



House of Commons

Tuesday 8 December 2015

PUBLIC BILL COMMITTEE PROCEEDINGS

HOUSING AND PLANNING BILL

[FOURTEENTH AND FIFTEENTH SITTINGS]

Stephen Hammond

Withdrawn 190

Clause 104, page 48, leave out lines 30 and 31 and insert—

- “(1) The Town and Country Planning Act 1990 is amended as follows.
- (2) In section 60 (permission granted by development order), after subsection (1) insert—”

Stephen Hammond

Not called 191

Clause 104, page 48, line 42, at end insert—

- “(3A) In section 70 (Determination of applications: general considerations), in subsection (1)(a) after “permission” insert “in whole or in part and””

Stephen Hammond

Not called 192

Clause 104, page 49, line 3, at end insert—

- “(4A) In section 78 (Right to appeal against planning decisions and failure to take such decisions), in subsection (1)(a), after “it” insert “in part or””

Stephen Hammond

Withdrawn 193

Clause 104, page 49, line 3, at end insert—

- “(4B) In section 106 (Planning obligations), after subsection (2) insert—
- “(2A) A local planning authority may enter into a planning obligation as a person interested in land and as the local planning authority, including an obligation by agreement in both categories.”

Helen Hayes

Withdrawn 284

Clause 104, page 49, line 3, at end insert—

- “() When granting development orders, local planning authorities shall prescribe, in accordance with the objectively assessed needs identified in the Local Plan—
- (a) Appropriate density;
- (b) Suitable dwelling mix;

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- (c) Affordable housing required, and
- (d) Community and social infrastructure requirements.”

Helen Hayes

Not called 285

Clause 104, page 49, line 3, at end insert—

- “() The Secretary of State must make regulations which—
 - (a) require sufficient testing of the land to be carried out before permission in principle may be granted, and
 - (b) ensure provision of adequate funding to carry out the testing in subsection (a).

In this subsection “sufficient testing” means carrying out necessary studies and assessments to ensure that a site is suitable for the development benefiting from permissions in principle.”

Clause agreed to.

Stephen Hammond

Withdrawn 286

Clause 105, page 49, line 4, at end insert—

- “(1) In section 62A of the Town and Country Planning Act 1990 for “Secretary of State” substitute “in respect of land in Greater London by the Mayor of London and in respect of land in England outside of Greater London by the Secretary of State” except in subsection (1)(a).
- (1A) In section 62A of the Town and Country Planning Act 1990 (when application may be made directly to in respect of land in Greater London the Mayor of London and in respect of land in England outside of Greater London to the Secretary of State), in subsection (1), for paragraphs (a) and (b) substitute—
 - “(a) the local planning authority concerned is designated by the Secretary of State for applications of a description specified in the designation;
 - (b) the application falls within that description.””

Clause agreed to.

Clause 106 agreed to.

Clause 107 agreed to.

Brandon Lewis

Agreed to 183

Clause 108, page 51, line 16, after “subsection (1)” insert “in relation to land in England”

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Clause, as amended, agreed to.

Brandon Lewis

Agreed to **184**

Clause **109**, page **52**, line **2**, after “section” insert “in relation to an urban development area in England”

Dr Roberta Blackman-Woods

John Healey

Teresa Pearce

Matthew Pennycook

Helen Hayes

Negatived on division **236**

Clause **109**, page **52**, line **24**, at end insert—

- “(4) Section 136 of the Local Government, Planning and Land Act 1980 [*objects and general powers*] is amended as follows.
- (5) After subsection (2) insert—
 - “(2A) Corporations under this Act must contribute the long-term sustainable development and place making of the new community.
 - (2B) Under this Act sustainable development and place making means managing the use, development and protection of land and natural resources in a way 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 and in achieving sustainable development and place making, development corporations 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 the community;
 - (b) contribute to the sustainable economic development of the community;
 - (c) contribute to the vibrant cultural and artistic development of the community;
 - (d) protect and enhance the natural and historic environment;
 - (e) contribute to mitigation and adaptation to climate change in line with the objectives of the Climate Change Act 2008;
 - (f) positively promote high quality and inclusive design;
 - (g) ensure that decision-making is open, transparent, participative and accountable; and
 - (h) ensure that assets are managed for long-term interest of the community.”
- (6) Section 4 of the New Towns Act 1981 [*The objects and general powers of Development Corporations*] is amended as follows.
- (7) For subsection (1) substitute—
 - “(1) The objects of a development corporation established for the purpose of a new town or Garden City shall be to secure the physical laying out of

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infrastructure and the long-term sustainable development and place making of the new community.

- (1A) Under this Act sustainable development and place making means managing the use, development and protection of land and natural resources in a way 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 and in achieving sustainable development, development corporations 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 the community;
 - (b) contribute to the sustainable economic development of the community;
 - (c) contribute to the vibrant cultural and artistic development of the community;
 - (d) protect and enhance the natural and historic environment;
 - (e) contribute to mitigation and adaptation to climate change in line with the objectives of the Climate Change Act 2008;
 - (f) positively promote high quality and inclusive design;
 - (g) ensure that decision-making is open, transparent, participative and accountable; and
 - (h) ensure that assets are managed for long-term interest of the community.””

Clause, as amended, agreed to.

Clause 110 agreed to.

Brandon Lewis

Clause 111, page 52, line 32, after “survey” insert “or value”

Agreed to 246

Brandon Lewis

Clause 111, page 52, line 32, leave out “compulsorily”

Agreed to 247

Brandon Lewis

Clause 111, page 52, line 35, after “survey” insert “or value”

Agreed to 248

Dr Roberta Blackman-Woods

John Healey

Teresa Pearce

Matthew Pennycook

Clause 111, page 52, line 37, at end insert—

“(c) may do so when an existing planning permission has expired”

Withdrawn 281

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Dr Roberta Blackman-Woods
John Healey
Teresa Pearce
Matthew Pennycook

Not called **282**

Clause 111, page 52, line 37, at end insert—
“(d) may do so when development has failed to commence”

Dr Roberta Blackman-Woods
John Healey
Teresa Pearce
Matthew Pennycook

Not called **283**

Clause 111, page 52, line 37, at end insert—
“(e) may do so where an empty dwelling exists”

Clause, as amended, agreed to.

Brandon Lewis

Agreed to **249**

Clause 112, page 53, line 18, after “surveying” insert “or valuing”

Brandon Lewis

Agreed to **250**

Clause 112, page 53, line 20, after “survey” insert “or valuation”

Clause, as amended, agreed to.

Clause 113 agreed to.

Brandon Lewis

Agreed to **251**

Clause 114, page 54, line 11, after “surveys” insert “or values”

Brandon Lewis

Agreed to **252**

Clause 114, page 54, line 15, after “survey” insert “or valuation”

Brandon Lewis

Agreed to **253**

Clause 114, page 54, line 17, after “survey” insert “or valuation”

Brandon Lewis

Agreed to **254**

Clause 114, page 54, line 32, after “survey” insert “or valuation”

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Brandon Lewis

Clause 114, page 54, line 33, after “survey” insert “or valuation” *Agreed to 255*

Brandon Lewis

Clause 114, page 54, line 40, after “survey” insert “or valuation” *Agreed to 256*

Brandon Lewis

Clause 114, page 54, line 40, at end insert— *Agreed to 257*

“(5) See section 169(4) of the Water Industry Act 1991 and section 171(4) of the Water Resources Act 1991 for additional procedures in relation to the exercise of the power in section 111 on behalf of a water undertaker, the Environment Agency or the Natural Resources Body for Wales.”

Clause, as amended, agreed to.

Clause 115 agreed to.

Clause 116 agreed to.

Clause 117 agreed to.

Clause 118 agreed to.

Brandon Lewis

Clause 119, page 57, line 1, leave out from beginning to “is” in line 2 and insert “Where an inspector decides whether or not to confirm the whole or part of a compulsory purchase order, the inspector’s decision” *Agreed to 258*

Dr Roberta Blackman-Woods
John Healey
Teresa Pearce
Matthew Pennycook

Clause 119, page 57, line 24, at end insert— *Withdrawn 280*

“(d) submitted to the acquiring authority”

Clause, as amended, agreed to.

Brandon Lewis

Clause 120, page 57, line 36, leave out “made” and insert “executed” *Agreed to 259*

Clause, as amended, agreed to.

Housing and Planning Bill, *continued*

Clause 121 agreed to.

Brandon Lewis

Schedule 7, page 91, line 12, leave out “made” and insert “executed” *Agreed to* 272

Brandon Lewis

Schedule 7, page 91, line 26, leave out “made” and insert “executed” *Agreed to* 273

Schedule, as amended, agreed to.

Clauses 122 to 125 agreed to.

Dr Roberta Blackman-Woods

John Healey

Teresa Pearce

Matthew Pennycook

Helen Hayes

Clause 126, page 61, line 2, at end insert—

- (4) Where the land of a private landowner is compulsory purchased under section 10 of New Towns Act 1981 then the Secretary of State may, by order, set out the formula for determining fair compensation to landowners.

Clause agreed to.

Clauses 127 and 128 agreed to.

Schedule 8 agreed to.

Clauses 129 and 130 agreed to.

Brandon Lewis

Clause 131, page 63, line 4, leave out “made a” and insert “executed a general” *Agreed to* 260

Brandon Lewis

Clause 131, page 63, line 21, leave out “make a” and insert “execute a general” *Agreed to* 261

Clause, as amended, agreed to.

Clause 132 agreed to.

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Clause 133 agreed to.

Clause 134 agreed to.

Brandon Lewis

Schedule 9, page 94, line 5, leave out “made” and insert “executed” *Agreed to 274*

Brandon Lewis

Schedule 9, page 95, line 36, leave out “made” and insert “executed” *Agreed to 275*

Schedule, as amended, agreed to.

Brandon Lewis

Schedule 10, page 103, line 9, leave out “made” and insert “executed” *Agreed to 276*

Brandon Lewis

Schedule 10, page 103, line 22, leave out “made” and insert “executed” *Agreed to 277*

Schedule, as amended, agreed to.

Clauses 135 to 136 agreed to.

Brandon Lewis

Clause 137, page 66, line 39, after “authority” insert “, or
(ii) been appropriated by a local authority for planning purposes as defined by section 246(1) of the Town and Country Planning Act 1990” *Agreed to 262*

Brandon Lewis

Clause 137, page 66, line 41, at end insert— *Agreed to 263*
“() Subsection (1) also applies to building or maintenance work where—
(a) there is planning consent for the building or maintenance work,
(b) the work is carried out on other qualifying land, and
(c) a specified authority could acquire the land compulsorily for the purposes of the building or maintenance work.”

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Brandon Lewis

Agreed to 264

- Clause 137, page 67, line 6, after “authority” insert “, or
(ii) been appropriated by a local authority for planning purposes as defined by section 246(1) of the Town and Country Planning Act 1990”

Brandon Lewis

Agreed to 265

- Clause 137, page 67, line 8, after “building” insert “, or carrying out any works,”

Brandon Lewis

Agreed to 266

- Clause 137, page 67, line 8, at end insert—
“() Subsection (3) also applies to the use of land in a case where—
(a) there is planning consent for that use of the land,
(b) the land is other qualifying land, and
(c) a specified authority could acquire the land compulsorily for the purposes of erecting or constructing any building, or carrying out any works, for that use.”

Brandon Lewis

Agreed to 267

- Clause 137, page 67, line 15, leave out “In this section” and insert “In sections 137 and 138”

Brandon Lewis

Agreed to 268

- Clause 137, page 67, leave out lines 18 and 19

Brandon Lewis

Agreed to 269

- Clause 137, page 67, line 19, at end insert—
““other qualifying land” means land in England and Wales that has at any time before the day on which this section comes into force been—
(a) acquired by the National Assembly for Wales or the Welsh Ministers under section 21A of the Welsh Development Agency Act 1975;
(b) vested in or acquired by an urban development corporation or a local highway authority for the purposes of Part 16 of the Local Government, Planning and Land Act 1980;
(c) acquired by a development corporation or a local highway authority for the purposes of the New Towns Act 1981;
(d) vested in or acquired by a housing action trust for the purposes of Part 3 of the Housing Act 1988;
(e) acquired or appropriated by a local authority for planning purposes as defined by section 246(1) of the Town and Country Planning Act 1990;
(f) vested in or acquired by the Homes and Communities Agency, apart from land the freehold interest in which was disposed of by the Agency before 12 April 2015;

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- (g) vested in or acquired by the Greater London Authority for the purposes of housing or regeneration, apart from land the freehold interest in which was disposed of before 12 April 2015—
 - (i) by the Authority, other than to a company or body through which it exercises functions in relation to housing or regeneration, or
 - (ii) by such a company or body;
- (h) vested in or acquired by a Mayoral development corporation (established under section 198(2) of the Localism Act 2011), apart from land the freehold interest in which was disposed of by the corporation before 12 April 2015.”

Brandon Lewis

Agreed to **270**

Clause **137**, page **67**, line **38**, after “authority” insert “as defined by section 7 of the Acquisition of Land Act 1981”

Brandon Lewis

Agreed to

To move, That Clause No. 137 be divided into two clauses, the first (Power to override easements and other rights) consisting of subsections (1) to (6) and the second (Interpretation of sections 137 and 138) to consist of subsections (7) and (8).

Clauses 137A to 137B, as amended, agreed to.

Brandon Lewis

Agreed to **271**

Clause **138**, page **68**, line **14**, leave out subsection (5)

Clause, as amended, agreed to.

Clause 139 agreed to.

Brandon Lewis

Agreed to **278**

Schedule **11**, page **107**, line **5**, at end insert—

“Welsh Development Agency Act 1975 (c. 70)

- A1 (1) Schedule 4 to the Welsh Development Agency Act 1975 is amended as follows.
- (2) Omit paragraph 6 and the italic heading before it.
- (3) In paragraph 9 omit sub-paragraph (a).”

Housing and Planning Bill, *continued*

Schedule, as amended, agreed to.

Clauses 140 to 143 agreed to.

Brandon Lewis

Not moved **279**

Clause **144**, page **69**, line **23**, at end insert—
“() sections 62 to 72;”

Clause, as amended, agreed to.

Clause 145 agreed to.

[Adjourned until Thursday at 11.30 am