

Local Planning and Housing Bill

CONTENTS

- 1 Local plans
- 2 Neighbourhood plans
- 3 Housing supply
- 4 Local Development Orders
- 5 Affordable housing
- 6 Land banking
- 7 Duration of planning permission
- 8 Development on greenfield, green belt and brownfield sites
- 9 Definition of sustainable housing development
- 10 Statements of Community Involvement
- 11 Appeal costs
- 12 Appeals
- 13 Orders and regulations
- 14 Interpretation
- 15 Technical provision

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TO

Make provision for the clarification and improvement of local planning procedures; to make provision in relation to housing supply; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Local plans

- (1) Notwithstanding sections 17 to 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012 the Secretary of State shall set out in regulations the grounds for an appeal against a Local Plan.
- (2) No appeal against a Local Plan on grounds not prescribed in regulations made under subsection (1) shall be allowed. 5
- (3) Challenges against a Local Plan in development may only be brought during the period the Plan is made available by the relevant local authority for public inspection.
- (4) A local authority may not consider any planning application made during the period of consultation on a Local Plan that would conflict with the contents of the Plan until the Plan is adopted. 10
- (5) No challenge may be brought against a Local Plan for a period of 5 years following the date on which the Plan is adopted.

2 Neighbourhood plans 15

- (1) Notwithstanding section 14 of the Neighbourhood Planning (General) Regulations 2012, the Secretary of State shall set out in regulations the grounds for an appeal against a Neighbourhood Plan.
- (2) No appeal against a Neighbourhood Plan on grounds not prescribed in regulations made under subsection (1) shall be allowed. 20

- (3) Challenges against a Neighbourhood Plan in development may only be brought during the period the Plan is made available by the relevant local authority for public inspection.
- (4) A local authority may not consider any planning application made during the period of consultation on a Neighbourhood Plan that would conflict with the contents of the Plan until the Plan is adopted. 5

3 Housing supply

- (1) In drawing up housing supply forecasts to determine housing needs in Local Plans a local authority must take into account a range of factors, including but not limited to – 10
- (a) historic trends; and
 - (b) projected economic growth.
- (2) A local authority may only consider new planning applications to build housing when there is no housing stock in its area.
- (3) The Secretary of State shall make regulations on the method of calculating the five year housing land supply, including, but not limited to, existing planning permissions. 15

4 Local Development Orders

- (1) Section 40 of the Planning and Compulsory Purchase Act 2004 (local development orders) is amended as follows. 20
- (2) After subsection (4) there is inserted –
- “(4A) A local development order must set out the detailed evidence base which demonstrates the need for the proposed housing type.”

5 Affordable housing

Section 7 of the Growth and Infrastructure Act 2013 (Modification or discharge of affordable housing requirements) is repealed. 25

6 Land banking

- (1) All work on an approved site must be completed before planning permission is granted for any further development on that site.
- (2) For the purposes of subsection (1) “site” has the meaning given to it in regulations required to be made under this Act by the Secretary of State. 30

7 Duration of planning permission

- (1) Section 91 of the Town and Country Planning Act 1990 (general condition limiting duration of planning permission) is amended as follows.
- (2) In subsection (1)(a), for the words “three years” there are substituted the words “nine months”. 35

8 Development on greenfield, green belt and brownfield sites

- (1) Planning permission may not be granted for any greenfield or green belt sites unless all brownfield land in the relevant local authority area that is suitable for development has been developed and all necessary steps shall be taken to encourage the use of brownfield sites. 5
- (2) The Secretary of State must make regulations defining “greenfield” and “brownfield” sites for the purposes of subsection (1).

9 Definition of sustainable housing development

- (1) The Secretary of State must make regulations defining sustainable housing development. 10
- (2) The definition of sustainable housing development in subsection (1) must include, but not be limited to, “local necessity” in accordance with the following criteria –
 - (a) the availability of locally accessible work;
 - (b) suitable infrastructure for leisure facilities; 15
 - (c) suitable infrastructure for education facilities;
 - (d) suitable infrastructure for health facilities;
 - (e) suitable infrastructure for public transport; and
 - (f) suitable infrastructure for roads.
- (3) The Secretary of State must make regulations defining “local necessity” as set out in subsection (2). 20

10 Statements of Community Involvement

- (1) The Planning and Compulsory Purchase Act 2004 is amended as follows.
- (2) Section 18(3) is hereby repealed.
- (3) After section 19(2)(j) there is inserted – 25
 - “(k) statements of community involvement.”

11 Appeal costs

Section 320(2) of The Town and Country Planning Act 1990 is hereby repealed.

12 Appeals

The Secretary of State must commission a review of the role of the Planning Inspectorate in relation to hearing appeals and lay the report of the review before Parliament 30

13 Orders and regulations

- (1) Any power to make regulations under this Act is exercisable by statutory instrument. 35
- (2) A statutory instrument containing regulations under this Act may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

14 Interpretation

In this Act –

“Local Plan” has the meaning given in Regulation 6 of the Town and Country Planning (Local Planning) England Regulations 2012;

“Neighbourhood Plan” has the meaning given in Regulation 5 of the Neighbourhood Planning (General) Regulations 2012; 5

“Local Development Orders” has the meaning given in section 15 of the Planning and Compulsory Purchase Act 2004;

“Statement of Community Involvement” has the meaning given in section 18 of the Planning and Compulsory Purchase Act 2004. 10

15 Technical provision

- (1) This Act may be cited as the Local Planning and Housing Act 2015.
- (2) This Act extends to England and Wales only.

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To make provision for the clarification and improvement of local planning procedures; to make provision in relation to housing supply; and for connected purposes.

Presented by Sir William Cash.

*Ordered, by The House of Commons,
to be Printed, 16 December 2014.*

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