

LORDS AMENDMENTS TO THE
GROWTH AND INFRASTRUCTURE BILL

[The page and line references are to HL Bill 72, the bill as first printed for the Lords.]

Clause 1

- 1** Page 1, line 14, leave out from second “is” to ““relevant” in line 16 and insert “major development.
- (2) In this section—
- (a) “major development” means development of a description prescribed by the Secretary of State;”
- 2** Page 2, line 41, at end insert—
- “62B Designation for the purposes of section 62A**
- (1) An authority may be designated for the purposes of section 62A only if—
- (a) the criteria that are to be applied in deciding whether to designate the authority are set out in a document to which subsection (2) applies,
- (b) by reference to those criteria, the Secretary of State considers that there are respects in which the authority are not adequately performing their function of determining applications under this Part, and
- (c) the criteria that are to be applied in deciding whether to revoke a designation are set out in a document to which subsection (2) applies.
- (2) This subsection applies to a document if—
- (a) the document has been laid before Parliament by the Secretary of State,
- (b) the 40-day period for the document has ended without either House of Parliament having during that period resolved not to approve the document, and

- (c) the document has been published (whether before, during or after the 40-day period for it) by the Secretary of State in such manner as the Secretary of State thinks fit.
- (3) In this section “the 40-day period” for a document is the period of 40 days beginning with the day on which the document is laid before Parliament (or, if it is not laid before each House of Parliament on the same day, the later of the two days on which it is laid).
- (4) In calculating the 40-day period for a document, no account is to be taken of any period during which –
 - (a) Parliament is dissolved or prorogued, or
 - (b) both Houses of Parliament are adjourned for more than four days.”

3 Page 2, line 42, leave out “this section” and insert “section 62A”

4 Page 3, leave out lines 3 to 6

5 Page 3, line 7, leave out “this section” and insert “section 62A”

6 Page 3, line 9, at end insert –

“62C Notifying parish councils of applications under section 62A(1)

- (1) If an application is made to the Secretary of State under section 62A(1) and a parish council would be entitled under paragraph 8 of Schedule 1 to be notified of the application were it made to the local planning authority, the Secretary of State must notify the council of –
 - (a) the application, and
 - (b) any alteration to the application accepted by the Secretary of State.
- (2) Paragraph 8(4) and (5) of Schedule 1 apply in relation to duties of the Secretary of State under subsection (1) as they apply to duties of a local planning authority under paragraph 8(1) of that Schedule.
- (3) An authority designated for the purposes of section 62A must comply with requests from the Secretary of State for details of requests received by the authority under paragraph 8(1) of Schedule 1.””

After Clause 4

7 Insert the following new Clause –

“Development orders: development within the curtilage of a dwelling house

- (1) Section 61 of the Town and Country Planning Act 1990 (development orders: supplementary provisions) is amended as follows.
- (2) After subsection (3) insert –
 - “(4) Any development order or amendment to an existing development order made after 1 January 2013 that grants planning permission for development within the curtilage of a dwelling house shall not

apply within the jurisdiction of a local planning authority if that authority has resolved that it shall not.””

8 Insert the following new Clause –

“Local development orders: repeal of pre-adoption intervention powers

- (1) The Town and Country Planning Act 1990 is amended as follows.
- (2) Section 61B(1) to (7) (Secretary of State or Welsh Ministers may call in unadopted local development order for approval or may direct that it be modified) cease to apply in relation to England.
- (3) Accordingly –
 - (a) in section 61B(1) (power to call in unadopted order) after “local planning authority” insert “in Wales,”, and
 - (b) in section 61B(6) (power to direct that unadopted order be modified) after “local development order” insert “being prepared by a local planning authority in Wales”.
- (4) In section 61B, after subsection (7) insert –

“(7A) Where a local development order is adopted by a local planning authority in England, that authority must submit a copy of the order to the appropriate authority as soon after the order’s adoption as is reasonably practicable.”
- (5) In paragraph 1 of Schedule 4A (power to specify procedure for preparing local development orders) after sub-paragraph (2) insert –

“(2A) Sub-paragraph (2)(a) applies in relation to England as if for “submission, approval, adoption,” there were substituted “adoption, post-adoption submission.””
- (6) In Schedule 4A omit –
 - (a) paragraph 4 (information about local development orders to be included in English planning authorities’ monitoring reports under section 35 of the Planning and Compulsory Purchase Act 2004), and
 - (b) in paragraph 1(3), the words “35 or”.

Clause 6

9 Page 7, line 10, after “to” insert “ –
(a) ”

10 Page 7, line 10, at end insert “, and
(b) where the determination relates to an application to which section 106BAA applies, any representations made by the Mayor of London in accordance with that section.”

11 Page 7, line 14, after “(a)” insert “(and subject to section 106BAA(5))”

12 Page 7, line 26, at end insert –

“(11A) This section and section 106BB do not apply in relation to an English planning obligation if planning permission for the development was granted wholly or partly on the basis of a policy for the provision of housing on rural exception sites.”

13 Page 8, line 2, at end insert—

“106BAA Duty to notify the Mayor of London of certain applications under section 106BA

- (1) This section applies to an application under section 106BA(2) in relation to a planning obligation where—
 - (a) the application for the planning permission to which the planning obligation relates was an application to which section 2A applied (applications of potential strategic importance relating to land in Greater London),
 - (b) the application for planning permission was not determined by the Mayor of London, and
 - (c) pursuant to an order under section 2A or a development order, the local planning authority that determined the application for planning permission were required to consult the Mayor of London in relation to that determination.
- (2) A local planning authority that receive an application to which this section applies must send a copy of the application to the Mayor of London before the end of the next working day following the day on which the application was received.
In this subsection, “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.
- (3) The Mayor of London must notify the local planning authority before the end of the period of 7 days beginning with the day on which the application was received by the authority whether the Mayor intends to make representations about the application.
- (4) Where pursuant to subsection (3) the Mayor of London notifies the local planning authority that the Mayor intends to make representations, those representations must be made before—
 - (a) the end of the period of 14 days beginning with the day on which the application was received by the authority, or
 - (b) the end of such longer period as may be agreed in writing between the authority and the Mayor.
- (5) Where this section applies, section 106BA(9)(b) applies as if it required an authority to give notice of their determination to an applicant within—
 - (a) the period of 35 days beginning with the day on which the application was received by the authority, or
 - (b) such longer period as is agreed in writing between the applicant and the authority.”

14 Page 9, line 44, leave out subsections (4) and (5) and insert—

- “(4) Sections 106BA, 106BAA and 106BB of the Town and Country Planning Act 1990, and subsection (5) of this section, are repealed at the end of 30 April 2016.
- (5) The Secretary of State may by order amend subsection (4) by substituting a later date for the date for the time being specified in that subsection.
- (6) The Secretary of State may by order make transitional or transitory provision or savings relating to any of the repeals made by subsection (4).”

Clause 8

15 Page 10, line 32, leave out subsections (2) to (8) and insert—

- “() In section 109 of the Communications Act 2003 (regulations specifying the restrictions and conditions subject to which the electronic communications code is to apply) after subsection (2) insert—
- “(2A) Subsection (2B) applies if—
- (a) the Secretary of State has complied with subsection (2)(b) in connection with any particular exercise before 6 April 2018 of the power to make regulations under this section, and
 - (b) the regulations in question are expressed to cease to have effect (other than for transitional purposes) before that date.
- (2B) The Secretary of State is to be treated as also having complied with any duty imposed in connection with that exercise of that power by any of the following—
- section 11A(2) of the National Parks and Access to the Countryside Act 1949;
 - section 85(1) of the Countryside and Rights of Way Act 2000;
 - section 17A(1) of the Norfolk and Suffolk Broads Act 1988;
 - section 14 of the National Parks (Scotland) Act 2000 (asp 10);
 - Article 4(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 (S.I. 1985/170 (N.I. 1)).”
- () For the purposes of its application to section 17A of the Norfolk and Suffolk Broads Act 1988, the definition of “statutory undertaker” in section 25(1) of that Act is until 6 April 2018 to be read as if paragraph (d) were omitted.”

After Clause 12

16 Insert the following new Clause—

“Registration of town or village green: reduction of section 15(3)(c) period

- (1) Section 15 of the Commons Act 2006 (registration of greens) is amended as follows.
 - (2) In subsection (3), in paragraph (c), for the words from “the period” to the end of the paragraph substitute “the relevant period”.
 - (3) After that subsection insert—
- “(3A) In subsection (3), “the relevant period” means—
- (a) in the case of an application relating to land in England, the period of one year beginning with the cessation mentioned in subsection (3)(b);
 - (b) in the case of an application relating to land in Wales, the period of two years beginning with that cessation.”

Clause 14

17 Page 17, line 13, leave out “of two years”

18 Page 17, line 18, at end insert—

- “() In that Act of 2006, in section 59 (orders and regulations)—

- (a) after subsection (3) insert—
 - “(3A) A statutory instrument containing an order under section 15C(5) may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament.”, and
- (b) in subsection (4), after “subsection (3)” insert “or (3A).”

Clause 20

19 Page 21, line 27, leave out from beginning to end of line 39 and insert—

- “(3) If the original consent, or a section 33 consent that replaces it, is varied or replaced, section 31 does not apply to the development to which the consent as varied, or the replacement consent, relates (and so development consent is not required for that development).”

Clause 22

20 Page 24, line 26, leave out “To ensure that” and insert “In”

21 Page 24, line 28, leave out from “objections)” to end of line 35 and insert “after subsection (3) insert—

- “(3A) In a case to which this section applies and to which section 131 or 132 also applies, special parliamentary procedure—
 - (a) may be required by subsection (2) whether or not also required by section 131(3) or 132(2), and
 - (b) may be required by section 131(3) or 132(2) whether or not also required by subsection (2).”

Clause 23

22 Page 29, line 25, leave out from “(5)” to “after” in line 27 and insert “, so far as it applies to orders granting development consent, applies to any such order made”

After Clause 24

23 Insert the following new Clause—

“Authorisation of road user charging under Planning Act 2008

- (1) Section 144 of the Planning Act 2008 (content of order granting development consent: highways) is amended as follows.
- (2) After subsection (2) insert—
 - “(2A) Subsection (2) does not apply to an order that includes provision authorising other charges in respect of the use or keeping of motor vehicles on roads.
 - (2B) In subsection (2A)—
 - “motor vehicle” has the meaning given in section 185(1) of the Road Traffic Act 1988, except that section 189 of that Act (exceptions: certain pedestrian controlled vehicles and

electrically assisted pedal cycles) applies as it applies for the purposes of the Road Traffic Acts;
 “road” has the meaning given in section 142(1) of the Road Traffic Regulation Act 1984.”

(3) Omit subsection (3).”

24 Insert the following new Clause –

“Delegation of planning functions by Mayor of London

(1) In section 38 of the Greater London Authority Act 1999 (delegation) after subsection (2A) insert –

“(2B) In relation to a function listed in subsection (2C), subsection (2) has effect –

- (a) as if paragraph (b) referred only to members of staff appointed under section 67(1), and
- (b) with the omission of paragraphs (c) to (f).

(2C) The functions referred to in subsection (2B) are –

- (a) the function of giving a direction under section 2A(1) or (1B) of the Town and Country Planning Act 1990 (call-in of planning applications by the Mayor), and
- (b) the function of determining an application by virtue of section 2A or 2B of that Act.”

(2) In consequence of subsection (1), omit section 2B(8) of the Town and Country Planning Act 1990 (which disapplies section 38(1) of the 1999 Act in relation to functions under sections 2A and 2B of the 1990 Act).”

Clause 27

25 Leave out Clause 27

Clause 28

26 Page 36, line 19, leave out “6(4)” and insert “6(5)”

27 Page 36, line 28, at end insert –

“() Subsection (4) does not apply to an order under section 6(6).”

Clause 31

28 Page 37, line 9, at beginning insert “Section 1(1) so far as it inserts the new section 62B,”

29 Page 37, line 9, after “8,” insert “14,”

30 Page 37, line 9, leave out “Schedule 2” and insert “Schedules 2 and 4”

31 Page 37, line 11, leave out “14,”

32 Page 37, line 11, leave out “, and Schedule 4,”

Schedule 1

- 33 Page 38, line 18, leave out from beginning to “and”
34 Page 38, line 37, after “71” insert “or paragraph 8(6) of Schedule 1”

Schedule 2

- 35 Page 43, line 11, leave out “that sub-paragraph” and insert “sub-paragraph (2)”
36 Page 43, line 12, leave out “(1A)” and insert “(2A)”

Schedule 4

- 37 Page 47, line 38, column 1, leave out “draft of” and insert “proposal for”
38 Page 47, line 38, column 2, leave out “document” and insert “proposal”
39 Page 47, line 41, column 1, after “published” insert “by a local planning authority”
40 Page 47, line 43, column 1, leave out “section 38A(7)” and insert “paragraph 4(1) of Schedule 4B to the 1990 Act as it applies by virtue of section 38A(3)”

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