



# House of Commons

**Thursday 29 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

**78**

Clause 7, page 9, leave out line 24 and insert—  
'(ba) the need to deliver sustainable development in the United Kingdom.'

Ian Murray  
Roberta Blackman-Woods

**53**

Clause 7, page 9, line 24, leave out 'the need to promote economic growth in the United Kingdom' and insert 'the need to promote economic growth in the UK through the Government's broadband programme'.

Ian Murray  
Roberta Blackman-Woods

**54**

Clause 7, page 9, line 33, leave out '6 April 2018' and insert '31 December 2015'.

Ian Murray  
Roberta Blackman-Woods

**87**

Clause 7, page 9, line 36, at end insert—  
'(c) the resulting regulations are expressed so as to require any person to whom the code set out in Schedule 2 to the Telecommunications Act 1984 ("the electronic communications code") applies, before executing works in a national park, to consult—

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

- (i) the National Park Authority for the park in question,
- (ii) each local planning authority in whose area the works are proposed to be executed, and
- (iii) such other persons as he considers appropriate.’.

Ian Murray  
Roberta Blackman-Woods

**55**

Clause 7, page 9, line 44, leave out ‘6 April 2018’ and insert ‘31 December 2015’.

Ian Murray  
Roberta Blackman-Woods

**88**

Clause 7, page 9, line 46, at end insert—

- ‘(c) the resulting regulations are expressed so as to require any person to whom the code set out in Schedule 2 to the Telecommunications Act 1984 (“the electronic communications code”) applies, before executing works in a national park, to consult—
  - (i) the Committee for Nature Conservation and the Ulster Countryside Committee,
  - (ii) each district council in whose area the works are proposed to be executed, and
  - (iii) such other persons as he considers appropriate.’.

Ian Murray  
Roberta Blackman-Woods

**56**

Clause 7, page 10, line 8, leave out ‘6 April 2018’ and insert ‘31 December 2015’.

Ian Murray  
Roberta Blackman-Woods

**89**

Clause 7, page 10, line 10, at end insert—

- ‘(c) the resulting regulations are expressed so as to require any person to whom the code set out in Schedule 2 to the Telecommunications Act 1984 (“the electronic communications code”) applies, before executing works in the Broads, to consult—
  - (i) the Broads Authority,
  - (ii) each local planning authority in whose area the works are proposed to be executed, and
  - (iii) such other persons as he considers appropriate.’.

Ian Murray  
Roberta Blackman-Woods

**57**

Clause 7, page 10, line 21, leave out ‘6 April 2018’ and insert ‘31 December 2015’.

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

- Ian Murray  
Roberta Blackman-Woods
- 90**
- Clause 7, page 10, line 23, at end insert—
- ‘(c) the resulting regulations are expressed so as to require any person to whom the code set out in Schedule 2 to the Telecommunications Act 1984 (“the electronic communications code”) applies, before executing works in an area of outstanding natural beauty, to consult—
- (i) any conservation board that exists in respect of the area of outstanding natural beauty, or, if no conservation board exists, Natural England or the Countryside Council for Wales, as appropriate,
- (ii) each local planning authority in whose area the works are proposed to be executed, and
- (iii) such other persons as he considers appropriate.’.

- Ian Murray  
Roberta Blackman-Woods
- 58**
- Clause 7, page 10, line 24, leave out ‘6 April 2018’ and insert ‘31 December 2015’.

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- Roberta Blackman-Woods  
Ian Murray  
Nic Dakin
- 94**
- Clause 12, page 14, line 15, leave out ‘may’ and insert ‘must’.

- Roberta Blackman-Woods  
Ian Murray  
Nic Dakin
- 95**
- Clause 12, page 14, line 27, at end insert—
- ‘(e) for publicising the deposit of a statement under subsection (1) in the local area.’.

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- Roberta Blackman-Woods  
Ian Murray
- 96**
- Clause 13, page 15, line 26, after ‘may’, insert ‘subject to consultation’.

- 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

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

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.’.

Roberta Blackman-Woods  
Ian Murray

- 97**
- Clause 13, page 16, line 1, leave out from ‘apply’ to the end of line 3 and add ‘in relation to an application under section 15(1) of the Commons Act 2006 which—
- (a) is sent before the day on which this section comes into force, or
  - (b) is in an area which is not covered by an adopted local plan or an adopted neighbourhood development plan.’.
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Roberta Blackman-Woods  
Ian Murray

- 98**
- Schedule 4, page 40, leave out lines 21 to 27.

Roberta Blackman-Woods  
Ian Murray

- 99**
- Schedule 4, page 40, leave out lines 38 to 47.

Roberta Blackman-Woods  
Ian Murray

- 100**
- Schedule 4, page 41, leave out lines 27 to 34.
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Michael Fallon  
Nick Boles

- 79**
- Clause 19, page 20, line 10, leave out ‘(3)(a)’ and insert ‘(3)’.

Michael Fallon  
Nick Boles

- 80**
- Clause 19, page 20, leave out line 12 and insert ‘the words from “unless” to the end substitute “unless—
- (a) the Secretary of State is satisfied that one of subsections (4) to (5) applies, and
  - (b) that fact, and the subsection concerned, are recorded in the order or otherwise in the instrument or other document containing the order.’.

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

Michael Fallon  
Nick Boles

81

- Clause 19, page 20, line 34, at end insert ‘, and  
(c) omit subsections (6) to (10) (provision about certificates under subsection (3)(b)).’.

Michael Fallon  
Nick Boles

82

- Clause 19, page 20, line 38, leave out from second ‘allotment’ to ‘after’ in line 39 and insert ‘—  
(a) in subsection (2) (special parliamentary procedure does not apply if Secretary of State certifies that one of subsections (3) to (5) applies) for the words from “unless” to the end substitute “unless—  
(a) the Secretary of State is satisfied that one of subsections (3) to (5) applies, and  
(b) that fact, and the subsection concerned, are recorded in the order or otherwise in the instrument or other document containing the order.”,  
(b) ’.

Michael Fallon  
Nick Boles

83

- Clause 19, page 21, line 10, at end insert ‘, and  
(c) omit subsections (6) to (10) (provision about certificates under subsection (2)(b)).’.

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Michael Fallon  
Nick Boles

84

- Clause 20, page 22, line 3, at end insert—  
(c) paragraph 22 of Schedule 3 to the Harbours Act 1964 (harbour revision or empowerment order authorising compulsory purchase of, or of rights over, inalienable National Trust land or land forming part of a common, open space or fuel or field garden allotment),  
(d) paragraph 12 or 13 of Schedule 4 to the New Towns Act 1981 (order authorising compulsory purchase of local authority land, inalienable National Trust land or land forming part of a common, open space or fuel or field garden allotment), or  
(e) section 12 of the Transport and Works Act 1992 (order authorising compulsory purchase of, or of rights over, inalienable National Trust land or land forming part of a common, open space or fuel or field garden allotment).  
(4) A reference in this Act to land to which a special-acquisition provision applies is to be read as follows—  
(a) “land” has the same meaning as it has for the purposes of the special-acquisition provision, and

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

- (b) in the case of a special-acquisition provision mentioned in subsection (3)(c) or (e), the reference is to—
  - (i) land (as so defined) belonging to the National Trust which is held by the Trust inalienably, or
  - (ii) land (as so defined) forming part of a common, open space or fuel or field garden allotment.
- (5) The definition of “the National Trust” given by section 7(1) of the Acquisition of Land Act 1981, and section 18(3) of that Act (meaning of “held inalienably”), apply for the purposes of subsection (4)(b)(i).
- (6) In subsection (4)(b)(ii) “common”, “fuel or field garden allotment” and “open space” have the same meaning as in section 19 of that Act.”.

Michael Fallon  
Nick Boles

85

Clause 20, page 22, line 26, at end insert—

- (5A) In section 3(4A)—
  - (a) the reference in the opening words to the order to which a petition relates is to be read as a reference to the order containing the special authorisation to which a petition relates, and
  - (b) in paragraph (a) the reference to the order being one that relates to proposals of the kind mentioned is to be read as a reference to the Chairmen being of the opinion that removal of the special authorisation from the order would be inconsistent with proposals of that kind.’.

Michael Fallon  
Nick Boles

86

Clause 20, page 25, line 13, leave out from ‘in’ to end of line 15 and insert ‘paragraphs 4(2) and 5(2) of Schedule 3 (certain compulsory purchase orders subject to special parliamentary procedure so far as authorising acquisition of rights over special land if owner objects to the order) for “the order” substitute “the compulsory purchase of the rights”.

- (7A) In paragraph 12 of Schedule 4 to the New Towns Act 1981 (certain compulsory purchase orders subject to special parliamentary procedure so far as authorising acquisition of special land if owner objects to the order) for “to the order” substitute “to the acquisition of the land”.
- (7B) In each of the following provisions (which refer to orders confirmed by Act under section 6 of the 1945 Act) before “6” insert “4 or”—
  - section 44(1) of the Harbours Act 1964,
  - section 27 of the Acquisition of Land Act 1981,
  - paragraph 16(a) of Schedule 4 to the New Towns Act 1981,
  - paragraph 6(6)(a) of Schedule 11 to the Water Industry Act 1991,
  - paragraph 6(6)(a) of Schedule 19 to the Water Resources Act 1991, and
  - section 12(3)(b) of the Transport and Works Act 1992.’.

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

Roberta Blackman-Woods  
Ian Murray

**101**

Clause 21, page 25, line 23, after ‘may’, insert ‘subject to regulations excluding sites of special environmental or historic importance.’.

Roberta Blackman-Woods  
Ian Murray

**102**

Clause 21, page 25, line 26, at end insert—  
‘(1B) The Secretary of State must publish his reasons for giving a direction under this subsection.’.

Roberta Blackman-Woods  
Ian Murray

**103**

Clause 21, page 25, line 33, at end insert—  
‘(aa) the development does not involve surface mineral extraction or quarrying.’.

Roberta Blackman-Woods  
Ian Murray

**104**

Clause 21, page 25, line 36, leave out ‘thinks’ and insert ‘considers that, subject to published criteria.’.

Mr Nick Raynsford

**91**

Clause 21, page 26, line 13, at end insert—  
‘(6) The Secretary of State must prepare and lay before Parliament a proposal for a national policy statement, setting out national policy in relation to this section.’.

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Mr Nick Raynsford  
Ian Murray  
Roberta Blackman-Woods

**92**

Clause 22, page 28, line 30, at end add—  
‘(11) The Secretary of State may not by order appoint for this section to come into force until—  
(a) he has published calculated estimates of the total numbers of those ratepayers who would be liable to pay more and of those who would be liable to pay less to their billing authority if this section were or were not brought into force, and  
(b) he has consulted with representatives of those likely to be affected by the bringing into force of this section, after publishing the information required under subsection (11)(a).’.

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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.’

Ian Murray

Roberta Blackman-Woods

107

★ 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.’

Ian Murray

Roberta Blackman-Woods

108

★ 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.’

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

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—
      - “electronic communications apparatus”;
      - “electronic communications code”;
      - “electronic communications code network”;
      - “operator”.”;
  - (c) omit subsections (5) and (6).

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

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

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*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.”’.

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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—

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

- “(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 climate change in line with the objectives and provisions of the Climate Change Act 2008.”.
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*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”.
- 

*Report on performance of Valuation Office Agency*

Ian Murray  
Roberta Blackman-Woods

NC6

★ To move the following Clause:—

- ‘(1) Prior to the compilation of rating lists, the Secretary of State must prepare and publish a report describing the performance of the Valuation Office Agency (VOA) within the reporting period.

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

- (2) The report must set out any recommendations that the Secretary of State believes the VOA should introduce 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 12 months (1 April) prior to the start of the requirement for a ratings list to be compiled.’
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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.
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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:

**Growth and Infrastructure Bill, *continued*****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;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 6 December.