

LEVELLING UP AND REGENERATION BILL

EXPLANATORY NOTES ON LORDS AMENDMENTS

What these notes do

- 1 These Explanatory Notes relate to the Lords Amendments to the Levelling Up and Regeneration Bill as brought from the House of Lords on 27 September 2023.
- 2 These Explanatory Notes have been prepared by the Department for Levelling Up Housing and Communities in order to assist the reader of the Bill and the Lords amendments, and to help inform debate on the Lords amendments. They do not form part of the Bill and have not been endorsed by Parliament.
- 3 These Explanatory Notes, like the Lords amendments themselves, refer to HL Bill 84 the Bill as first printed for the Commons.
- 4 These Explanatory Notes need to be read in conjunction with the Lords amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the Lords amendments.
- 5 Lords Amendments 5, 7 to 9, 11, 12, 15 to 17, 19 to 21, 23 to 43, 47 to 79, 83 to 198, 200 to 238, 246 to 248, 250 to 272, 274 to 287, 289 to 326, 328 and 330 to 418 were tabled in the name of the Minister.
- 6 Lords Amendments 1,10, 199, 239, were tabled by Baroness Hayman of Ullock and were opposed by the Government.
- 7 Lords Amendment 2 was tabled by Baroness Lister of Burtersett and was opposed by the Government.
- 8 Lords Amendments 3 and 14 were tabled by Lord Shipley and were opposed by the Government.
- 9 Lords Amendment 4 was tabled by Baroness Finlay of Llandaff and was opposed by the Government.
- 10 Lords Amendment 6 was tabled by Lord Foster of Bath and was opposed by the Government.
- 11 Lords Amendments 13, 240 were tabled by Baroness Taylor of Stevenage and were opposed by the Government.
- 12 Lords Amendment 18 was tabled by Lord Hunt of Kings Heath and was opposed by the Government.

- 13 Lords Amendments 22 and 80 were tabled by Baroness McIntosh of Pickering and were opposed by the Government.
- 14 Lords Amendment 44 was tabled by Baroness Thornhill and was opposed by the Government.
- 15 Lords Amendment 45 was tabled by Lord Ravensdale and was opposed by the Government.
- 16 Lords Amendment 46, 249 and 327 were tabled by Lord Crisp and were opposed by the Government.
- 17 Lords Amendment 329 was tabled by Lord Best and was opposed by the Government.
- 18 Lords Amendment 81 was tabled by Baroness Young of Old Scone and was opposed by the Government.
- 19 Lords Amendment 82 and 241 was tabled by Baroness Pinnock and was opposed by the Government.
- 20 In Lords Amendment 231, a new clause originally tabled by the Minister, subsection (5) was added by way of an amendment tabled by Lord Stunell which was opposed by the Government.
- 21 Lords Amendment 242, 243, 288 was tabled by Lord Young of Cookham and was opposed by the Government.
- 22 Lords Amendment 244 was tabled by Baroness Hayman and was opposed by the Government.
- 23 Lords Amendment 273 was tabled by Lord Bach and was opposed by the Government.
- 24 Lords Amendment 245 was tabled by Lord Moylan and was supported by the Government.
- 25 In the following Commentary, an asterisk(*) appears in the heading of any paragraph that deals with a non-Government amendment.

Commentary on Lords amendments

Lords Amendments to Clause 1: Statement of Levelling-up missions

Lords Amendment 1*

- 26 This amendment would require the ‘Statement of Levelling Up Missions’ to be laid within 30 days of the passing of the Act. Currently, the relevant clause provides that the statement of levelling up missions must come into effect before the end of the period of one month beginning with the day on which these provisions come into force, and Clause 1 provides that the relevant clause will come into force two months after Royal Assent.

Lords Amendment 2*

- 27 This amendment would require the Government to include a mission to reduce the proportion of children in poverty as part of its levelling up missions and reflect this in its Statement of Levelling Up Missions and Annual Reports.

Lords Amendment 3*

- 28 This would require the Government to include in the Statement of Levelling Up Missions an assessment of geographical disparities with reference to measures specified in the amendment.

Lords Amendment 4*

- 29 This amendment would require the Government to have a levelling up mission on addressing health disparities and reducing gaps in healthy life expectancy between communities and outcomes throughout people’s life course.

Lords Amendment to insert a new clause after Clause 1: Statement of Levelling-up missions: devolution

Lords Amendment 5

- 30 This amendment would require a Minister of the Crown to have regard to the role of devolved legislatures and devolved authorities, and to consult devolved authorities, in preparing statements of levelling-up missions. It also requires a Minister to report to Parliament on how they have so had regard.

Lords Amendment to insert a new clause after Clause 1: Rural Proofing report

Lords Amendment 6*

- 31 This amendment would insert a new clause requiring the Secretary of State for The Department for Levelling Up, Housing and Communities to publish an assessment of how each mission has met the principles of rural proofing policy alongside the required statement on levelling up missions.

Lords Amendment to Clause 2: Annual etc reports on delivery of levelling-up missions

Lords Amendment 7

- 32 This amendment would require a Minister to consult the devolved authorities in the course of preparing a report on the delivery of the levelling-up missions.

Lords Amendment to Clause 4: Changes to mission progress methodology and metrics or target dates

Lords Amendment 8

- 33 This amendment would require a Minister, before making a revision to mission progress methodology and metrics or a target date, to have regard to any role of the devolved legislatures or devolved authorities in connection with the mission to which the revision relates and to consult the devolved authorities.

Lords Amendment to Clause 5: Reviews of statements of levelling-up missions

Lords Amendment 9

- 34 This amendment would require a Minister, in the course of carrying out a review under Clause 5, to have regard to the role of the devolved legislatures and devolved authorities in connection with the levelling-up missions and to consult the devolved authorities.

Lords Amendment to insert a new clause after Clause 5: Levelling Up Fund: Round three

Lords Amendment 10*

- 35 This amendment would insert a new clause after clause 5, requiring the Secretary of State to lay statements before Parliament (a) within 30 days of Royal Assent, setting out the application process and criteria for round 3 of the Levelling Up Fund, and (b) within a further 60 days, setting out the allocations and how these support the levelling-up missions. It also includes other requirements such as requiring the Secretary of State to simplify the application process and requiring a Minister to provide feedback on unsuccessful applications.

Lords Amendments to Clause 6: Interpretation of Part 1

Lords Amendment 11

- 36 This amendment would define the devolved authorities and devolved legislatures for the purposes of Part 1

Lords Amendment 12

- 37 This amendment would make it clear that references to His Majesty's Government in Part 1 are to His Majesty's Government in the United Kingdom.

Lords Amendment to Clause 9: Non-constituent members of a CCA

Lords Amendment 13*

- 38 This amendment would add a new Section (7) to Clause 9, which enables a Minister of the Crown to make regulations to establish a process for non-constituent members to become full members of a Combined County Authority (CCA).

Lords Amendment to Clause 10: Associate members of a CCA

Lords Amendment 14*

- 39 This amendment would remove the provision in Section (2) that allows associate members of a CCA to become voting members of the CCA through resolution of the voting members and ensures that only full members of a combined county authority can vote. As a result, the amended Section (2) provides that CCAs will not be able to confer voting rights on associate members.

Lords Amendment to Clause 43: Proposal for new CCA

Lords Amendment 15

- 40 This would amendment remove subsection (9) from clause 43 on the basis that it overlaps with the power in clause 231(1) (c) for regulations under the Bill to make consequential etc provision.

Lords Amendment to Clause 44: Requirements in connection with establishment of CCA

Lords Amendment 16

- 41 This amendment would mean that the definition of “local government area” in Clause 44(6) has effect for the purposes of Chapter 1 of Part 2 rather than Part 2 as a whole.

Lords Amendment to Clause 45: Proposal for changes to existing arrangements relating to CCA

Lords Amendment 17

- 42 This amendment would remove Clause 45(10) on the basis that it overlaps with the power in Clause 231(1)(c) for regulations under the Bill to make consequential etc provision.

Lords Amendment to Clause 57: Consent to changes to combined authority’s area

Lords Amendment 18*

- 43 This amendment would add a particular set of conditions to the new consent requirements for expanding the area of a mayoral combined authority or a non-mayoral combined authority in section (4), which replaces section 106 (3A) of the Local Democracy, Economic Development and Construction Act 2009. If an Order to add a local government area to an existing area of a mayoral combined authority is laid within nine months of the Levelling-up and Regeneration Act 2023 being passed, then it must meet several additional requirements. The Order can only be laid if the combined authority consents alongside the Mayor of the Combined Authority and the joining council. Such an Order is also conditional on there

being a statement about a public consultation seeking the views of the residents of the local government area concerned laid before each House of Parliament and the Secretary of State having consulted and had regard to advice provided by the Boundary Commission for England.

Lords Amendments to Clause 65: Regulations applying to combined authorities

Lords Amendment 19

- 44 This amendment would be consequential to amendments 20 and 21 which provides for any regulations made under section 104C(1) or (4) of the Local Democracy, Economic Development and Construction Act 2009 (as inserted by Clause 61 of the Bill) to be subject to the affirmative resolution procedure.

Lords Amendments 20 and 21

- 45 Amendment 20, alongside its consequential 21, would have the effect that any regulations made under section 104C(1) or (4) of the Local Democracy, Economic Development and Construction Act 2009 (as inserted by Clause 61 of the Bill) are subject to the affirmative resolution procedure.

Lords Amendment to insert a new clause after Clause 70: Local authorities to be allowed to meet virtually

Lords Amendment 22*

- 46 This new clause would enable local authorities to meet virtually. It is based on regulation 5 of 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 section 78 of the Coronavirus Act 2020.
- 47 The principal effect of this clause will be that the “place” at which a formal local authority meeting, convened for executive decision-making purposes, is not limited to a physical location – that is, participants can join remotely, such as through video or telephone conferencing.
- 48 The clause also allows for provisions to be made in local authority standing orders for public and press access to meetings, and remote access to meeting documents.

Lords Amendment to insert a new clause after Clause 71: Disposal of land

Lords Amendment 23

- 49 This new clause would amend section 123 of the Local Government Act 1972 to confer a power on police and crime commissioners, including Mayors who exercise PCC functions, and the Mayor’s Office for Policing and Crime to dispose of land held by them in any manner they wish. This power is subject only to the requirement of Secretary of State consent if the disposal of land (otherwise than by a short tenancy) is for less than best consideration.
- 50 The amendment will give PCCs, including Mayors who exercise PCC functions, and MOPAC

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greater certainty that they can dispose of land at less than best consideration where doing so will deliver wider public benefits.

- 51 The associated consent framework with consent to be given by the Home Secretary in the case of PCCs, including Mayors who exercise PCC functions, and MOPAC will increase transparency and public accountability.

Lords Amendment to insert a new clause after Clause 77: Powers of parish councils

Lords Amendment 24

- 52 This new clause would insert a new section into the Local Government Act 1894 to clarify that the powers conferred on parish councils under Part 1 of that Act do not affect any powers, duties or liabilities of parish councils conferred by or under any other enactment (whenever passed or made).

Lords Amendment to insert a new clause after Clause 77: The Common Council of the City of London: removal of voting restrictions

Lords Amendment 25

- 53 This amendment would remove the restrictions on voting on housing issues placed on Members of the Common Council of the City of London when they are either tenants of the City of London Corporation or have a land interest in the matter to be decided.
- 54 The clause omits section 618 subsections (3) and (4) of the Housing Act 1985 and section 224 subsections (3) and (4) of the Housing Act 1996 which prevented Members of the Common Council of the City of London from voting on matters arising out of those Acts and the Housing Association Act 1985 if they were tenants or had a land interest and makes it a criminal offence to do so.
- 55 The removal of the restrictions on voting that applied to the Common Councillors of the City of London means that the 'disclosable pecuniary interest' regime as set out in sections 31 to 34 of the Localism Act 2011 will apply. This allows for Members to apply and be granted a dispensation to discuss and vote on matters that relate to a declared interest, which includes a beneficial interest in land which is within the area of the relevant authority.
- 56 The effect of this amendment would be to bring the City of London into line with the disclosable interest regime that applies to all other local authorities.

Lords Amendments to clause 78: Power in relation to the processing of planning data

Lords Amendment 26

- 57 This amendment would provide that the power to make planning data regulations may be exercised by “an appropriate authority” as defined by amendment 41.

Lords Amendment 27

- 58 This amendment would provide that the power to publish approved data standards may be exercised by “an appropriate authority” as defined by amendment 41.

Lords Amendment 28

- 59 This amendment would limit the power of devolved authorities to publish approved data standards to standards that relate to planning data about which the devolved authority could make planning data regulations.

Lords Amendment to clause 81: Power to require use of approved planning data software in England.

Lords Amendment 29

- 60 This amendment would provide that the power to make regulations requiring the use of approved planning data software in England may only be exercised by the Secretary of State.

Lords Amendments to clause 83: Requirements to consult devolved administrations

Lords Amendment 30

- 61 This amendment would provide that the Secretary of State may make planning data regulations which contain provision within Scottish devolved competence without consulting the Scottish Ministers where the provision is merely incidental to, or consequential upon, provision that is outside that devolved competence.

Lords Amendment 31

- 62 This amendment would remove the reference to a person exercising functions of a public nature from the definition of a provision that is “within Scottish devolved competence”.

Lords Amendment 32

- 63 This amendment would require the Secretary of State to obtain the consent of the Welsh Ministers before making planning data regulations which contain provision within Welsh devolved legislative competence.

Lords Amendments 33 and 35

- 64 Amendment 33 and consequential amendment 35 would require the Secretary of State to consult the Welsh Ministers before making planning data regulations which contain provision that could be made by the Welsh Ministers or that confers a function on, or modifies or removes a function of, the Welsh Ministers or a devolved Welsh authority except in certain circumstances.

Lords Amendment 34

- 65 This amendment would provide for what is meant by “within Welsh devolved legislative competence”.

Lords Amendment 36

- 66 This amendment would require the Secretary of State to obtain the consent of a Northern Ireland department before making planning data regulations which contain provision within Northern Ireland devolved legislative competence.

Lords Amendments 37 and 39

- 67 These amendments would require the Secretary of State to consult a Northern Ireland department before making planning data regulations which contain provision that could be made by a Northern Ireland department or that confers a function on, or modifies or removes a function of, a Northern Ireland department except in certain circumstances, and provides a definition of the relevant Northern Ireland department.

Lords Amendment 38

- 68 This amendment would provide for what is meant by “within Northern Ireland devolved legislative competence”.

Lords Amendment to insert a new clause after Clause 83: Planning data regulations made by devolved authorities

Lords Amendment 40

- 69 This new clause would introduce the Schedule to be inserted after Schedule 12 in the Minister’s name which contains restrictions on the exercise of the powers under this Chapter by devolved authorities.

Lords Amendments to clause 84: Interpretation of chapter

Lords Amendment 41

- 70 This amendment would provide the definition of “an appropriate authority” for Chapter 1 of Part 3 as the Secretary of State, a devolved authority or the Secretary of State acting jointly with one or more devolved authorities.

Lords Amendment 42

- 71 This amendment would provide the definition of a “devolved authority” for Chapter 1 of Part 3.

Lords Amendments to clause 86: Role of Development plan and national policy in England

Lords Amendment 43

- 72 This amendment clarifies that inserted subsection (5B) in section 38 of the Planning and Compulsory Purchase Act 2004 requires a determination under the planning Acts to be made in accordance with the development plan and any national development management policies, taken together.

Lords Amendment to clause 87: National development management policies: meaning

Lords Amendment 44*

- 73 This amendment would stipulate the process for the Secretary of State to designate and review a national development management policy including minimum public consultation requirements and a process of parliamentary scrutiny based on processes set out in the Planning Act 2008 (as amended) for designating National Policy Statements
- 74 The amendment includes provisions that provide that national development management policies can be designated only if the Secretary of State has first carried out a sustainability appraisal, arranged for a consultation and ensured parliamentary scrutiny processes have been completed.
- 75 The amendment would also provide that the national development management policies must contain reasons for the policy and how it has taken account of Government policy in relation to the mitigation, and adaption to, climate change.

Lords Amendment to insert a new clause after clause 87: Duties in relation to mitigation of, and adaption to climate change in relation to planning

Lords Amendment 45*

- 76 This amendment seeks to place a duty on the Secretary of State to have ‘special regard’ to the mitigation of, and adaptation to, climate change in preparing national policy, national planning policy, advice, national development management policies and through the granting of planning permission.
- 77 It would also place a duty on relevant planning authorities to have ‘special regard’ to the mitigation of, and adaptation to, climate change with respect to local plan-making and

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through the determination of individual proposals for planning permission.

- 78 It also seeks to define what mitigation of, and adaptation to climate change for the purposes of these duties consists of, by reference to existing national targets, objectives and statutory assessments.
- 79 For the mitigation of climate change the definition includes the achievement of the target for 2050 set out in section 1 of the Climate Change Act 2008, applicable carbon budgets made pursuant to section 4 of the Climate Change Act 2008, and sections 1 to 3 of the Environment Act 2021 (environmental targets).
- 80 For adaptation to climate change the definition includes the mitigation of the risks identified in the latest climate change risk assessment conducted under section 56 of the Climate Change Act 2008, and the achievement of the objectives of the latest flood and coastal erosion risk management strategy made pursuant to section 7 of the Flood and Coastal Water Management Act 2010.

Lords Amendment to insert a new clause after Clause 87: Secretary of State's duty to promote healthy homes and neighbourhoods

Lords Amendment 46*

- 81 This amendment would insert a new clause after clause 87 which would impose a duty upon the secretary of state to prepare a statement about how the principles of healthy homes are to be interpreted and applied.
- 82 The amendment would also allow the secretary of state to make provision for a system of standards that promote and secure healthy homes on condition requirements prescribed in the regulations are met.
- 83 The amendment would also insert a healthy homes schedule.

Lords Amendment to clause 88: Contents of the spatial development strategy

Lords Amendment 47

- 84 This amendment would require the spatial development strategy (under Part 8 of the Greater London Authority Act 1999) to take account of local nature recovery strategies that relate to Greater London.

Lords Amendment to clause 91: Contents of a neighbourhood development plan

Lords Amendment 48

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

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Lords Amendment to clause 92: Neighbourhood development plans and orders: basic conditions

Lords Amendment 49

- 86 This amendment would update the basic conditions which must be met for a modification of a neighbourhood development plan, so that they correspond to those that will apply for making a neighbourhood development plan once the amendments already included in Clause 93 are made.

Lords Amendments to clause 98: Removal of compensation for building preservation notice

Lords Amendments 50 and 51

- 87 These amendments would insert a new duty into the Planning (Listed Buildings and Conservation Areas) Act 1990 for local planning authorities to consult the Historic Buildings and Monuments Commission for England (“Historic England”) before serving a Building Preservation Notice under that Act. The duty does not apply in cases where Historic England is carrying out the functions of a local planning authority. Amendment 50 would make language clearer and avoid repetition.

Lords Amendments to clause 99: Street Votes

Lords Amendment 52

- 88 This amendment would amend the conditions for an individual to be part of a “qualifying group” for the purposes of new section 61QB of the Town and Country Planning Act 1990 (as inserted by clause 99), to remove the overlap in cases where any part of the street area to which the street vote development order would relate is within the City of London (which is also a “relevant council” for the purposes of the 1990 Act).

Lords Amendments 53 and 54

- 89 Amendment 53 would confer a regulation-making power on the Secretary of State to specify or describe other areas to be excluded from the remit of street vote development orders.
- 90 Amendment 54 would remove the power to add, amend or remove an area which is excluded from the remit of street vote development orders.

Lords Amendments 55 and 56

- 91 Amendment 55 would confer a regulation-making power on the Secretary of State to specify or describe development to be excluded from the remit of street vote development orders.
- 92 Amendment 56 removes the power to add, amend or remove development which is excluded from the remit of street vote development orders.

Lords Amendment 57

- 93 This amendment would confer a regulation-making power on the Secretary of State to specify further requirements that must be met before a street vote development order under the Town and Country Planning Act 1990 (see sections 61QA to 61QM, inserted by Clause 100) may be made subject to a condition that a person enter into an obligation under section 106 of that Act.

Lords Amendment 58

- 94 This amendment is connected to the amendment in the Minister's name inserting new paragraph (d) into section 61QI(4) of the Town and Country Planning Act 1990 (as inserted by Clause 100), and would remove the power to add, amend or remove requirements that must be met before a street vote development order under the Town and Country Planning Act 1990 (see sections 61QA to 61QM, inserted by Clause 100) may be made subject to a condition that a person enter into an obligation under section 106 of that Act.

Lords Amendment 59

- 95 This amendment would remove the power to make regulations excluding the application of Schedule 7A to the Town and Country Planning Act 1990 in relation to planning permission granted by a street vote development order.

Lords Amendment 60

- 96 This amendment would introduce a new Schedule which makes minor and consequential amendments in connection with Clause 100 (street votes).

Lords Amendment to insert a new clause after Clause 100: Street Votes: modifications of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

Lords Amendment 61

- 97 This amendment would provide a power to modify the application of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in relation to the grant of planning permission by a street vote development order.

Lords Amendments to clause 102: Minor Variations in planning permission

Lords Amendments 62 and 63

- 98 These amendments would amend the provisions in relation to section 62A applications (applications that may be made directly to Secretary of State) to align with the provisions for section 73 applications. The amendments would provide an additional sub clause (3)(d) to section 62A where section s73B was omitted.

Lords Amendment to clause 105: Power to decline to determine applications in cases of earlier non-implementation etc.

Lords Amendment 64

99 This amendment would enable a local planning authority to refuse to determine an application for planning permission in certain cases where there was a previous application relating to land within the authority's area and the development was not begun or has been carried out unreasonably slowly. The current power in the Bill would only be available if the previous application related to all or part of the same land.

Lords Amendments to clause 113: Power to provide relief from enforcement of planning conditions

Lords Amendment 65

100 This amendment would add a restriction into the new power to make regulations to provide relief from the enforcement of planning conditions in section 196E of the Town and Country Planning Act 1990 (inserted by Clause 115 of the Bill), so that the power can only be exercised for certain purposes.

Lords Amendment 66

101 This amendment would limit the period that may be specified in regulations (made under new section 196E of the Town and Country Planning Act 1990, as inserted by Clause 115 of the Bill), within which a failure or apparent failure must have occurred or been apprehended to be eligible for relief from enforcement action, to not more than one year.

Lords Amendment 67

102 This amendment would correct a reference to the "relief period", which is defined in subsection (2) and not mentioned in subsection (1).

Lords Amendments to clause 115 Duty in relation to self-build and custom housebuilding

Lords Amendments 68, 70 and 71

103 Amendment 70 and its consequential amendments 68 and 71 would provide that the demand for self-build and custom housebuilding in an authority's area in a particular 12 month base period should be treated as including any demand from an earlier 12 month base period which has not been met within the time period allowed for complying with the duty to meet that demand.

Lords Amendment 69

104 This amendment would allow the Secretary of State to specify descriptions of planning

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permissions or permissions in principle that will count as development permissions for the purpose of a local planning authority complying with its duty to meet the demand for self-build and custom housebuilding in its area.

Lords Amendment 72

105 This amendment would provide that regulations made under section 2A(5A) (see the amendment 69 inserting a new paragraph (aa) at the end of line 30 in Clause 115 in the minister's name) are subject to the negative resolution procedure.

Lords Amendments to clause 118: Fees for certain services in relation to nationally significant infrastructure projects

Lords Amendments 73, 74, 75

106 Amendment 73 would remove subsection (4) of the new section 54A of the Planning Act 2008, being inserted by Clause 120, which contains a restriction on prescribed public authorities from charging fees where the advice, information or assistance is provided to certain excluded persons.

107 Amendments 74 and 75 are consequential on Amendment 73.

Lords Amendment to insert a new clause after Clause 122: Power for appointees to vary determinations as to Procedure

Lords Amendment 76

108 This clause would allow an appointed Planning Inspector, as well as a case officer, to change the mode of procedure for a planning appeal (written representations, hearings or inquiries) where they consider this appropriate.

109 Sub-sections (a) and (b) amend existing legislation within Schedule 6 to TCPA 1990 to enable an appointed Planning Inspector, as well as a case officer to change the procedure determining a planning appeal where it is considered that an alternative procedure would be more appropriate. Currently, only a case officer is able to change the mode of procedure.

Lords Amendment to insert a new clause after Clause 123: Participation in certain proceedings conducted by, or on behalf of, the Secretary of State

Lords Amendment 77

110 This amendment would insert a new Clause into Chapter 6 of Part 3 of the Bill. The Clause confers a power on the Secretary of State to require or permit a person who takes part in certain proceedings relating to planning, development or the compulsory purchase of land to do so wholly or partly remotely. The power can be exercised by a person appointed by the Secretary of State and it is intended that the Planning Inspectorate will be appointed for this purpose.

Lords Amendment to insert a new clause after Clause 123: Power of certain bodies to charge fees for advice in relation to applications under planning Acts

Lords Amendment 78

111 This amendment would insert a new section 303ZB into the Town and Country Planning Act 1990 which provides a power for certain bodies to charge fees for the provision of advice, information or assistance in connection with applications for a permission, approval or consent under the planning Acts in relation to land in England. This enables a single basis for charging, removing the current disparate arrangements and any ambiguities around generic charging powers which are not specific to the planning advice offered by the individual public authority.

112 This amendment would include the removal of subsection (3)(b) of the new section 303ZB of the Town and Country Planning Act 1990 which contains a restriction on prescribed bodies from charging fees where the advice, information or assistance is provided to certain excluded persons as well as consequential amendments.

Lords Amendment to insert a new clause after Clause 123: Biodiversity net gain: pre-development biodiversity value and habitat enhancement.

Lords Amendment 79

113 This amendment would insert a new clause which makes provision about the valuation of the pre-development biodiversity value of an onsite habitat and of the enhancement of the biodiversity of a habitat for the purposes of Schedule 7A to the Town and Country Planning Act 1990.

114 Schedule 7A contains provisions to reduce incentives to clear habitats prior to development. This clause will strengthen those provisions by closing a potential loophole where a site was cleared under a previous planning permission and by taking a precautionary approach where there is doubt about what habitats were on a site before it was cleared. It also reduces incentives to clear habitats on potential biodiversity gain sites or 'offsites'.

Lords Amendment to insert a new clause after Clause 123: Residential buildings on floodplains

Lords Amendment 80*

115 This amendment would insert a new clause which would prohibit planning permission from being granted for residential development in functional floodplain or areas of high risk of flooding.

116 The amendment defines an area as functional floodplain or at high risk of flooding if the Environment Agency assesses it as Flood Zone 3a or Flood Zone 3b.

Lords Amendment to insert a new clause after Clause 123: Ancient Woodlands

Lords Amendment 81*

117 This amendment would create a duty to amend the Town and Country Planning (Consultation) (England) Direction 2021 within three months of Royal Assent to ensure that local planning authorities must consult the Secretary of State if they do not intend to refuse planning permission for developments affecting ancient woodland.

118 The Town and Country Planning (Consultation) (England) Direction 2021 requires a local planning authority to consult the Secretary of State if the authority does not propose to refuse an application for planning permission for development of a type listed in the Direction. It is the mechanism which generates the majority of applications for planning permission which come to the attention of the Secretary of State. Once referred, consideration is given whether to call in the application for decision by or on behalf of the Secretary of State rather than by the local planning authority.

Lords Amendment to insert a new clause after Clause 123: Planning Application Fees

Lords Amendment 82*

119 This amendment would insert a new clause after clause 123 to amend section 303 of the Town and Country Planning Act 1990. It delegates to a local planning authority the calculation of fees and charges payable under regulations under that section, including who is to make the calculation.

Lords Amendment to insert a new clause after Clause 126: Enforcement of Community Infrastructure Levy

Lords Amendment 83

120 This amendment would amend section 218 of the Planning Act 2008 to bring the enforcement provisions relating to the community infrastructure levy in line with the new enforcement provisions relating to the infrastructure levy (see new section 204S of the Planning Act 2008 inserted by Schedule 11 to the Bill). These provisions reflect changes to sentencing law.

Lords Amendment to clause 127: Community land auction arrangements and their purpose

Lords Amendment 84

121 This amendment is consequential on Amendment 85.

Lords Amendment to clause 128: Power to permit community land auction arrangements

Lords Amendment 85

122 This amendment would remove the power of the Secretary of State to direct that a local planning authority may put in place a community land auction arrangement and replaces it

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with a power to make CLA regulations providing that.

Lords Amendments to clause 138: Power to specify environmental outcomes

Lords Amendments 86 and 89

123 Amendment 87 provides that the power to make regulations specifying environmental protection outcomes may be exercised by “an appropriate authority”.

124 Amendment 89 is consequential on 86.

Lords Amendment 87

125 This amendment clarifies that the definition of “environmental protection” includes the protection of chalk streams from abstraction and pollution.

Lords Amendment 88

126 This amendment clarifies that the definition of “natural environment” includes chalk streams.

Lords Amendment 90

127 This amendment includes a reference to the definition of “environmental improvement plan” in relation to regulations made by a Northern Ireland department acting alone and to the environmental policy strategy in relation to regulations made by the Scottish Ministers acting alone.

Lords Amendments to clause 139: Environmental outcomes reports for relevant consents and relevant plans

Lords Amendments 91, 92, 93, 94, 95, 96

128 These amendments seek to clarify how the mitigation hierarchy in this clause will be applied.

129 Amendments 92 and 93 remove subparagraphs from subsection (4) (b) of the clause, so it better reflects the ‘mitigation hierarchy’ which is currently often applied as part of an environmental assessment.

130 Amendments 91, 94, 95 and 96, are consequential to the removal of subparagraphs from subsection (4) (b).

Lords Amendment to clause 141: Assessing and monitoring impact on outcomes etc.

Lords Amendment 97

131 This amendment is consequential to Amendment 91 which amends clause 144 to better reflect how the mitigation hierarchy in the clause will be applied.

Lords Amendments to clause 142: Safeguards: non-regression, international obligations and public engagement

Lords Amendment 98

132 This amendment would provide that the requirement to assess the impact of EOR regulations on the overall level of environmental protection before making regulations applies to “an appropriate authority”.

Lords Amendments 99 and 100

133 These amendments would provide that the requirement for arrangements to exist under which the public will be informed of any proposed relevant consent or plan are sufficient to enable adequate public engagement applies to “an appropriate authority”.

Lords Amendment 101

134 This amendment would provide that the definition of ‘environmental law’ includes devolved legislation.

Lords Amendments to clause 143: Requirements to consult devolved administrations

Lords Amendment 102

135 This amendment would provide that the Secretary of State may make EOR regulations which contain provision within Scottish devolved competence without consulting the Scottish Ministers where the provision is merely incidental to, or consequential upon, provision that is outside that devolved competence.

Lords Amendment 103

136 This amendment would remove the reference to a person exercising functions of a public nature from the definition of a provision that is “within Scottish devolved competence”.

Lords Amendment 104

137 This amendment would require the Secretary of State to obtain the consent of the Welsh Ministers before making EOR regulations which contain provision within Welsh devolved legislative competence.

Lords Amendments 105 and 107

138 This amendment would require the Secretary of State to consult the Welsh Ministers before making EOR regulations which contain provision that could be made by the Welsh Ministers or that confers a function on, or modifies or removes a function of, the Welsh Ministers or a devolved Welsh authority except in certain circumstances.

139 Amendment 107 is consequential.

Lords Amendment 106

140 This amendment would provide for what is meant by “within Welsh devolved legislative competence”.

Lords Amendment 108

141 This amendment would require the Secretary of State to obtain the consent of a Northern Ireland department before making EOR regulations which contain provision within Northern Ireland devolved legislative competence.

Lords Amendments 109 and 111

142 This amendment would require the Secretary of State to consult a Northern Ireland department before making EOR regulations which contain provision that could be made by a Northern Ireland department or that confers a function on, or modifies or removes a function of, a Northern Ireland department except in certain circumstances, and provides a definition of the relevant Northern Ireland department.

143 Amendment 111 is consequential on 109.

Lords Amendment 110

144 This amendment would provide for what is meant by ‘within Northern Ireland devolved legislative competence’.

Lords Amendment to insert a new clause after Clause 143: EOR regulations: devolved authorities

Lords Amendment 112

145 This amendment would insert a new Clause which introduces the Schedule to be inserted after Schedule 12 in the Minister’s name which contains restrictions on the exercise of the powers under this Part by devolved authorities.

Lords Amendments to Clause 147: Public consultation etc.

Lords Amendment 113

146 This amendment would provide that the requirement to consult the public before making certain EOR regulations applies to “an appropriate authority”.

Lords Amendment 114

147 This amendment is consequential on amendment 128 inserting a new definition of “relevant existing environmental assessment legislation” into Clause 157 in the Minister’s name.

Lords Amendment 115

148 This amendment would provide that the requirement to consult such persons as are considered appropriate before making certain EOR regulations applies to “an appropriate authority”.

These Explanatory Notes relate to the Lords Amendments to the Levelling Up and Regeneration Bill as brought from the House of Lords on 27 September 2023.

Lords Amendments to Clause 148: Guidance

Lords Amendments 116, 117, 118

149 Amendment 117 would make provision about devolved authorities issuing guidance to public authorities about functions under regulations under this Part or under certain devolved existing environmental assessment legislation in certain circumstances and requires public authorities to have regard to such guidance.

150 Amendments 116 and 118 are consequential.

Lords Amendments to Clause 149: Interaction with existing environmental assessment legislation and the Habitats Regulations

Lords Amendment 119

151 This amendment limits the power under subsection (2)(a) of Clause 154 to “relevant existing environmental assessment legislation”.

Lords Amendment 120

152 This amendment limits the power under subsection (2)(a) of Clause 154 to “the relevant Habitats Regulations”.

Lords Amendment 121

153 This amendment limits the power under subsection (2)(d) of Clause 154 to “relevant existing environmental assessment legislation”.

Lords Amendment 122

154 This amendment limits the power under subsection (2)(d) of Clause 154 to “the relevant Habitats Regulations”.

Lords Amendment 123

155 This amendment limits the power under subsection (3) of Clause 154 to “relevant existing environmental assessment legislation”.

Lords Amendment 124

156 This amendment includes some devolved legislation within the definition of “the Habitats Regulations”.

Lords Amendment 125

157 This amendment inserts a new definition of “the relevant Habitats Regulations”.

Lords Amendments to Clause 152: Interpretation of Part 6

Lords Amendment 126

158 This amendment would introduce the Schedule inserted after Schedule 12 in the Minister’s name which lists the existing environmental assessment legislation for the purposes of the definition.

Lords Amendment 127

159 This amendment would leave out the list of existing environmental assessment legislation

because the detail of that definition is being moved into the Schedule inserted after Schedule 12 in the Minister's name.

Lords Amendments 128 and 131

160 This amendment would insert a new definition of "relevant existing environmental assessment legislation".

161 Amendment 131 is consequential.

Lords Amendment 129

162 This amendment would provide the definition for Part 6 of "an appropriate authority" as the Secretary of State, a devolved authority or the Secretary of State acting jointly with one or more devolved authorities.

Lords Amendment 130

163 This amendment would provide the definition of a "devolved authority" for Part 6.

Lords Amendments to Clause 153: Nutrient pollution standards to apply to certain sewage disposal works

Lords Amendment 132

164 This amendment would require sewage undertakers to consider using nature-based solutions to meet the nutrient pollution standard.

Lords Amendments 133, 134, 137, 139, 142, 155, 156, 157 and 172

165 Amendment 134 would require the Secretary of State to designate the catchment areas for habitats sites in an unfavorable condition due to nutrient pollution as "nutrient affected catchment areas".

166 Amendments 133, 137, 139, 142, 155, 156, 157, 172 are consequential on, or would impose procedural requirements in relation to the duty created by amendment 134.

Lords Amendments 135 and 136

167 These amendments would clarify that the nutrients comprising nitrogen or compounds of nitrogen, or phosphorous or compounds of phosphorous, must be in water.

Lords Amendments 138, 140, 141 and 173

168 These amendments would enable the Secretary of State to specify an alternative nutrient pollution standard to be set for specific wastewater treatment works.

169 The amendments would enable the Secretary of State to specify the maximum permissible concentration of nitrogen or phosphorus in treated effluent discharged by a plant (instead of the concentration specified in Section 96F).

170 Amendments 138 and 141 are consequential and would deal with procedural matters relating to, the amendment 140. This would include requiring that before specifying a different nutrient pollution standard, the Secretary of State must consult the Environment Agency.

171 Amendment 173 would define the term "standard concentration" introduced by amendment 140.

Lords Amendments 143, 144 and 145

172 Amendments 143 and 145 would provide a power equivalent to that created by the amendment 140 to allow the Secretary of State to specify the concentration that applies for cases where an exempt plant later becomes subject to the nutrient pollution standard. This includes requiring that, before specifying a concentration, the Secretary of State must consult the Environment Agency.

173 Amendment 144 is consequential on the amendment 145.

Lords Amendments 146, 149, 152, 154, 159, 160, 162, 163, 171 and 174

174 These amendments would enable water companies to make use of a catchment permitting approach as a means of achieving the new statutory duty to upgrade their wastewater treatment plants in nitrogen and/or phosphorus sensitive catchment areas.

175 Amendment 154 would allow for a catchment area to be designated as a catchment permitting area. In determining whether to designate a catchment permitting area, the Secretary of State may take into account advice from, or guidance published by, the Environment Agency and Natural England.

176 Where the Secretary of State makes a designation the Environment Agency must review the permits for wastewater treatment plants in the catchment, including all nutrient significant plants, and any other permits they consider relevant to the catchment permitting approach, and apply conditions to those permits relating to nutrients in treated effluent for the relevant purpose.

177 There is also provision for the Secretary of State to revoke designations, and a duty on the Environment Agency to determine the overall effect on the Habitat site.

178 Amendment 152 would provide for the Secretary of State to make regulations under the new section 96F(5) of the Water Industry Act 1991 (determination of nutrient levels in treated effluent) in connection with the provision inserted by the amendment 154, to specify how the Environment Agency should determine compliance with nutrient pollution standards.

179 Amendments 146, 149, 159, 160, 162, 163, 171, 174 are consequential on, or would impose procedural requirements in relation to amendment 154, including defining the terms “catchment permitting area” and “environmental permit”.

Lords Amendments 147 and 148

180 These amendments would provide for an alternative upgrade date to be set where the sensitive catchment area has also been designated as a catchment permitting area (see amendment 154) and that designation is later revoked.

181 Amendment 147 is consequential on amendment 148.

Lords Amendments 150 and 151

182 These amendments would provide for the nutrient pollution standard to be met through (i) the concentration specified under the powers created by the amendments 140, 143, 145, or (ii) compliance with conditions imposed under provision inserted by amendment 154.

Lords Amendments 153 and 168

183 These amendments would clarify that regulations under the new sections 96F(5) and 96I(4) of

the Water Industry Act 1991 may make different provision for different areas, plants or purposes.

184 These amendments are consequential on amendments permitting the nutrient pollution standard to be met through (i) the concentration specified under the powers created by the amendments 140, 143, 145, or (ii) compliance with conditions imposed under provision inserted by amendment 154.

Lords Amendments 158, 164 and 166

185 These amendments are consequential on, and would deal with procedural matters relating to, the amendments 140, 143, 145.

Lords Amendment 161

186 This is a consequential amendment to amendment 177, which changes the meaning of environmental damage in regulation 9A of the Environmental Damage (Prevention and Remediation) (England) Regulations 2015.

Lords Amendments 165 and 167

187 These amendments would enable sections 96F(1) and 96F(2), which set nitrogen and phosphorous nutrient pollution standards, to be amended to specify a different nutrient concentration.

188 Section 96K(5), which specifies that regulations to set a different total nitrogen and total phosphorus concentrations may not have effect in relation to an area that is a sensitive catchment area when the regulations are made, would still apply. This means that standards can not be lowered in relation to an existing sensitive catchment area.

Lords Amendments 169, 170, 175 and 176

189 Amendment 175 would confer a power on the Secretary of State to make provision about the setting and enforcing of nutrient pollution standards.

190 The amendment would provide a power for the Secretary of State to make regulations which would make provision for nutrient reductions to be achieved by alternative measures to the current requirements to meet set nutrient concentration standards by upgrading specific wastewater treatment plants.

191 The amendment makes clear that the power can only be exercised if the Secretary of State considers the provisions will be at least as effective as the existing provisions in setting and enforcing nutrient pollution standards.

192 Amendment 176 would require that all regulations under the new section 96L of the Water Industry Act (inserted by amendment 175) are subject to the affirmative procedure.

193 Amendments 169 and 170 are consequential on amendment 175.

Lords Amendments to Clause 155: Remediation

Lords Amendments 177, 178, 179, 181, 182, 183, 184, 185, 186 and 187

194 These amendments simplify and streamline the clauses amending the Environmental Damage (Prevention and Remediation) (England) Regulations 2015 to improve their

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enforceability.

195 Amendment 177 would change what is treated as environmental damage for the purposes of the Environmental Damage (Prevention and Remediation) (England) Regulations 2015 in circumstances where a wastewater treatment plant is in breach of a nutrient pollution standard to mean the excess nutrient pollution discharged (instead of the damage caused to a site that is attributable to the failure to reach that standard).

196 Amendment 178 would define ‘excess nutrient pollution’ for the purposes of the provision inserted by amendment 177.

197 This means that sewerage undertakers would be liable to provide remediation for any excess nutrient pollution discharged as a result of a plant failing to meet the nutrient pollution standard by the upgrade date.

198 Amendment 178 would also ensure that the provision functions in relation to catchment permitting areas, introduced by amendment 154.

199 Amendments 179, 185, 186 and 187 are consequential on amendment 177.

200 Amendments 181, 182, 183, 184 are consequential on, or insert definitions relevant to amendment 178.

Lords Amendment 180

201 This amendment is consequential on the amendment 134.

Lords Amendments to Clause 156: Locally-led urban development corporations

Lords Amendments 188, 189, 190, 191

202 These amendments remove provision applying negative procedure to orders establishing locally-led urban and development corporations, and instead bring those orders within the existing procedures for such corporations that are not locally-led. The result is that affirmative procedure will apply (without hybrid procedure).

203 Amendment 188 is consequential on amendment 189.

204 Amendment 190 is consequential on amendment 191.

Lords Amendment to Clause 157: Development corporations for locally-led new towns

Lords Amendment 192

205 This amendment would remove provisions applying negative procedure to orders establishing locally-led new town development corporations, and instead bring those orders within the existing procedures for such corporations that are not locally-led. The result is that affirmative procedure will apply (without hybrid procedure).

Lords Amendment to Clause 168: Confirmation proceedings

Lords Amendment 193

206 This amendment would introduce a new schedule after schedule 16 to the bill which contains, and makes provision in connection with amendments in consequence of:

- a. Clause 172 (confirmation proceedings) and
- b. Paragraph 3 of schedule 17 (Compulsory purchase: corresponding provision for purchases by Ministers) to the bill

207 This amendment substitutes subsection (4) in clause 172 which is superseded by the new schedule.

208 The effect of this amendment will ensure clauses in the bill relating to compulsory purchase process reforms and other relevant primary legislation linked to the provisions operate as intended.

Lords Amendment to Clause 171: Time limits for implementation

Lords Amendment 194

209 This amendment would make an amendment to the Housing Act 1985 in consequence of the power under clause 175 for confirming authorities to extend the time limit for implementation of compulsory purchase orders.

Lords Amendment to Clause 173: Common standards for compulsory purchase data

Lords Amendment 195

210 This amendment would add further legislation to the list governing the types of compulsory purchase documentation which can be made subject to common data standards.

Lords Amendment to insert a new clause after Clause 175: Power to require prospects of planning permission to be ignored

Lords Amendment 196

211 This amendment would insert a new clause which modifies the rules on taking into account the prospect of planning permission or appropriate alternative development when assessing compensation for the compulsory purchase of land.

212 It would give the Secretary of State the power to direct, when confirming a Compulsory Purchase Order of a particular type, that certain compulsory purchase compensation rules won't apply providing doing so is justified in the public interest. Those rules provide for compensation for the loss of the prospect of the grant of a planning permission ('hope value') and compensation for the loss of the potential of development for which there was a reasonable expectation that planning permission would have been granted in the absence of the Compulsory Purchase Order scheme (i.e. appropriate alternative development).

213 This amendment would enable certain public sector acquiring authorities, when exercising certain existing compulsory purchase powers related to the provision of housing, education

or health facilities, to include in their Compulsory Purchase Order a direction for the non-payment of hope value i.e. the value of land attributed to the prospect of planning permission or appropriate alternative development under section 14 of the Land Compensation Act 1961.

214 This amendment would also adjust the definition of affordable housing used in the new clause so that an existing definition relevant only to England is not made to apply in Wales.

215 This amendment would also extend the power to direct that compensation be assessed without regard to potential planning permission so that it applies to acquisitions of land in England by the Welsh Ministers under the Welsh Development Agency Act 1975

216 This amendment would also extend the power to direct that compensation be assessed without regard to potential planning permission so that it applies to acquisitions of land by NHS trusts in Wales.

217 This amendment also includes a duplication of the new power to direct that compensation be assessed without regard to potential planning permission for acquisitions of land in Wales by the Welsh Ministers under the Welsh Development Agency Act 1975.

Lords Amendments to Clause 178: Vacancy condition

Lords Amendments 197, 198

218 Amendment 197 would remove the provision requiring premises to be considered as vacant for the purposes of Part 10 when occupied by a trespasser (other than in cases caught by paragraph (b) of the same subsection, i.e. squatting in commercial premises).

219 Amendment 198 would make a drafting clarification.

Lords Amendment to insert a new clause after Clause 197: High Street financial services

Lords Amendment 199*

220 This amendment would insert a new clause into the Bill which would require the Secretary of State to engage with local authorities to devise strategies to reduce the number of high street financial services becoming vacant premises. High street financial services is not defined but it is stated that it includes banks, post offices and cash machines.

Lords Amendment to insert a new clause before Clause 204: Power to require provision of certain classes of information

Lords Amendment 200

221 This new clause and other clauses inserted before clause 204 in the Ministers name would recast the powers in Part 11 so as to make them exercisable only for stated purposes as well as making minor and technical changes.

222 This new clause and other clauses inserted before clause 204 in the Minister's name would recast the powers in Part 11 so that they may only be used to require the provision of information that is within the scope of three permitted purposes: the beneficial ownership purpose, the contractual control purpose and the national security purpose. It also sets out

details about (i) territorial extent; (ii) what regulations made under this power must include and (iii) what regulations made under this power may include; (iv) the person to whom the required information must be provided; (v) how the required information must be provided; (vi) extra-territoriality; and (vii) retrospectivity.

Lords Amendment to insert a new clause before Clause 204: The beneficial ownership purpose

Lords Amendment 201

223 This clause would set out the first permitted purpose – the “beneficial ownership purpose” – and defines the relevant terms and concepts. It adopts definitions used in regulations 5 and 6 of the Money Laundering Regulations 2017.

Lords Amendment to insert a new clause before Clause 204: The contractual control purpose

Lords Amendment 202

224 This clause would set out the second permitted purpose – the ‘contractual control purpose’ and defines key terms, concepts and scope of the contractual controls purpose for which information can be sought, from whom and in what circumstances.

Lords Amendment to insert a new clause before Clause 204: The national security purpose

Lords Amendment 203

225 This clause would set out the third permitted purpose – the ‘national security purpose’ and defines the key terms, concepts and scope of the national security purpose for which information can be sought, from whom and in what circumstances.

Lords Amendment to Leave out Clause 204

Lords Amendment 204

226 Clause 204 is left out of the bill and is replaced by new clauses inserted before clause 204 (Power to require provision of certain classes of information), (The beneficial ownership purpose), (The contractual control purpose), (The national security purpose).

Lords Amendment to Clause 205: Requirements may include transactional information

Lords Amendment 205

227 This amendment would clarify that the information that may be required to be provided if it falls within the scope of a permitted purpose includes transactional information about instruments, contracts and other arrangements relating to relevant interests in land and relevant rights concerning land.

Lords Amendment to Leave out Clause 206

Lords Amendment 206

228 Clause 206 is left out of the bill and is replaced by new clauses inserted before clause 204 (Power to require provision of certain classes of information), (The beneficial ownership purpose), (The contractual control purpose), (The national security purpose).

Lords Amendments to Clause 207: Use of Information

Lords Amendments 207, 209, 210

229 These amendments are consequential on Amendment 200 (Power to require provision of certain classes of information).

Lords Amendment 208

230 This amendment would specify that information required under the national security purpose may only be retained, shared or published insofar as seems justified to the Secretary of State in the interests of national security.

Lords Amendment to insert a new clause after Clause 207: Offences

Lords Amendment 211

231 This new clause would set out the offences and maximum penalties associated with the requirements created through regulations under Part 11

232 It would create an offence in relation to failing without reasonable excuse to comply with a requirement under Part 11

233 It also creates an offence if information is provided in response to an information requirement which is false or misleading in a material particular where the person providing such information knows it to be false or misleading or is reckless as to whether this is the case.

Lords Amendments to Clause 208: Enforcement of Requirements

Lords Amendment 212

234 This amendment would remove provisions superseded by the new clause in the Ministers name after clause 207 (Offences).

Lords Amendment 213

235 This amendment is consequential on the first new Clause in the Minister's name before Clause 204 (Power to require provision of certain classes of information).

Lords Amendments to Clause 209: Interpretation of Part 11

Lords Amendment 214

236 This amendment would remove a definition that is no longer required as a result of the new

clauses (inserted by amendments 201, 202 and 203)

Lords Amendments 215 and 216

237 These amendments are consequential on the extension of Part 11 to Scotland and Northern Ireland (in respect of the national security purpose only) as well as England and Wales.

Lords Amendments to Clause 214: Marine Licensing

Lords Amendments 217 and 230

238 This amendment makes amendments to section 110A to clarify the interaction between the different fee charging powers under the Marine and Coastal Access Act 2009 to provide that oil and gas fees will apply in the position where there is an overlap between general marine licensing fees and oil and gas fees for the same activity.

239 Amendment 217 is consequential.

Lords Amendments 218, 219, 220, 221

240 These amendments would make provision for the Scottish Ministers to charge fees in connection with certain functions as the appropriate licensing authority under the Marine and Coastal Access Act 2009.

Lords Amendments 222, 223, 224, 225, 226, 227, 228, 229

241 These amendments are consequential on amendments 218 to 221.

Lords Amendment to insert a new clause after Clause 214: Power to replace Health and Safety Executive as building safety regulator

Lords Amendment 231*

242 This new Clause would provide a power for the Secretary of State to replace the Health and Safety Executive as the building safety regulator and a power to make further provision in connection with such regulations. The regulations must be made before the end of 24 months from the day the final report of the Grenfell Tower Inquiry is presented to Parliament, or such later time as may be specified in regulations made before the end of that period.

243 It would also provide that the functions that may be conferred on the new regulator under regulations under new clause (Power to replace Health and Safety Executive as building safety regulator) as inserted by amendment 231, are the functions of the Health and Safety Executive as the building safety regulator.

244 It would also limit the provision which can be amended, repealed or revoked by regulations under new clause (Power to replace Health and Safety Executive as building safety regulator) to provision made by or under the listed Acts.

245 Subsection (5) of the new clause would prevent regulations under the new clause from amending provisions in the Building Safety Act relating to the statutory building safety committees of the Regulator, building safety reporting in relation to the condition of electrical installations, stairs and ramps, emergency egress for disabled people and automatic water fire suppression systems in relevant buildings.

These Explanatory Notes relate to the Lords Amendments to the Levelling Up and Regeneration Bill as brought from the House of Lords on 27 September 2023.

Lords Amendment to insert a new clause after Clause 214: Transfer schemes in connection with regulations under section (Power to replace Health and Safety Executive as building safety regulator)

Lords Amendment 232

246 This amendment would provide the Secretary of State with a power to make schemes for the transfer of property, rights or liabilities from the Health and Safety Executive to the new body replacing them as the building safety regulator (see Lords Amendment 231).

Lords Amendment to insert a new clause after Clause 214: Transfer of land by local authorities

Lords Amendment 233

247 This amendment would insert a new Clause which inserts a new paragraph (9A – Compulsory transfer to trustees) into Schedule 1 to the Academies Act 2010. Schedule 1 of that Act makes provision for the transfer of land in relation to academies. The new paragraph sets out the circumstances where a local authority is required to transfer their interest in new premises for an academy school to the site trustees who already hold existing premises.

248 The Clause also makes consequential amendments.

Lords Amendment to insert a new clause after Clause 214: Open access mapping

Lords Amendment 234

249 This amendment would insert a replacement provision into the Countryside and Rights of Way Act 2000 about Natural England’s mandatory reviews of the existing open access maps. It allows a review to be selective according to need and adopts a unified deadline of 1st January 2031 before which the first review must be complete.

250 The amendment would also allow regulations to set out the procedure on reviews, including for appeals and representations; to make available the same boundary discretion as applied under the original mapping process; and to substitute a limited continuous review process for the reviews every 20 years that are currently required after the first. Taken together, these various changes will allow Natural England to undertake proportionate and pragmatic reviews which will reduce administrative burdens on Government and avoid unnecessary expenditure.

Lords Amendment to insert a new clause after Clause 214: Childcare: use of non-domestic premises

Lords Amendment 235

251 This new clause would amend the definitions of “early years childminding” and “later years childminding” in sections 96(4) and (8) of the Childcare Act 2006 (the “2006” Act”) respectively, by removing the requirement that at least half of the provision must be provided on domestic premises.

252 This new clause would also introduce a new schedule (Use of Non-Domestic Premises for Childcare: Registration) which makes further amendments to Part 3 of the 2006 Act.

Lords Amendment to insert a new clause after Clause 214: Childcare: number of providers

Lords Amendment 236

253 This new clause would amend sections 96(5) and (9) of the 2006 Act, substituting the word “two” with “three”. This will increase the number of other people childminders can work with from two to three (four people in total). It will also increase the minimum number of other persons registered as childcare on domestic premises (“CODPs”) (must work with from three to four (a minimum of five people in total).

Lords Amendment to insert a new clause after Clause 214: Amendments of Schedule 7B to the Government of Wales Act 2006

Lords Amendment 237

254 This amendment would insert a new Clause which removes the restrictions on the Senedd in relation to concurrent powers that are contained in the Government of Wales Act 2006 by adding the Levelling-up and Regeneration Bill to the list of enactments in paragraphs 9(8)(b) and 11(6)(b) of Schedule 7B to that Act.

Lords Amendment to insert a new clause after Clause 214: Blue plaques in England

Lords Amendment 238

255 This amendment would extend the express statutory power of the Historic Buildings and Monuments Commission for England to provide and erect blue plaques in Greater London to the whole of England. The amendment will substitute ‘Greater London’ for ‘any area in England’ in paragraph 4 of Schedule 2 of the Local Government Act 1985.

Lords Amendment to insert a new clause after Clause 214: Powers of local authority in relation to the provision of childcare

Lords Amendment 239*

256 This amendment would inserts a new clause after clause 214, omitting subsections (3) to (5) of section 8 of the Childcare Act 2006 (power of local authority in relation to the provision of childcare), which provide that a local authority may not provide childcare, other than childcare provided by a maintained school or childcare provided under section 18(1) of the Children Act 1989 (day care for children in need), unless no other person is willing to do so, or the local authority otherwise considers it appropriate in the circumstances.

Lords Amendment to insert a new clause after Clause 214: Levelling-Up and the Vagrancy Act 1824

Lords Amendment 240*

257 This amendment would require the government to publish a report on the impact of the Vagrancy Act 1824 on levelling up and regeneration within 90 days of the Levelling Up and

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Regeneration Bill receiving Royal Assent.

258 Specifically, the sections of the Act which cover persons committing certain offences how to be punished (section 3) and persons committing certain offences to be deemed rogues and vagabonds (section 4).'

Lords Amendment to insert a new clause after Clause 214: Regeneration of Schools and hospitals: register of serious disrepair

Lords Amendment 241*

259 This amendment would insert a new clause after clause 214, requiring the Secretary of State to establish a register of schools and hospitals in serious disrepair within one month of Royal Assent. The register must include schools and hospitals that have buildings partially or fully closed on a temporary or permanent basis due to being unsafe or in disrepair, and schools and hospitals requiring major rebuilding or refurbishment. The register must be reviewed every 3 months. The purpose of this amendment is to improve knowledge and understanding of the condition of the school and hospital estate in England.

Lords Amendment to insert a new clause after Clause 214: Non-qualifying leases under the Building Safety Act 2022

Lords Amendment 242*

260 Amendment 242 seeks to secure parity between qualifying and non-qualifying leaseholders under the Building Safety Act 2022, extending protection to three properties for all leaseholders and excluding from the calculation of the number of properties those where 50% or less is owned by an individual.

Lords Amendment to insert a new clause after Clause 214: Qualifying leases under the Building Safety Act 2022

Lords Amendment 243*

261 Amendment 243 seeks to address the issue whereby a lease which qualifies for the leaseholder protections under the Building Safety Act 2022 ceases to qualify where it is 'extended' (because a 'lease extension' is actually a surrender of the existing lease and the grant of a new one) or, in certain cases, varied. The new section is intended to apply to a qualifying lease whenever the variation, surrender or regrant occurred and notwithstanding any agreement that would disapply the section to a particular qualifying lease.

Lords Amendment to insert a new clause after Clause 214: Onshore Wind development

Lords Amendment 244*

262 This amendment inserts a new clause after clause 214, which (i) removes the exclusion from the Nationally Significant Infrastructure Project (NSIP) regime for onshore wind development over 50MW, (ii) removes the requirement for a person to carry out a pre-application consultation for a proposed onshore wind development.

These Explanatory Notes relate to the Lords Amendments to the Levelling Up and Regeneration Bill as brought from the House of Lords on 27 September 2023.

263 The amendment also requires the Secretary of State to revise and republish the national planning policy, to remove the additional tests that only apply to consent for onshore wind development, within 6 months of Royal Assent.

Lords Amendment to insert a new clause after Clause 214: Road User charging schemes in London

Lords Amendment 245*

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

265 It also makes drafting improvements by ensuring that the provisions cover each case which could arise in relation to a London borough council as well as ensuring consistency in language use and other consequential amendments.

Lords Amendment to insert a new clause after Clause 214: Protected Landscapes

Lords Amendment 246

266 This amendment would change the relevant sections of The National Parks and Access to the Countryside Act 1949 (“the 1949 Act”).

267 This amendment would disapply the changes to the 1949 Act insofar as they apply to land in Wales. The amendment provides that only the existing duty to have regard to the purposes of a National Park in England applies to devolved Welsh authorities. This amendment would allow the Secretary of State to make regulations which set out how a relevant authority is to comply with the new duty. The amendment confirms that the meaning of ‘devolved Welsh authorities’ is the same as that set out in section 157A of the Government of Wales Act 2006.

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

Lords Amendment to insert a new clause after Clause 216: Amendments of references to ‘retained direct EU legislation’

Lords Amendment 247

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

270 Amendments have been made to ensure the clause does not refer to provisions not agreed.

Lords Amendment to insert a new clause after Clause 218: Power to address conflicts with the Historic Environment (Wales) Act 2023

Lords Amendment 248

271 This amendment would give the Secretary of State the power to make technical amendments to the Levelling-up and Regeneration Act (or any Act amended by that Act) to address any consequential issues arising as a result of the Historic Environment Wales Act 2023. This is necessary to ensure that the heritage provisions in the Levelling-up and Regeneration Act work as intended notwithstanding the enactment of Historic Environment Wales Act 2023 which amends many of the same heritage provisions.

Lords Amendments to clause 219: Regulations

Lords Amendment 249*

272 This amendment provides that any regulations made under section 97 (healthy homes) are

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subject to the affirmative procedure.

Lords Amendments 250 and 257

273 Amendment 257 would provide that the new power to make regulations conferred by the amendment 85 is subject to the negative procedure.

274 Amendment 250 is consequential.

Lords Amendment 251

275 This amendment would remove the references to regulations under Part 6 because the rules governing such regulations are to be set out in the new schedule inserted by amendment 368.

Lords Amendment 252

276 This amendment would provide that any regulations made under the new clause inserted by the amendment in the Minister's name after Clause 222 (Power to replace Health and Safety Executive as building safety regulator) are subject to the affirmative procedure

Lords Amendments 253 and 259

277 These amendments would apply the negative procedure to regulations made under the proposed new clause in the Minister's name after Clause 218.

Lords Amendments 254 and 260

278 Amendment 260 would mean any regulations made under Clause 11(1) will be subject to the affirmative resolution procedure.

279 Amendment 254 is consequential.

Lords Amendment 255

280 This amendment removes the reference to regulations under Chapter 1 of Part 3 because the rules governing such regulations are to be set out in the new schedule inserted by amendment 368.

Lords Amendment 256

281 This amendment would provide that the new power in the amendment in the minister's name to make regulations to modify the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 is subject to the negative resolution procedure.

Lords Amendment 258

282 This amendment would remove the reference to regulations under Part 6 because the rules governing such regulations are to be set out in the new schedule inserted by amendment 368.

Lords Amendment 261

283 This amendment would exclude regulations under Chapter 1 of Part 3 and Part 6 from Clause 231 and introduces the Schedule inserted by amendment 368 which contains the rules governing such regulations.

Lords Amendments to clause 221: Extent

Lords Amendment 262

284 This amendment would clarify that the Schedule to be inserted after Schedule 12 in the Minister's name which contains restrictions on the exercise of the powers by the Welsh Ministers extends to England and Wales, Scotland and Northern Ireland so far as it relates to Chapter 1 of Part 3.

Lords Amendment 263

285 This amendment would provide that the new power in the amendment in the minister's name to make regulations to modify the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 extends to England and Wales, Scotland and Northern Ireland.

Lords Amendments 264 and 266

286 Amendment 264 would provide that new Clause (participation in certain proceedings conducted by, or on behalf of, the Secretary of State) in the minister's name extends to England and Wales and Scotland.

287 Amendment 266 is consequential.

Lords Amendment 265

288 This amendment would clarify that the Schedule to be inserted after Schedule 12 in the Minister's name which contains restrictions on the exercise of the powers by the Welsh Ministers extends to England and Wales, Scotland and Northern Ireland so far as it relates to Part 6.

Lords Amendment 267

289 This amendment would provide for Part 11 to extend across the UK however the new clauses before clause 204 allow only the national security purpose to apply UK-wide, while the contractual control and beneficial ownership purposes may only apply in England and Wales.

Lords Amendment 268

290 This amendment would provide that the new Clauses inserted by the amendments in the Minister's name after Clause 214 (Power to replace Health and Safety Executive as building safety regulator) and (Transfer schemes in connection with regulations under section (Power to replace Health and Safety Executive as building safety regulator)) extend to England and Wales only.

291 It also provides that the new clause relating to Open access mapping extends to England and Wales. This reflects the fact that England and Wales are a single legal jurisdiction and so the provision still forms part of the law in Wales even though the changes do not affect Wales

292 It would also provide that the new clauses and Schedule relating to childcare that are tabled in the Minister's name would extend to England and Wales (but like the rest of Part 3 of 2006 Act, the amendments to the 2006 Act would apply only in England)

293 This amendment would also provide that new Clause (Blue Plaques in England) extends to England and Wales

294 This amendment would also provide that the new protected landscapes clause inserted after clause 214 by amendment 247 extends only to England and Wales.

Lords Amendment 269

295 This amendment would provide that the new Clause (Amendments of Schedule 7B to the Government of Wales Act 2006) being inserted after Clause 214 in the Minister's name extends to England and Wales, Scotland and Northern Ireland.

Lords Amendment 270

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

Lords Amendments to clause 222: Commencement and transitional provision

Lords Amendment 271

297 This amendment would provide for Clause 25 (power to provide for election of mayor) and Schedule 2 to the Bill to come into force on Royal Assent.

Lords Amendment 272

298 This amendment makes provision for the commencement of certain amendments made by Schedule 4 in cases where the provisions amended are not yet in force.

Lords Amendment 273*

299 This amendment would mean that clause 59 would not come into force on Royal Assent and would instead come into force nine months after the date of Royal Assent.

Lords Amendments 274 and 275

300 Amendment 275 would provide for new Clause (disposal of land) to be brought into force by regulations made by the Secretary of State and makes other consequential amendments to Clause 234

301 Amendment 274 is consequential.

Lords Amendment 276

302 This amendment would make provision that new Clause (inserted after clause 78 -Powers of parish councils) comes into force two months after Royal Assent.

Lords Amendment 277

303 This amendment would provide that the new Clause relating to voting restrictions in the Common Council of the City of London inserted by the amendment in the Minister's name after Clause 78 (the Common Council of the City of London: removal of voting restrictions) comes into force at the end of the period of two months beginning with the day on which this

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Act is passed.

Lords Amendment 278

304 This amendment would provide that the new power in the amendment in the minister's name to make regulations to modify the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 comes into force two months after Royal Assent.

Lords Amendment 279

305 This amendment would provide that new Clauses (power for appointees to vary determinations as to procedure) and (participation in certain proceedings conducted by, or on behalf of, the Secretary of State) in the minister's name come into force two months after Royal Assent.

Lords Amendment 280

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

Lords Amendment 281

307 This amendment would clarify that the Schedule to be inserted after Schedule 12 in the Minister's name which contains restrictions on the exercise of the powers by the Welsh Ministers comes into force on such a day as the Secretary of State may by regulations appoint so far as it relates to Chapter 1 of Part 3.

Lords Amendment 282

308 This amendment would clarify that the Schedule to be inserted after Schedule 12 in the Minister's name which contains restrictions on the exercise of the powers by the Welsh Ministers comes into force at the end of the period of two months beginning with the day on which this Act is passed so far as it relates to Part 6.

Lords Amendment 283

309 This amendment would provide that the new clause inserted by amendment 233 comes into force in accordance with regulations.

Lords Amendment 284

310 This amendment would have the effect that the new clauses and Schedule relating to childcare that are tabled in the Minister's name would come into force by regulations.

Lords Amendment 285

311 This amendment would provide that the new clause inserted by amendment 237 comes into force on such a day as the Secretary of State may by regulations appoint.

Lords Amendment 286

312 This amendment would provide that the new clause inserted by amendment 245 comes into force on a day appointed by the Secretary of State in regulations.

Lords Amendment 287

313 This amendment would provide that the new clause inserted by amendment 231 and 232 would come into force 2 months after Royal Assent.

314 This amendment would also provide that the new clause relating to open access mapping comes into force 2 months after Royal Assent

315 This amendment would also provide that the new clause inserted by amendment 239 comes into force 2 months after Royal Assent

316 This amendment would also provide that the new protected landscapes clause inserted after clause 214 by amendment 247 comes into force 2 months after Royal Assent.

Lords Amendment 288*

317 This amendment would mean that amendment 243 would come into force on the 1st of August 2023.

Lords Amendment 289

318 This amendment provides that the new Clause inserted by amendment 248 comes into force at the end of 2023.

Lords Amendments to Schedule 2: Mayors for combined county authority areas: further provisions about elections

Lords Amendments 290, 291, 292, 293, 294, 295, 296, 298

319 These consequential, minor and technical amendments amend existing legislation to ensure that combined county authorities (CCAs) can operate as institutions within the local government system and have parity with combined authorities where possible.

320 These include minor amendments which update the bill to reflect changes brought in by new recent legislation (e.g. Local Government (disqualification) Act 2022) and apply these changes to CCAs.

Lords Amendment 297

321 This amendment would make provision for a person to be disqualified from being the mayor of a CCA in certain circumstances. The provisions correspond to the provision made about the mayors of combined authorities by the Local Government (Disqualification) Act 2022.

Lords Amendment 299

322 This amendment would enable the consultation and recommendation requirements relating to regulations made under paragraph 12 of Schedule 2 to the Bill (conduct and questioning of elections for the return of mayors) to be met by steps taken before those provisions come into force on Royal Assent.

Lords Amendment to Schedule 3: Mayors for combined authority Areas: PCC functions

Lords Amendment 300

323 This amendment is consequential to amendment 297 which makes provision for a person to be disqualified from being the mayor of a CCA in certain circumstances.

Lords Amendments to Schedule 4: Combined County authorities: consequential amendments

Lords Amendments 301, 302, 304, 305, 306, 307, 308, 309, 310, 310, 311, 312, 313, 314, 315, 316, 317, 318, 320, 321, 322, 323, 324, 325, 326

324 These consequential, minor and technical amendments amend existing legislation to ensure that combined county authorities (CCAs) can operate as institutions within the local government system and have parity with combined authorities where possible.

325 These include minor amendments which update the bill to reflect changes brought in by new recent legislation (e.g. Local Government (disqualification) Act 2022) and the Skills and Post-16 Education Act 2022) and apply these changes to CCAs, as well as ensuring the correct cross-references.

Lords Amendment 303

326 This amendment would correct a cross-reference in the amendment to insert subsection (1G) into section 101 of the Local Government Act 1972.

Lords Amendment 319

327 This amendment would update the amendment to section 75 of the National Health Service Act 2006 to reflect changes made elsewhere to that Act by the Health and Care Act 2022.

Lords Amendments to insert a new schedule before Schedule 7: Healthy Homes

Lords Amendment 327*

328 This amendment would insert a schedule requiring the Secretary of State to put in place a regulatory framework to promote and secure healthy homes. It would give the Secretary of State powers to make regulations to that end.

329 It would also require the Secretary of State to prepare and publish an annual statement on progress on the extent to which all new homes approved and completed during that period have met the healthy homes principles, how the approval and creation of new homes has met the needs of those with protected characteristics under section 4 of the Equality Act 2010, and include consideration of how progress could be improved.

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330 The schedule sets out a set of ‘healthy homes principles’ and imposes a duty on the Secretary of State to prepare a statement about how the principles of healthy homes are to be interpreted and applied. It also provides a process for Parliamentary oversight of the healthy homes principles statement which must be laid in draft before Parliament before being adopted.

331 The amendment would impose a statutory duty on the Ministers of the Crown and ‘relevant authorities’ as listed in the provision, to ‘have regard’ to the healthy homes policy statement when making policy, and when discharging their statutory duties under the planning, building and public health acts, respectively’.

Lords Amendments to Schedule 7: Plan making

Lords Amendments 328, 330, 332, 333, 336

332 These amendments would insert provisions to ensure the plans (including the joint spatial development strategy, local plans, minerals and waste plan, and supplementary plans) set out in schedule 7 take account of the Local Nature Recovery Strategies.

333 The amendments also define “local nature recovery strategy”.

Lords Amendment 329*

334 This amendment would insert into clause 15C to Schedule 7 of the Bill to requirement for local plans to:

- a. identify the local nature and scale of housing need in the local planning authority’s area;
- b. make provision for sufficient social rent housing, to eliminate homelessness;
- c. stipulate a reasonable period for the elimination of homelessness.
- d. provide housing for persons registered on the local housing authority’s allocation scheme

335 The amendment applies in relation to social housing provided both by the local housing authority where it retains its own housing stock and by private registered providers of social housing.

336 The Local plans are required to must be updated annually in relation to concerning the level of housing need that they record.

Lords Amendment 331

337 This amendment would allow the Secretary of State to require a local planning authority to reimburse the Secretary of State for expenditure incurred in connection with appointing a person to provide observations or advice on a proposed local plan or to pay any fees and expenses of that person.

Lords Amendments 334 and 335

338 These amendments are consequential to the insertion of new section 15HD of the Planning and Compulsory Purchase Act 2004 (as inserted by Schedule 7) including making it cover combined county authorities, which are provided for under Part 2 of the Bill.

Lords Amendments to Schedule 8: Minor and consequential amendments in connection with Chapter 2 of Part 3

Lords Amendment 337

339 This amendment would insert an amendment to the Local Government Act 1972 which is consequential upon Schedule 7 to the Bill.

Lords Amendments 338, 339, 340

340 These amendments would insert amendments to the Town and Country Planning Act 1990 which are consequential upon Schedule 7 to the Bill.

Lords Amendments 341 and 342

341 These amendments are consequential to the consequential amendments above.

Lords Amendment 343

342 This amendment inserts amendments to the Greater London Authority Act 1999 which are consequential upon Schedule 7 to the bill.

Lords Amendment 344

343 This amendment would insert amendments to various enactments which are consequential upon Schedule 7 to the Bill.

Lords Amendments 345, 346, 347

344 These consequential amendments amend Schedule A1 to the Planning and Compulsory Purchase Act 2004 in connection with provision for development plans (under Part 3 of the Bill). The amendments amend and supplement consequential amendments made to Schedule A1 to the 2004 Act by Schedule 4 to the Bill in relation to the creation of combined county authorities.

Lords Amendment to insert a new schedule before schedule 9: Street Votes: Minor and Consequential Amendments

Lords Amendment 348

345 This amendment would insert a new Schedule which makes minor and consequential amendments in connection with clause 100 (street votes).

346 These include amendments to clause 100 to change the scope of the regulation-making powers under new sections 61QC, 61QH and 61QI (as inserted into the Town and Country Planning Act 1990 by that Clause)

Lords Amendments to Schedule 11: Infrastructure Levy

Lords Amendments 349, 350, 352

347 These amendments would change the duty in subsection (2) of new section 204G of the Planning Act 2008 from one of having regard to the desirability of ensuring that the level of affordable housing funding provided by developers is maintained to one of having to seek to ensure that level can be maintained.

Lords Amendment 351

348 This amendment would make it clear that the funding referred to in paragraph (b) of new section 204G(2) of the Planning Act 2008 is funding of affordable housing provided in the charging authority's area.

Lords Amendment 353

349 This amendment would disapply the duty in new section 204G(2) of the Planning Act 2008 where the charging authority considers that complying with it would make development of the authority's area economically unviable. It also makes it clear that the references to the funding of affordable housing in that duty include funding by means other than infrastructure levy.

Lords Amendments 354 and 356

350 Amendment 356 would place a duty on the Secretary of State to prepare a report relating to the effect of infrastructure levy on the funding and provision of affordable housing (and certain other matters), lay that report before Parliament and publish it.

351 Amendment 354 is consequential.

Lords Amendment 355

352 This amendment would require IL regulations to permit charging authorities to require payment of infrastructure levy through the provision of on-site affordable housing (provided that affordable housing is "infrastructure" for the purposes of the levy).

Lords Amendment 357

353 This amendment would enable new Part 10A of the Planning Act 2008, and any regulations made under it, to be disapplied in relation to an area or charging authority, so that infrastructure levy does not have to be charged in that area or (as the case may be) by that authority.

Lords Amendment 358

354 This minor amendment would support the transition away from the Community Infrastructure Levy towards the new Infrastructure Levy.

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355 It would allow existing funds from CIL to be used towards the establishment of the new infrastructure levy.

Lords Amendment 359

356 This minor amendment would support the transition away from section 106 towards the new Infrastructure Levy.

357 It would allow existing funds from Section 106 to be used towards the establishment of the new Infrastructure Levy.

Lords Amendments 360, 362, 363, 364, 365, 366

358 These amendments are consequential to amendment 361.

Lords Amendment 361

359 This amendment would enable provision to be made under section 204Z1(1) to (3), and guidance to be given under subsection (4) of that section, in consequence of, or to supplement, provision made under section 204Z1(1)(ba) (which is inserted by the amendment in the Minister's name to Schedule 11 at line 15 of page 431).

Lords Amendment 367

360 This amendment makes a number of consequential amendments to certain Acts as a result of Schedule 11 of the bill which inserts a new Part 10A into the Planning Act 2008.

361 The insertion of 10A establishes the new legal framework for the new infrastructure levy.

Lords Amendment to insert a new Schedule after Schedule 11: Regulations under Chapter 1 of Part 3 or Part 6: Restrictions on Devolved authorities

Lords Amendment 368

362 This amendment would insert a new Schedule (Regulations under Chapter 1 of Part 3 or Part 6: restrictions on devolved authorities) which contains various provision about the restrictions on devolved authorities when making regulations under Chapter 1 of Part 3 or Part 6.

Lords Amendment to insert a new Schedule after Schedule 11: Existing Environmental Assessment Legislation

Lords Amendment 369

363 This amendment would insert a new Schedule (Existing environmental assessment legislation) which lists existing environmental assessment legislation.

Lords Amendments to Schedule 12: Amendments of the Conservation of Habitats and Species Regulations 2017: Assumptions about nutrients pollution standards

Lords Amendments 370 - 408

364 These amendments are consequential on amendment 154 and would amend the provision to be inserted into the Conservation of Habitats and Species Regulations 2017, which direct competent authorities to assume that the proposed upgrades to waste water treatment works are certain for the purpose of Habitats Regulation Assessments in the context of planning decisions, so that the provision functions in relation to catchment permitting areas.

365 The amendments would also amend the power for the Secretary of State to direct authorities that the assumptions do not apply, so that the provision functions in relation to catchment permitting areas.

366 The amendment would also clarify that competent authorities may have regard to outperformance, or expected outperformance, by a plant in non-catchment permitting areas, but this clause does not extend to catchment permitting areas.

367 Amendments 382, 388, 399, 405 and 408 would define terms used in amendments to Schedule 13 (“first effect”, “second effect”, “catchment permitting area plant”, “non-catchment permitting area plant”, “applicable date”, “associated” and “nutrients”).

Lords Amendment to Schedule 13: Locally-led development corporations: minor and consequential amendments

Lords Amendment 409

368 This amendment would remove provisions applying negative procedure to orders establishing locally-led urban and new town development corporations, and instead bring those orders within the existing procedures for such corporations that are not locally-led. The result is that affirmative procedure will apply (without hybrid procedure).

Lords Amendment to insert a new Schedule before Schedule 15: Conditional confirmation and making of compulsory purchase orders: consequential amendments

Lords Amendment 410

369 This amendment would insert a new schedule before schedule 15 to the bill which brings together consequential amendments to other relevant pieces of primary legislation to ensure they continue to operate correctly as a result of:

- a. The introduction of the power under clause 168 and paragraph 3 of Schedule 15 to the bill which allows compulsory purchase orders to be confirmed conditionally.

370 A consequence of this amendment is that clause 170 is superseded by the new schedule

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inserted before Schedule 15 to the bill. As a result, original clause 170 is no longer required and should no longer stand part of the bill.

371 This amendment would also remove a power that is no longer needed in the light of the conclusion of proceedings in Senedd Cymru on the Historic Environment (Wales) Bill.

Lords Amendment to insert a new Schedule after Schedule 18: Use of Non-domestic premises for childcare registration

Lords Amendment 411

372 This Schedule would make further amendments to Part 3 of the 2006 Act, creating a new category of childminder that operates wholly from non-domestic premises, and requiring all other childminders and CODPs to provide at least some or all of their provision on domestic premises. This schedule would also makes supplementary amendments to Part 3 of the 2006 Act relating to the registration of childcare providers.

Lords Amendment to insert a new Schedule after Schedule 18: Regulations under Chapter 1 of Part 3 or Part 6: Form and scrutiny

Lords Amendment 412

373 This amendment would insert a new Schedule (Regulations under Chapter 1 of Part 3 or Part 6: form and scrutiny) which contains provision about the form and scrutiny of regulations under Chapter 1 of Part 3 or Part 6 made by the Secretary of State or a devolved authority acting alone or by the Secretary of State and a devolved authority acting jointly.

Lords Amendments to the Title:

Lords Amendment 413

374 This amendment would amend the long title to reflect the new Clause inserted by the amendment in the Minister's name after Clause 214 (Power to replace Health and Safety Executive as building safety regulator).

Lords Amendment 414

375 This amendment would amend the long title to reflect the new Clause inserted by the amendment in the Minister's name after Clause 214 (Transfer of land by local authorities).

Lords Amendment 415

376 This amendment would amend the long title to reflect the new clause relating to Open access mapping.

Lords Amendment 416

377 This amendment would amend the long title to reflect the new clauses and Schedule relating

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to childcare that are tabled in the Minister's name.

Lords Amendment 417

378 This amendment would amend the long title to reflect the new clauses relating to road user charging schemes in London.

Lords Amendment 418

379 This amendment amends the long title to reflect the new protected landscapes clause inserted after clause 214 by amendment 247.

Financial implications of the Bill

380 Amendments 46, 249 and 327 would create a duty on the Secretary of State to promote "healthy" homes and neighbourhoods, along with an associated duty on various public authorities. These provisions were not in the Bill upon introduction to the House of Lords and would have financial implications. In particular, they would give rise to significant expenditure on the part of both central and local government which would ultimately be funded, at least in part, from central funds.

381 Amendments 73 to 75 would remove a restriction on the provision that can be made under new section 54A of the Planning Act 2008, allowing regulations under that section to permit certain public authorities to charge fees in more cases. This is likely to impact the funding required by those public authorities from central funds.

382 Amendment 78 would allow fee-charging by prescribed bodies for advice in relation to certain planning applications. As such it is likely to impact the funding required by those bodies from central funds.

383 Amendment 82 would similarly alter a fee-charging power relating to planning in a way that might impact on the funding that needs to be provided from central funds.

384 Amendment 231 would confer a power on the Secretary of State to replace the Health and Safety Executive as the building safety regulator for the purposes of the Building Safety Act 2022. This would include a power to establish or modify the funding arrangements of the new regulator this includes provision for the regulator to be funded by a Minister of the Crown and so from central funds.

385 Amendments 301 to 326 are consequential on the creation of combined county authorities (CCAs), taken together they confer functions the exercise of which will necessarily involve significant expenditure. CCAs are funded, in part, by their constituent authorities and therefore indirectly from central funds.

386 Amendments 349 to 367 concern the Infrastructure Levy (IL) which would be provided for in new Part 10A of the Planning Act 2008. Provision for IL is largely to be made by means of

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Commons-only regulations (“IL regulations”) and a ways and means resolution was required for the imposition of the levy. These provisions concern, or are consequential upon, the nature, operation and parliamentary scrutiny of the levy and would therefore have implications for the imposition and operation of the levy.

387 All other amendments would not substantially change the financial implications of measures in the Bill upon Lords introduction.

388 No further financial resolution is considered necessary in relation to any amendment made in the Lords.

LEVELLING UP AND REGENERATION BILL

EXPLANATORY NOTES ON LORDS AMENDMENTS

These Explanatory Notes relate to the Lords Amendments to the Levelling Up and Regeneration Bill as brought from the House of Lords on 27 September 2023.

Ordered by the House of Commons to be printed, pursuant to
Standing Order Nos. 78 and 58A, 27 September 2023

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