - (c) targets and actions that the National Park authority is not yet able to determine whether they have been achieved, the reasons for that and the steps the National Park authority or any other relevant authority intends to take in order to determine whether the target or action has been achieved, and, in respect of (b), the reasons why a target or action has not been achieved and the steps the National Park authority or any other relevant authority has taken, or intends to take, to ensure the target or action is achieved as soon as reasonably practicable.
 - (4B) Within three months of the publication of the report prepared in accordance with subsection (4A) Natural England must provide and publish advice to the National Park authority and any relevant authority as it sees fit, in relation to the National Park Management Plan that is to be reviewed, on—
 - (a) the extent to which and reasons why any targets in that Plan have not been met;
 - (b) actions that should be taken by the National Park authority or any relevant authority to ensure that the target is achieved as soon as possible; and
 - (c) targets to be set in the revised plan.
 - (4C) Advice given under (4B) must also contain the reasons for that advice.

- (4D) It shall be the duty of a National Park authority and any relevant authority to follow the advice given under subsection (4B) unless it appears unreasonable to do so, in which case the National Park authority or relevant authority must publish a statement giving reasons why it is not following that advice.
- (4E) At the same time as the publication of a report under paragraph (c) of subsection (6), a National Park authority must publish a report on its response to the advice given under (4B) and any actions taken by the National Park authority or any other relevant authority as a result of the advice given under paragraph (b) of subsection (4B)."
- (4) For subsection (7) substitute—
- "(7) A National Park authority which is proposing to publish, adopt or review any plan under this section must publish notice of the proposal and a copy of the plan, together (where appropriate) with any proposed amendments of the plan and consult—
- (a) every principal council and corporate joint committee whose area is wholly or partly comprised in the relevant Park;
 - (b) Natural England;
 - (c) the Environment Agency;
 - (d) any other relevant authority that is exercising or performing any functions in relation to, or so as to affect, land in a National Park; and
 - (e) the general public."

(5) After subsection (7) insert—

"(7A) A National Park authority must take into consideration any observations made by any of the persons consulted under subsection (7)."

(6) After subsection (8) insert—

"(8A) Any plan which a National Park authority publishes, adopts or amends following a review under this section shall not be made operational until it is approved in writing by the Secretary of State on advice from Natural England."

(7) After section 66 insert—

"66A Guidance on the preparation of National Park Management Plans: England

- (1) Natural England must issue guidance to National Park authorities on the preparation, content and implementation of National Park Management Plans.
- (2) Guidance must be—
- (a) published by Natural England in such manner as Natural England sees fit;
 - (b) kept under review; and
 - (c) revised where Natural England considers it appropriate.

- (3) A National Park authority must have regard to the guidance when preparing and implementing a National Park Management Plan.

66B Annual reports on the implementation of National Park Management Plans: England

- (1) As soon as practicable after the end of each financial year, a National Park authority in England must prepare a report on the implementation of the current National Park Management Plan during that year and send a copy of the report to the Secretary of State and Natural England.
- (2) The report must include an assessment of—
 - (a) the progress that has been made during the financial year in achieving the targets and actions set out in the National Park Management Plan;
 - (b) the further progress that is needed to achieve those targets and actions and the steps the National Park authority or any other relevant authority will take to ensure the target or action is achieved before the next review of the Plan under subsection (4) of section 66; and
 - (c) whether those targets and actions are likely to be achieved before the next review of the Plan under subsection (4) of section 66.
- (3) A relevant authority other than a National Park authority that is exercising or performing any functions in relation to, or so as to affect, land in a National Park in England must contribute to the report by providing to the National Park authority the details of the actions that the relevant authority has undertaken to further the purposes of the National Park specified in subsection (1) of section 5 of the National Parks and Access to the Countryside Act 1949 during the financial year to which the report relates.
- (4) The Secretary of State must lay a copy of the report before Parliament and publish the report.
- (5) “Relevant authority” has the same meaning as in section 11A(3) of the National Parks and Access to the Countryside Act 1949.

66C Duty to provide advice or other assistance on request: England

Natural England must, at the request of a National Park authority or other relevant authority, provide advice, analysis, information or other assistance to the authority in connection with—

- (a) the authority's functions under this or any other Act; and
- (b) the progress made towards meeting the targets and actions included in a National Park Management Plan.

66D Strategic priorities and objectives for National Parks: England

- (1) Within six months of the entering into force of this section, the Secretary of State must publish a statement setting out strategic priorities and objectives for National Park authorities and relevant authorities in carrying out relevant functions.

- (2) National Park authorities and relevant authorities must carry out those functions in accordance with any statement published under this section.
- (3) In formulating a statement under this section, the Secretary of State must further the purposes in section 5 of the National Parks and Access to the Countryside Act 1949 (“the 1949 Act”).
- (4) Before publishing a statement under this section, the Secretary of State must consult—
 - (a) National Park authorities;
 - (b) Natural England; and
 - (c) such relevant authorities as the Secretary of State thinks appropriate.
- (5) Before publishing a statement under this section the Secretary of State must—
 - (a) lay a draft of the statement before Parliament; and
 - (b) then wait until the end of the 40-day period.
- (6) The Secretary of State may not publish the final statement under this section if, within the 40-day period, either House of Parliament resolves not to approve it.
- (7) “The 40-day period” means the period of 40 days beginning with the day on which the draft is laid before Parliament (or, if it is not laid before each House on the same day, the later of the days on which it is laid).
- (8) When calculating the 40-day period, ignore any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.
- (9) The Secretary of State shall, in accordance with this section, publish a revised statement no later than five years after the publication of each statement.
- (10) In this section—
 - “relevant authorities” shall have the same meaning as in section 11A of the 1949 Act; and
 - “relevant functions” means, for National Park authorities, the functions mentioned in Part III of this Act and, for relevant authorities, those functions mentioned in section 11A(2) of the 1949 Act.”

Member's explanatory statement

This new clause would implement the recommendation of the Glover Review that National Park Management Plans should contain targets, priorities and actions to deliver the purposes of National Parks. It would also require National Park authorities and other public bodies to set out what steps they will take to achieve those targets, priorities and actions.

Sir Gary Streeter

NC11

To move the following Clause—

“National Park Authorities

- (1) Schedule 7 to the Environment Act 1995 is amended in so far as it applies to England as follows.
- (2) In paragraph 1(3) after “must” insert “not”.
- (3) In paragraph 2(3)(c) omit “only at the request of that council”.
- (4) After paragraph 2(4) insert—
 - “(4A) In appointing local authority members of a National Park authority, a principal council must have regard to the desirability of—
 - (a) the members (between them) having experience of, and having shown some capacity in, the purposes of National Parks specified in subsections (1) of section 5 of the National Parks and Access to the Countryside Act 1949; and
 - (b) maintaining an overall balance between members with experience of and capacity in those purposes.”
- (5) After paragraph 3(2) insert—
 - “(2A) In appointing parish members of a National Park authority the Secretary of State must have regard to the desirability of—
 - (a) the members (between them) having experience of, and having shown some capacity in, the purposes of National Parks specified in subsections (1) of section 5 of the National Parks and Access to the Countryside Act 1949; and
 - (b) maintaining an overall balance between members with experience of and capacity in those purposes.”
- (6) After paragraph 4(1) insert—
 - “(1A) In appointing members of a National Park authority the Secretary of State must have regard to the desirability of—
 - (a) the members (between them) having experience of, and having shown some capacity in, the purposes of National Parks specified in subsections (1) of section 5 of the National Parks and Access to the Countryside Act 1949; and
 - (b) maintaining an overall balance between members with experience of and capacity in those purposes.””

Member's explanatory statement

This new clause would allow the Secretary of State to amend secondary legislation to increase the proportion of National Park authority members who are nationally appointed, on the basis of their skills and experience. It would also require that consideration is given to ensuring members have relevant experience.

Andrew Lewer

NC12

☆ To move the following Clause—

“Requirements to encourage the development of small sites

- (1) In respect of a development where the conditions in subsection (2) are satisfied, local authorities must support opportunities to bring forward sites and apply a presumption in favour of development.
- (2) The conditions are that—
 - (a) the site is less than 0.25 hectares in area, and
 - (b) the site contains over 60% affordable housing.
- (3) In this section, “affordable housing” has the same meaning as in Annex 2 of the NPPF.”

Member's explanatory statement

This new clause would provide for a presumption in favour of development for affordable-led small sites and encourage councils to bring forward small sites for development.

Caroline Lucas

NC13

★ To move the following Clause—

“Duty of regard to the right to nature

- (1) It is the duty of public authorities when exercising their functions under this Act to have special regard to the right to nature.
- (2) For the purposes of subsection (1), the “right to nature” means the right to a clean, healthy and sustainable environment.
- (3) Contributing to providing and maintaining a clean, healthy and sustainable environment includes increasing access to natural spaces and reducing geographical inequalities in this access.”

Member's explanatory statement

This new clause would create a right to a clean, healthy and sustainable environment, and require authorities to increase access to nature and to ensure access is equitably distributed across different communities.

Nickie Aiken

1

Page 196, line 16, leave out Clause 190

Ben Everitt

3

☆ Schedule 11, page 289, line 37, at end insert—

“(9) IL regulations must provide for exemption from liability to pay IL in respect of affordable housing as defined in Annex 2 of the NPPF.”

Member's explanatory statement

This amendment would provide for an exemption from liability to pay IL for affordable housing as defined in Annex 2 of the NPPF.

Stella Creasy

2

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

“(ca) facilities providing childcare to children aged 11 or under,
(cb) the provision of subsidised or free schemes to deliver childcare for children aged 11 or under,”

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 must be funded, improved, replaced or maintained by the charging authority, as well as allowing local authorities to use levy funds to provide subsidised or free childcare schemes in their area.

Order of the House

[8 June 2022, as amended 22 September 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 Thursday 20 October 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.