



House of Commons

Thursday 22 November 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].

Roberta Blackman-Woods
Ian Murray

10

Clause 1, page 1, line 8, at end insert—

- ‘(za) the local planning authority concerned had not adopted a local plan for any part of its area within a period of 20 years prior to the date on which it was designated by the Secretary of State;
- (zb) the application does not relate to development affecting flood risk areas, World Heritage sites, National Parks, Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest and conservation areas;’.

Roberta Blackman-Woods
Ian Murray

11

Clause 1, page 1, line 14, leave out ‘is of a description prescribed by the Secretary of State’ and insert ‘involves a major application of a description to be set out in regulations following a period of consultation, which regulations shall be in the form of a statutory instrument and may only be made if a draft of them has been laid before and approved by both Houses of Parliament.’.

Roberta Blackman-Woods
Ian Murray

12

Clause 1, page 2, line 9, leave out from ‘1990’ to end of line 11.

Growth and Infrastructure Bill, *continued*

Roberta Blackman-Woods
Ian Murray

14

Clause 1, page 2, line 19, at end insert—

- ‘(3A) It shall be the responsibility of the Secretary of State to ensure that all statutory requirements that would otherwise be met by the local planning authority or hazardous substances authority, in relation to a relevant application under subsection 3, are met by him.’

Roberta Blackman-Woods
Ian Murray

15

Clause 1, page 2, line 19, at end insert—

- ‘(3B) Applications under subsection (3) shall be subject to criteria published following a period of consultation.’

Roberta Blackman-Woods
Ian Murray

13

Clause 1, page 2, line 30, at end insert—

- ‘(4A) Before reaching a decision on an application made to him under this section, the Secretary of State must ensure that adequate consultation of the local community takes place.’

Mr Nick Raynsford

1

Clause 1, page 2, line 32, at end insert—

- ‘(5A) Any performance standards that apply to local planning authorities in the consideration of planning applications shall also apply to the Secretary of State in the performance of his functions under this section.’

Roberta Blackman-Woods
Ian Murray

16

Clause 1, page 2, leave out lines 33 to 40 and insert—

- ‘(6) The Secretary of State must set out in regulations, following a period of consultation, the exact responsibilities of local authorities designated under section 1(1) in relation to planning applications made directly to the Secretary of State.’

Roberta Blackman-Woods
Ian Murray

17

Clause 1, page 2, line 39, after ‘particular’, insert ‘designated’.

Roberta Blackman-Woods
Ian Murray

18

Clause 1, page 2, line 39, after ‘to’, insert ‘designated’.

Growth and Infrastructure Bill, *continued*

- Mr Nick Raynsford
Roberta Blackman-Woods
Ian Murray
- 2**
- Clause 1, page 2, line 40, at end insert—
(6A) Any costs incurred by a local planning authority in carrying out directions given under subsection (6) shall be reimbursed by the Secretary of State.’
- Roberta Blackman-Woods
Ian Murray
- 19**
- Clause 1, page 2, line 46, at end insert—
(e) local planning authorities with responsibility for all or part of a National Park, Area of Outstanding Natural Beauty, Site of Special Scientific Interest, World Heritage Site and/or a conservation area;’.
- Roberta Blackman-Woods
Ian Murray
- 20**
- Clause 1, page 2, line 47, leave out from ‘publish’ to end of line 48 and insert ‘following a period of consultation with local authorities’.
- Roberta Blackman-Woods
Ian Murray
- 21**
- Clause 1, page 3, line 7, at end insert—
(e) and the length of time for which a local authority is to be designated’.
- Mr Nick Raynsford
- 3**
- Clause 1, page 3, line 7, at end insert—
(9) The Secretary of State must consult representatives of local planning authorities before publishing the criteria described in subsections (8)(a) and (b).’.
- Mr Nick Raynsford
- 4**
- Clause 1, page 3, line 7, at end insert—
(10) The Secretary of State shall by regulations make provision for an independent body to consider appeals by local planning authorities which have been designated for the purposes of this section against such designation.’.
- Mr Nick Raynsford
Roberta Blackman-Woods
Ian Murray
- 5**
- Clause 1, page 3, line 7, at end insert—
(11) The Secretary of State shall, as soon as possible after the end of each financial year, publish a statement of the costs incurred by the Secretary of State during that year in pursuance of this section.’.

Growth and Infrastructure Bill, *continued*

Roberta Blackman-Woods
Ian Murray

22

Clause 1, page 3, line 7, at end insert—

- ‘(9) This section will cease to have effect one year after it comes into force.
- (10) Regulations under this section shall be in the form of a statutory instrument and shall not be made unless a draft of them has been laid before and approved by both Houses of Parliament.’.

Roberta Blackman-Woods
Ian Murray

23

Clause 1, page 3, line 7, at end insert—

- ‘(9) Before designating an authority under this section, the Secretary of State must serve a notice of intention to designate (“the notice”).
- (10) The notice shall—
 - (a) give reasons for the service of the notice, all of which must have regard to the criteria published in accordance with subsection (8);
 - (b) give the authority or authorities named in the notice a period of six months to take all reasonable corrective actions specified in the notice;
 - (c) allow a period of four weeks for the local authority on which notice is served to appeal against this notice (the grounds for which appeal may include mitigating criteria, set out in regulations, such criteria to include planning performance agreements, extenuating local circumstances, actions of statutory consultees and/or relevant agencies or government departments, views of the local community, natural events, architectural and heritage concerns, environmental and conservation concerns).’.

Roberta Blackman-Woods
Ian Murray

24

Schedule 1, page 33, line 16, after ‘may’ insert ‘with the agreement of the designated local planning authority and the applicant’.

Roberta Blackman-Woods
Ian Murray

28

Clause 2, page 3, line 18, after ‘direct,’ insert ‘subject to criteria set out in regulations’.

Roberta Blackman-Woods
Ian Murray

29

Clause 2, page 3, line 21, after ‘directs,’ insert ‘subject to criteria set out in regulations’.

Growth and Infrastructure Bill, *continued*

Roberta Blackman-Woods
Ian Murray

30

Clause 2, page 3, line 33, after ‘direct,’, insert ‘subject to criteria set out in regulations’.

Roberta Blackman-Woods
Ian Murray

31

Clause 2, page 3, line 36, after ‘directs,’, insert ‘subject to criteria set out in regulations’.

Roberta Blackman-Woods
Ian Murray

25

Clause 2, page 4, line 2, after ‘State’, insert ‘subject to mitigating circumstances, to include circumstances beyond the control of the holder of the inquiry or hearing’.

Roberta Blackman-Woods
Ian Murray

32

Clause 2, page 4, line 9, after ‘direct,’, insert ‘subject to criteria set out in regulations’.

Roberta Blackman-Woods
Ian Murray

33

Clause 2, page 4, line 12, after ‘directs,’, insert ‘subject to criteria set out in regulations’.

Roberta Blackman-Woods
Ian Murray

26

Clause 2, page 5, line 2, leave out ‘if he thinks fit’ and insert ‘with the agreement of both parties’.

Roberta Blackman-Woods
Ian Murray

27

Clause 2, page 5, line 5, at end insert—

‘(12) The Secretary of State must publish—

- (a) the criteria that are to be applied by the Secretary of State in deciding whether sub-paragraph (11) should be employed; and
- (b) the reasons of the Secretary of State for directing that “anything” be done under sub-paragraph (11).’.

Mr Nick Raynsford

50

☆ Clause 5, page 5, line 31, after ‘(1)’, insert ‘subject to subsection (1A).’.

Growth and Infrastructure Bill, *continued*

Mr Nick Raynsford

51

☆ Clause 5, page 5, line 32, at end insert—

‘(1A) This section does not apply to planning obligations relating to article 1(5) land as defined in the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).’.

Mr Nick Raynsford

6

Clause 5, page 5, line 42, at end insert—

‘(2A) An application made to an authority under subsection (2) shall be subject to a fee, which must cover costs incurred in determining whether paragraphs (a) or (b) of subsection (3) apply, including the costs of any specialist advice.’.

Mr Nick Raynsford

7

Clause 5, page 6, line 9, at end insert—

‘(3A) The Secretary of State shall make an order by Statutory Instrument setting out the criteria by which viability is to be assessed.

(3B) An order shall not be made under subsection (3A) unless he has consulted those persons or organisations he considers to be appropriate and a draft of the Order has been laid before, and approved by resolution of, both Houses of Parliament.’.

Mr Nick Raynsford

8

Clause 5, page 6, line 15, at end insert—

‘(4A) Second or subsequent applications made to an authority under subsection (2) shall be subject to a fee.’.

Mr Nick Raynsford

9

Clause 5, page 6, line 35, at end insert—

‘(6A) Subsections (6)(b) and (c) shall not prevent the planning obligation being modified so as to change the timing of payments.’.

Michael Fallon
Nick Boles

34

Clause 5, page 6, line 42, at end insert ‘—(a)’.

Michael Fallon
Nick Boles

35

Clause 5, page 6, line 43, at end insert ‘, or

(b) if no period is prescribed under paragraph (a), within the period of 28 days beginning with the day on which the application is received, or such longer period as is agreed in writing between the applicant and the authority.’.

Michael Fallon
Nick Boles

36

Clause 5, page 7, line 21, at end insert—

Growth and Infrastructure Bill, *continued*

- ‘(12A) The Secretary of State may by order amend this section so as to modify the definition of “affordable housing requirement” in subsection (12).
- (12B) An order under subsection (12A) may have effect for the purposes of planning obligations entered into before (as well as after) its coming into force.’.

Michael Fallon
Nick Boles

Clause 5, page 7, line 37, leave out ‘and in such manner’.

37

Michael Fallon
Nick Boles

Clause 5, page 7, line 38, at end insert—

- ‘(3A) If no period is prescribed under subsection (3), an appeal under this section must be made—
- (a) in relation to an appeal under subsection (1)(a), within the period of 6 months beginning with the expiry of the period mentioned in section 106BA(9) that applies in the applicant’s case, or
- (b) otherwise, within the period of 6 months beginning with the date on which notice of the determination is given to the applicant under section 106BA(9).
- (3B) An appeal under this section must be made by notice served in such manner as may be prescribed by the Secretary of State.’.

38

Michael Fallon
Nick Boles

Clause 5, page 7, line 39, after first ‘to’ insert ‘(8), (10) and’.

39

Michael Fallon
Nick Boles

Clause 5, page 7, line 41, leave out ‘(5)’ and insert ‘(4A)’.

40

Michael Fallon
Nick Boles

Clause 5, page 7, line 41, at end insert—

- ‘(4A) References to the affordable housing requirement or the planning obligation are to the requirement or obligation as it stood immediately before the application under section 106BA to which the appeal relates.’.

41

Michael Fallon
Nick Boles

Clause 5, page 8, line 2, after ‘State’ insert ‘—

- (a) does not uphold the determination under section 106BA to which the appeal relates (if such a determination has been made), and
- (b) ’.

42

Growth and Infrastructure Bill, *continued*

Michael Fallon
Nick Boles

43

Clause 5, page 8, line 6, leave out from ‘period’ to end of line 17 and insert ‘, the obligation is treated as containing the affordable housing requirement or requirements it contained immediately before the first application under section 106BA in relation to the obligation, subject to the modifications within subsection (8A).

(8A) Those modifications are—

- (a) the modifications necessary to ensure that, if the development has been commenced before the end of the relevant period, the requirement or requirements apply only in relation to the part of the development that is not commenced before the end of that period, and
- (b) such other modifications as the Secretary of State considers necessary or expedient to ensure the effectiveness of the requirement or requirements at the end of that period.’.

Michael Fallon
Nick Boles

44

Clause 5, page 8, line 18, leave out ‘subsection (8)’ insert ‘subsections (8) and (8A)’.

Michael Fallon
Nick Boles

45

Clause 5, page 8, leave out lines 21 and 22 and insert—

- ‘(10) Section 106BA and this section apply in relation to a planning obligation containing a provision within subsection (8) as if—
 - (a) the provision were an affordable housing requirement, and
 - (b) a person against whom the obligation is enforceable were a person against whom that requirement is enforceable.
- (10A) If subsection (8) applies on an appeal relating to a planning obligation that already contains a provision within that subsection—
 - (a) the existing provision within subsection (8) ceases to have effect, but
 - (b) that subsection applies again to the obligation.’.

Michael Fallon
Nick Boles

46

Schedule 2, page 36, line 15, at end insert—

‘(2A) After subsection (1) insert—

- “(1A) If no period is prescribed under section 106BA(9), the period of 6 weeks referred to in subsection (1)(b) that applies in relation to proceedings for failure to give notice as mentioned in subsection (9) of section 106BA begins with the expiry of the period mentioned in that subsection that applies in the applicant’s case.”’.

Growth and Infrastructure Bill, *continued*

Michael Fallon
Nick Boles

47

Schedule 2, page 36, line 34, at end insert—

‘7A (1) Section 333 (regulations and orders) is amended as follows.

(2) In subsection (4) (power to make orders under Act exercisable by statutory instrument), after “87,” insert “106BA(12A).”.

(3) After subsection (5) insert—

“(5ZA) No order may be made under section 106BA(12A) unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.”.

Michael Fallon
Nick Boles

48

Schedule 2, page 36, line 37, leave out ‘1(1)’ and insert ‘1—

(a) in sub-paragraph (1)’.

Michael Fallon
Nick Boles

49

Schedule 2, page 36, line 39, at end insert ‘, and

(b) after that sub-paragraph insert—

“(1A) If no classes of appeals under section 106BB are prescribed by regulations under sub-paragraph (1), all appeals under that section are to be determined by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State.”.

Michael Fallon
Nick Boles

52

☆ Clause 13, page 15, line 34, at end insert—

‘() The transitional provision that may be included in an order under subsection (5)(a) specifying an additional trigger or terminating event includes provision for this section to apply where such an event has occurred before the order is made or before it comes into force and as to its application in such a case.’.

Growth and Infrastructure Bill, *continued*
*NEW CLAUSE**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 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.”’.

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

Growth and Infrastructure Bill, *continued*

- 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;
 - (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)

Growth and Infrastructure Bill, *continued*

<i>Date</i>	<i>Time</i>	<i>Witness</i>
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;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 6 December.
-