



# House of Commons

Thursday 6 December 2012

## PUBLIC BILL COMMITTEE

*New Amendments handed in are marked thus ★*

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

### GROWTH AND INFRASTRUCTURE BILL

#### NOTE

The Amendments have been arranged in accordance with the Order of the Committee [13 November 2012].

Michael Fallon  
Nick Boles

Clause 23, page 28, line 40, after 'individual', insert 'fully paid up'.

117

Michael Fallon  
Nick Boles

Clause 23, page 28, line 40, after 'company', insert ' or procures the issue or allotment to the individual of fully paid up shares in its parent undertaking'.

118

Michael Fallon  
Nick Boles

Clause 23, page 29, line 1, leave out 'and no more than £50,000'.

119

Michael Fallon  
Nick Boles

Clause 23, page 29, line 2, at end insert ' and  
( ) the individual gives no consideration other than by entering into the agreement.'.

120

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**Growth and Infrastructure Bill, *continued***

- Ian Murray  
Roberta Blackman-Woods
- 105**
- Clause 23, page 29, line 2, at end insert—  
‘(c) the employee has entered into such an agreement on a voluntary basis.’.
- Ian Murray  
Roberta Blackman-Woods
- 106**
- Clause 23, page 29, line 2, at end insert—  
‘(1A) Before entering into an agreement with a company as set out in subsection (1), an individual is entitled to seek advice and assistance from anyone of the following—  
(a) a trade union official;  
(b) a workplace representative; or  
(c) a legal representative;  
and the costs of that advice and assistance shall be met by the company.’.
- Andrew Stunell
- 115**
- Clause 23, page 29, line 2, at end insert—  
‘(1A) The Secretary of State shall make such regulations or issue such codes and advice as is necessary to provide that no employee who declines to enter into a voluntary agreement under subsection (1)(a) shall suffer any consequential detriment.’.
- Michael Fallon  
Nick Boles
- 121**
- Clause 23, page 29, line 19, at end insert—  
‘( ) Regulation 30 of the Additional Paternity Leave Regulations 2010 (S.I. 2010/1055) (requirement for employee to notify employer of intention to return to work during additional paternity leave period) is to be read in the case of an employee who is an employee owner as if for “six weeks’ notice”, in each place it appears, there were substituted “16 weeks’ notice.’.
- Michael Fallon  
Nick Boles
- 122**
- Clause 23, page 29, line 28, at end insert—  
“(5A) The Secretary of State may by order amend subsection (1) so as to increase the sum for the time being specified there.’.
- Michael Fallon  
Nick Boles
- 123**
- Clause 23, page 29, line 29, leave out from ‘means’ to end of line 31 and add ‘—  
(a) a company or overseas company (within the meaning, in each case, of the Companies Act 2006) which has a share capital, or  
(b) a European Public Limited-Liability Company (or Societas Europaea) within the meaning of Council Regulation 2157/2001/EC of 8 October 2001 on the Statute for a European Company.’”.

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**Growth and Infrastructure Bill, *continued***

Michael Fallon  
Nick Boles

124

Clause 23, page 29, line 31, at end add ‘, and  
“parent undertaking” has the same meaning as in the Companies Act 2006’.

Ian Murray  
Roberta Blackman-Woods

107

Clause 23, page 29, line 31, at end add—  
‘(7) This section may not come into force until the Secretary of State has published a full analysis of the impact on employees’ income tax and national insurance contributions of becoming an employee owner.’.

Ian Murray  
Roberta Blackman-Woods

108

Clause 23, page 29, line 31, at end add—  
‘(7) Before the end of three years beginning with the day on which this section comes into force, the Secretary of State must—  
(a) carry out a review of employee ownership status;  
(b) set out the conclusions of the review in a report; and  
(c) publish the report.  
(8) The report referred to in section (7) above must in particular—  
(a) set out the objectives intended to be achieved by the introduction of employee ownership;  
(b) assess the extent to which those objectives have been achieved; and  
(c) assess whether those objectives remain appropriate or whether this section should be repealed.’.

Andrew Stunell

116

Clause 23, page 29, line 31, at end add—  
‘(7) The Secretary of State shall issue such guidance as is necessary to provide that refusal to enter a voluntary agreement under subsection (1)(a) by any person shall not be grounds for reducing or withdrawing any state benefit to which they are entitled by virtue of their current employment status.’.

Michael Fallon  
Nick Boles

125

Clause 23, page 29, line 31, at end add—  
‘(2) In section 236(3) of that Act (orders and regulations subject to affirmative resolution procedure), for “or 125(7)” substitute “, 125(7) or 205A(5A)”’.

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**Growth and Infrastructure Bill, *continued***

Michael Fallon  
Nick Boles

126

Clause 27, page 30, line 27, after ‘Sections’ insert ‘*[Permitted development rights for changes of use: prior approvals]*’.

Mr Nick Raynsford  
Ian Murray  
Roberta Blackman-Woods

93

Clause 27, page 30, line 29, leave out ‘16 and 22’ and insert ‘and 16’.

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*NEW CLAUSES*
*Removal of Planning Act 2008 consent and certification requirements*

Michael Fallon  
Nick Boles

NC3

To move the following Clause:—

- (1) The Planning Act 2008 is amended as follows.
- (2) In section 127 (compulsory acquisition of statutory undertakers’ land, and rights over statutory undertakers’ land)—
  - (a) in subsection (2), for the words from “Secretary of State” to the end substitute “Secretary of State is satisfied of the matters set out in subsection (3).”;
  - (b) in subsection (5), for the words from “Secretary of State” to the end substitute “Secretary of State is satisfied of the matters set out in subsection (6).”;
  - (c) omit subsection (7).
- (3) Section 137 (consent of statutory undertakers etc required to extinguishment of right of way over land on which they have apparatus) is repealed.
- (4) In section 138 (extinguishment of rights, and removal of apparatus, of statutory undertakers etc)—
  - (a) in subsection (4), for the words from “only if” to the end substitute “only if the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the order relates.”;
  - (b) after subsection (4) insert—
    - (4A) In this section “statutory undertakers” means persons who are, or are deemed to be, statutory undertakers for the purpose of any provision of Part 11 of TCPA 1990.
    - (4B) In this section the following terms have the meanings given in paragraph 1(1) of Schedule 17 to the Communications Act 2003—

**Growth and Infrastructure Bill, *continued***

“electronic communications apparatus”;  
 “electronic communications code”;  
 “electronic communications code network”;  
 “operator”.”;

- (c) omit subsections (5) and (6).
- (5) In Schedule 12 (modifications of Act in its application to Scotland), in paragraph 18, for “Section 137(7)” substitute “Section 138(4A)”.’.

*Permitted development rights for changes of use: prior approvals*

Michael Fallon  
 Nick Boles

NC14

To move the following Clause:—

- (1) In section 60 of the Town and Country Planning Act 1990 (planning permission granted by development order) after subsection (2) insert—
- “(2A) Without prejudice to the generality of subsection (1), where planning permission is granted by a development order for development consisting of a change in the use of land in England, the order may require the approval of the local planning authority, or of the Secretary of State, to be obtained—
- (a) for the use of the land for the new use;
- (b) with respect to matters that relate to the new use and are specified in the order.”
- (2) In section 70A(5) of that Act (“relevant application” includes an application for approval under section 60(2)) after “60(2)” insert “or (2A)”.’.

*Purpose of planning*

Roberta Blackman-Woods  
 Ian Murray

NC1

To move the following Clause:—

‘In Part 2 of the Planning and Compulsory Purchase Act 2004 insert—

**“13A The Purpose of Planning**

- (1) The purpose of the planning system is to positively promote the long term spatial organisation of land in order to achieve sustainable development.
- (2) In the Planning Act 2008, sustainable development means managing the use, development and protection of land and natural resources in a way, or at a rate, which enables people and communities to provide for their legitimate social, economic and cultural wellbeing while sustaining the

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**Growth and Infrastructure Bill, *continued***

potential of future generations to meet their own needs by respecting environmental limits.

- (3) In achieving sustainable development, planning should—
- (a) positively identify suitable land for development in line with the economic, social and environmental objectives so as to improve the quality of life, wellbeing and health of people and communities;
  - (b) contribute to sustainable economic development;
  - (c) protect and enhance the natural and historic environment and quality of existing communities and the countryside;
  - (d) ensure long term sustainable patterns of resource use;
  - (e) positively promote civic beauty through high quality and inclusive design; and
  - (f) ensure the planning system is open, transparent, participative and accountable.”.

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*Requirement for local development documents to contribute to social cohesion and inclusion*

Roberta Blackman-Woods  
Ian Murray

NC2

To move the following Clause:—

‘In section 19 of the Planning and Compulsory Purchase Act 2004 (preparation of local development documents) after subsection (1A) insert—

- “(1B) Local development documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority’s area contribute to social cohesion and inclusion by addressing the needs of all sections of the community and in particular requirements relating to age, sex, ethnic background, religion, disability and income.”.

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*Development plan documents: climate change policies*

Roberta Blackman-Woods  
Ian Murray

NC4

To move the following Clause:—

‘In section 19 of the Planning and Compulsory Purchase Act 2004 (preparation of local development documents) after subsection (1) insert—

- “(1A) Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of and adaptation to

**Growth and Infrastructure Bill, continued**

climate change in line with the objectives and provisions of the Climate Change Act 2008.”’.

*Sustainable development as a criterion for deciding development consent applications*

Roberta Blackman-Woods  
Ian Murray

NC5

To move the following Clause:—

‘In section 105 of the Planning Act 2008 (decisions of Secretary of State) after subsection (2)(a) insert—

“(aa) the objective of achieving sustainable development”.’.

*Planning Act 2008 pre-application procedure*

Bob Blackman

NC7

To move the following Clause:—

- ‘(1) The Planning Act 2008 is amended as follows:
- (2) After section 54 insert—

“CHAPTER 4

GENERAL

**54A Pre-application procedure: waivers**

- (1) An applicant may, at any time before or after making an application, submit a request in writing to the Secretary of State for a direction that any provision contained in this Part or in rules or regulations made under this Part shall not apply (or shall apply in part only) to the application.
- (2) A request made under subsection (1) shall give reasons for the request.
- (3) Where a request is made under subsection (1) and the Secretary of State is satisfied that it is impossible, impracticable or unnecessary for the applicant to comply with any provision contained in this Part or in rules or regulations made under this Part, the Secretary of State may—
  - (a) direct that the provision in question shall not apply, or shall apply in part only, to the application in question; and

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**Growth and Infrastructure Bill, *continued***

- (b) whether or not a direction has been given pursuant to paragraph (a), direct that the applicant shall comply with the provision in question, or any part of it, at such later date as may be specified in the direction.”’.

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*Planning Act 2008 examination fees*

Bob Blackman

**NC8**

To move the following Clause:—

- ‘(1) The Planning Act 2008 is amended as follows:
- (2) In section 4 (fees), after subsection (3) insert—
- “(3A) The regulations may only require the payment of fees in relation to the examination of an application with reference to those days during the examination period when the application was actually examined by the examining authority.”’.

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*Report on performance of Valuation Office Agency in relation to non-domestic rating*

Ian Murray  
Roberta Blackman-Woods

**NC9**

To move the following Clause:—

- ‘(1) Prior to the compilation of a rating list, the Secretary of State must prepare and publish a report describing the performance of the Valuation Office Agency (VOA) within the reporting period in relation to non-domestic rating.
- (2) The report must set out any recommendation that the Secretary of State believes the VOA should implement to improve its performance in light of the number of outstanding appeals regarding business rates.
- (3) The Secretary of State must lay a copy of the report before Parliament.
- (4) In this section “reporting period” means the period of 12 months beginning with 1 April prior to the date on which a rating list is to be compiled.’.
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**Growth and Infrastructure Bill, continued***Removing the housing borrowing cap*

Roberta Blackman-Woods  
Ian Murray

NC10

To move the following Clause:—

- (1) The Localism Act 2011 is amended as follows.
- (2) For section 171 substitute—

**“171 Amount of housing debt**

- (1) A local authority shall determine and keep under review the amount of housing debt held by that authority.
- (2) A determination under this section must have regard to the duty to determine an affordable borrowing limit under section 3 of the Local Government Act 2003 (duty to determine affordable borrowing limit).
- (3) A determination under this section must have regard to any guidance issued or approved by the Secretary of State.
- (4) A local housing authority may not hold debt in contravention of a determination under this section.
- (5) In this section “housing debt”, in relation to a local housing authority, means debt—
  - (a) which is held by the authority in connection with the exercise of its functions relating to housing and other property within its Housing Revenue Account, and
  - (b) interest and other charges in respect of which are required to be carried to the debit of that account.”.

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*Local powers to establish permitted development rights*

Roberta Blackman-Woods  
Ian Murray

NC11

To move the following Clause:—

- (1) Section 57 of the Town and Country Planning Act 1990 (planning permission required for development) is amended as follows.
- (2) In subsection (3), after second “order”, insert “issued by the local planning authority”.
- (3) After subsection (3) insert—
  - “(3A) Where a local planning authority propose to make an order under this section they shall first prepare—
    - (a) a draft of the order; and
    - (b) a statement of their reasons for making the order.

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**Growth and Infrastructure Bill, *continued***

- (3B) The statement of reasons shall contain—
- (a) a description of the development which the order would permit; and
  - (b) a plan or statement identifying the land to which the order would relate.
- (3C) Where a local planning authority has prepared a draft local development order, they shall consult, in accordance with regulations, persons whose interests they consider would be affected by the order.”’.

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*Town and Country Planning Act 1990 pre-application case oversight*

Roberta Blackman-Woods  
Ian Murray

**NC12**

To move the following Clause:—

‘Section 74 of the Town and Country Planning Act 1990 (Directions etc. as to method of dealing with applications) is amended by the addition of the following paragraph at the end of subsection (1).

- “(g) for requiring the local planning authority, in relation to a proposed application for planning permission for development of a type prescribed by the order, to oversee (including by the giving of advice and opinions) the preparations and consultation being made and carried out by the applicant in relation to the proposed application, requiring the applicant and any other person specified by the order to participate in the oversight arrangements made by the local planning authority, including by attendance at pre-application hearings conducted by or on behalf of the authority, and requiring the payment of fees by the applicant for the oversight arrangements.”’.

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*Pre-application stage of major infrastructure regime*

Roberta Blackman-Woods  
Ian Murray

**NC13**

To move the following Clause:—

‘Section 51 of the Planning Act 2008 (Advice for potential applicants and others) is amended by the addition at the end of the following subsection—

- “(5) Regulations under subsection (3) may also make provision for the oversight (including the giving of advice and opinions) by a person appointed by the Secretary of State of the preparations being made by an applicant in relation to a proposed application and the applicant’s compliance with the provisions of this Part and those having effect under it, and in doing so the regulations may require the applicant and any other

**Growth and Infrastructure Bill, *continued***

person to participate in the oversight arrangements made by the person appointed by the Secretary of State, including by attendance at case management conferences, and the payment of fees by the applicant.”’.

Roberta Blackman-Woods  
Ian Murray

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Title, line 3, after ‘land;’, insert ‘to make provision about the powers of local authorities to hold debt in relation to housing;’.

## ORDER OF THE HOUSE [5 NOVEMBER 2012]

That the following provisions shall apply to the Growth and Infrastructure Bill—

*Committal*

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

*Proceedings in Public Bill Committee*

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 6 December 2012.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

*Consideration and Third Reading*

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

*Other proceedings*

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.

## ORDER OF THE COMMITTEE [13 NOVEMBER 2012]

That—

- (1) the Committee shall (in addition to its first meeting at 8.55 am on Tuesday 13 November) meet—
  - (a) at 2.00 pm on Tuesday 13 November;
  - (b) at 8.55 am and 2.00 pm on Tuesday 20 November;
  - (c) at 11.30 am and 2.00 pm on Thursday 22 November;
  - (d) at 8.55 am and 2.00 pm on Tuesday 27 November;
  - (e) at 11.30 am and 2.00 pm on Thursday 29 November;

**Growth and Infrastructure Bill, *continued***

- (f) at 8.55 am and 2.00 pm on Tuesday 4 December;  
 (g) at 11.30 am and 2.00 pm on Thursday 6 December;  
 (2) the Committee shall hear oral evidence in accordance with the following Table:

**TABLE**

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 13 November	Until no later than 10.00 am	Department for Business, Innovation and Skills; Department for Communities and Local Government; Department for Energy and Climate Change
Tuesday 13 November	Until no later than 10.30 am	Local Government Association; Association of Convenience Stores
Tuesday 13 November	Until no later than 11.25 am	Institute of Directors; Confederation of British Industry; British Chamber of Commerce
Tuesday 13 November	Until no later than 3.00 pm	Country Land and Business Association; British Property Federation; British Council of Shopping Centres
Tuesday 13 November	Until no later than 4.00 pm	Chartered Institute of Housing; Home Builders Federation; National Housing Federation
Tuesday 13 November	Until no later than 5.00 pm	Royal Institute of British Architects; Shelter
Tuesday 20 November	Until no later than 9.30 am	Adrian Penfold (author of the Penfold Review of non-planning consents)
Tuesday 20 November	Until no later than 10.30 am	Royal Town Planning Institute; Town and Country Planning Association; Planning Officers Society
Tuesday 20 November	Until no later than 11.25 am	National Infrastructure Planning Association; Energy UK; Broadband Stakeholder Group
Tuesday 20 November	Until no later than 3.00 pm	Taylor Wessing LLP; Working Families; Trades Union Congress; Chartered Institute of Personnel and Development
Tuesday 20 November	Until no later than 4.00 pm	English National Park Authorities Association; Campaign to Protect Rural England; RSPB; RenewableUK
Tuesday 20 November	Until no later than 5.00 pm	National Trust; Friends of the Earth; Campaign for National Parks

- (3) Proceedings on consideration of the Bill in Committee shall be taken in the following order: Clause 1; Schedule 1; Clauses 2 to 5; Schedule 2; Clauses 6 to 8; Schedule 3; Clauses 9 to 13; Schedule 4; Clauses 14 to 28; new Clauses; new Schedules; remaining proceedings on the Bill;

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**Growth and Infrastructure Bill, *continued***

- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 6 December.
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