



# House of Commons

## NOTICES OF AMENDMENTS

given up to and including

**Friday 4 December 2015**

*New Amendments handed in are marked thus ★*

☆ *Amendments which will comply with the required notice period at their next appearance*

*Amendments tabled since the last publication: NC24*

### **PUBLIC BILL COMMITTEE**

### **HOUSING AND PLANNING BILL**

#### **NOTE**

**This document includes all amendments remaining before the Committee and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [10 November 2015, as amended on 19 November 2015.]**

Stephen Hammond

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—”

***Member’s explanatory statement***

*This amendment is consequential to amendments 191 and 192.*

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Housing and Planning Bill, *continued*

Stephen Hammond

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””

**Member’s explanatory statement**

*This amendment gives local planning authorities the same power as the Secretary of State presently has on appeal to grant planning permission for part of the development proposed in an application.*

Stephen Hammond

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””

**Member’s explanatory statement**

*This amendment gives local planning authorities the same power as the Secretary of State presently has on appeal to grant planning permission for part of the development proposed in an application.*

Stephen Hammond

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.”

**Member’s explanatory statement**

*This amendment empowers local planning authorities to make planning obligations binding their own land, for example, if they wish to grant planning permission prior to selling land for development.*

Helen Hayes

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

**Member’s explanatory statement**

*This amendment would ensure that development is suitable in planning terms on a site specific basis, and will also assist in controlling the price of land. The upfront identification of planning conditions will speed up the time it takes for developers to start on site, and also complete development.*

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**Housing and Planning Bill, *continued***

Helen Hayes

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.”

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Stephen Hammond

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.”

***Member’s explanatory statement***

*This amendment would provide for applications in respect of land in Greater London to be made directly to the Mayor of London and to the Secretary of State for land elsewhere in England.*

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Brandon Lewis

183

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

***Member’s explanatory statement***

*This amendment would state that the consultation requirement inserted into section 134 of the Local Government, Planning and Land Act 1980 by clause 108(2) would only apply in relation to an order creating an urban development area in England.*

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**Housing and Planning Bill, *continued***

Brandon Lewis

184

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

***Member’s explanatory statement***

*This amendment would state that the consultation requirement inserted into section 135 of the Local Government, Planning and Land Act 1980 by clause 109(2) would only apply in relation to an order establishing a corporation for an urban development area in England.*

Dr Roberta Blackman-Woods

John Healey

Teresa Pearce

Matthew Pennycook

Helen Hayes

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

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**Housing and Planning Bill, *continued***

- (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.””

***Member’s explanatory statement***

*This amendment would insert place-making objectives for both UDC’s in Local Government Act 1980 and for New Town Development Corporations in the New Towns Act 1981 and sets out a high quality purpose for making the development of scale growth.*

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Brandon Lewis

246

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

***Member’s explanatory statement***

*This amendment ensures that the right of entry in clause 111 may be exercised to value land as well as to survey it.*

Brandon Lewis

247

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

***Member’s explanatory statement***

*This amendment ensures that the right of entry in clause 111 may be exercised prior to acquiring land by agreement as well as compulsorily.*

Brandon Lewis

248

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

***Member’s explanatory statement***

*See Member’s explanatory statement for amendment 246.*

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**Housing and Planning Bill, *continued***

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

281

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

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

***Member’s explanatory statement***

*This amendment would ensure that compulsory purchase order powers exist where planning permission has expired.*

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

282

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

“(d) may do so when development has failed to commence”

***Member’s explanatory statement***

*This amendment would ensure that compulsory purchase order powers exist where development has failed to commence.*

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

283

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

“(e) may do so where an empty dwelling exists”

***Member’s explanatory statement***

*This amendment would ensure there are strong compulsory purchase powers to tackle empty homes.*

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Brandon Lewis

249

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

***Member’s explanatory statement***

*See Member’s explanatory statement for amendment 246.*

Brandon Lewis

250

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

***Member’s explanatory statement***

*See Member’s explanatory statement for amendment 246.*

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**Housing and Planning Bill, continued**

- Brandon Lewis 251
- Clause 114, page 54, line 11, after “surveys” insert “or values”  
*Member’s explanatory statement*  
*See Member’s explanatory statement for amendment 246.*
- Brandon Lewis 252
- Clause 114, page 54, line 15, after “survey” insert “or valuation”  
*Member’s explanatory statement*  
*See Member’s explanatory statement for amendment 246.*
- Brandon Lewis 253
- Clause 114, page 54, line 17, after “survey” insert “or valuation”  
*Member’s explanatory statement*  
*See Member’s explanatory statement for amendment 246.*
- Brandon Lewis 254
- Clause 114, page 54, line 32, after “survey” insert “or valuation”  
*Member’s explanatory statement*  
*See Member’s explanatory statement for amendment 246.*
- Brandon Lewis 255
- Clause 114, page 54, line 33, after “survey” insert “or valuation”  
*Member’s explanatory statement*  
*See Member’s explanatory statement for amendment 246.*
- Brandon Lewis 256
- Clause 114, page 54, line 40, after “survey” insert “or valuation”  
*Member’s explanatory statement*  
*See Member’s explanatory statement for amendment 246.*
- Brandon Lewis 257
- Clause 114, page 54, line 40, at end insert—  
“(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.”  
*Member’s explanatory statement*  
*See Member’s explanatory statement for NC18.*
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- Brandon Lewis 258
- 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

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**Housing and Planning Bill, *continued***

purchase order, the inspector's decision"

***Member's explanatory statement***

*This amendment would mean that an inspector's decision whether or not to confirm the whole or part of a compulsory purchase order would be treated as a decision of the confirming authority.*

*The current wording would mean that only a decision to confirm a compulsory purchase order would be treated as the authority's decision.*

Dr Roberta Blackman-Woods

John Healey

Teresa Pearce

Matthew Pennycook

**280**

☆ Clause 119, page 57, line 24, at end insert—

“(d) submitted to the acquiring authority”

***Member's explanatory statement***

*This amendment would include local authorities in the compulsory purchase order decision.*

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Brandon Lewis

**259**

Clause 120, page 57, line 36, leave out “made” and insert “executed”

***Member's explanatory statement***

*This amendment, together with amendments 260, 261, 272, 273, 274, 275, 276 and 277, amends references to a general vesting declaration so that they are consistent with the terminology of section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 (although “make” and “execute” mean the same thing).*

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Brandon Lewis

**272**

Schedule 7, page 91, line 12, leave out “made” and insert “executed”

***Member's explanatory statement***

*See Member's statement for amendment 259.*

Brandon Lewis

**273**

Schedule 7, page 91, line 26, leave out “made” and insert “executed”

***Member's explanatory statement***

*See Member's statement for amendment 259.*

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**Housing and Planning Bill, *continued***

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook  
 Helen Hayes

237

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.

***Member's explanatory statement***

*This amendment would create an explicit power for the Secretary of State to define how compensation is to be calculated through secondary legislation to enable swift action to be taken when there is a settled view as to the fair balance between private and public sector interests.*

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Brandon Lewis

260

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

***Member's explanatory statement***

*See Member's statement for amendment 259.*

Brandon Lewis

261

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

***Member's explanatory statement***

*See Member's statement for amendment 259.*

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Brandon Lewis

274

Schedule 9, page 94, line 5, leave out “made” and insert “executed”

***Member's explanatory statement***

*See Member's statement for amendment 259.*

Brandon Lewis

275

Schedule 9, page 95, line 36, leave out “made” and insert “executed”

***Member's explanatory statement***

*See Member's statement for amendment 259.*

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Brandon Lewis

276

Schedule 10, page 103, line 9, leave out “made” and insert “executed”

***Member's explanatory statement***

*See Member's statement for amendment 259.*

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**Housing and Planning Bill, *continued***

Brandon Lewis

277

Schedule 10, page 103, line 22, leave out “made” and insert “executed”

***Member’s explanatory statement***

*See Member’s statement for amendment 259.*

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Brandon Lewis

262

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”

***Member’s explanatory statement***

*This amendment, together with amendment 264, would mean that the power to override easements and other rights in clause 137 applied to land which a local authority already held prior to the coming into force of clause 137 but only appropriated for planning purposes after the coming into force of that clause.*

Brandon Lewis

263

Clause 137, page 66, line 41, at end insert—

“( ) 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.”

***Member’s explanatory statement***

*Schedule 11 removes a number of existing powers to override easements. This amendment, together with amendments 266, 267, 268, 269 and 271, would mean that the new power in clause 137 could be exercised instead of the powers removed by Schedule 11.*

Brandon Lewis

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”

***Member’s explanatory statement***

*See member’s explanatory statement for amendment 262.*

Brandon Lewis

265

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

***Member’s explanatory statement***

*Clause 137(4)(c) limits the power in clause 137(3) to use land despite existing easements or restrictions so that it may be exercised only when a specified authority could acquire land compulsorily for the purpose of erecting or constructing any building for the use in question. This amendment would adjust the restriction in clause 137(4)(c) so that it is not limited to erecting or constructing a building but includes carrying out any works.*

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Housing and Planning Bill, *continued*

Brandon Lewis

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.”

***Member’s explanatory statement***

*See Member’s explanatory statement for amendment 263.*

Brandon Lewis

267

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

***Member’s explanatory statement***

*The changes that would be introduced by amendments 263, 266, 269 and 271 would add considerably to the length of clause 137. This amendment, together with the motion after amendment 270, would prevent clause 137 becoming too long by removing the interpretation subsection from that clause and putting it into its own clause.*

Brandon Lewis

268

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

***Member’s explanatory statement***

*Amendments 262, 264 and 269 would introduce references to a local authority’s planning purposes as defined by section 246(1) of the Town and Country Planning Act 1990. The list of authorities that are local authorities for those purposes is different from the list that are local authorities for the purposes of the definition of “specified authority” in clause 137. This amendment and amendment 270 therefore remove the general definition of “local authority” and define the term “local authority” only in relation to the term “specified authority”.*

Brandon Lewis

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;

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**Housing and Planning Bill, *continued***

- (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;
- (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.”

***Member’s explanatory statement****See Member’s explanatory statement for amendment 263.*

Brandon Lewis

270

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

***Member’s explanatory statement****See Member’s explanatory statement for amendment 268.*

Brandon Lewis

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).

***Member’s explanatory statement****See Member’s explanatory statement for amendment 267.*

Brandon Lewis

271

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

***Member’s explanatory statement****See Member’s explanatory statement for amendment 263.*

Brandon Lewis

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.

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**Housing and Planning Bill, *continued***

- (2) Omit paragraph 6 and the italic heading before it.  
 (3) In paragraph 9 omit sub-paragraph (a).”

***Member’s explanatory statement***

*This amendment would repeal paragraph 6 of Schedule 4 to the Welsh Development Agency Act 1975. The provision to be repealed is a power to override easements in certain circumstances. The power would in future be exercisable under clause 137, as amended by amendment 269.*

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Brandon Lewis

279

☆ Clause 144, page 69, line 23, at end insert—

“( ) sections 62 to 72;”

***Member’s explanatory statement***

*This amendment provides for Chapter 2 of Part 4 (vacant high value social housing) to come into force on Royal Assent.*

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***NEW CLAUSES***

Brandon Lewis

NC2

To move the following Clause—

**“Revocation or variation of banning orders**

- (1) A person against whom a banning order is made may apply to the First-tier Tribunal for an order under this section revoking or varying the order.
- (2) If the banning order was made on the basis of one or more convictions all of which are overturned on appeal, the First-tier Tribunal must revoke the banning order.
- (3) If the banning order was made on the basis of more than one conviction and some of them (but not all) have been overturned on appeal, the First-tier Tribunal may—
  - (a) vary the banning order, or
  - (b) revoke the banning order.
- (4) If the banning order was made on the basis of one or more convictions that have become spent, the First-tier Tribunal may—
  - (a) vary the banning order, or
  - (b) revoke the banning order.
- (5) The power to vary a banning order under (3)(a) or (4)(a) may be used to add new exceptions to a ban or to vary—
  - (a) the banned activities,
  - (b) the length of a ban, or
  - (c) existing exceptions to a ban.

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**Housing and Planning Bill, *continued***

- (6) In this section “spent”, in relation to a conviction, means spent for the purposes of the Rehabilitation of Offenders Act 1974.”

***Member’s explanatory statement***

*This amendment allows a banning order to be revoked or varied in certain circumstances.*

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Brandon Lewis

NC3

To move the following Clause—

**“Offence of breach of banning order**

- (1) A person who breaches a banning order commits an offence.
- (2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a period not exceeding 51 weeks or to a fine or to both.
- (3) If a financial penalty under section 17 has been imposed in respect of the breach, the person may not be convicted of an offence under this section.
- (4) In relation to an offence committed before section 281(5) of the Criminal Justice Act 2003 comes into force, the reference in subsection (2) to 51 weeks is to be read as a reference to 6 months.”

***Member’s explanatory statement***

*This amendment makes it an offence to breach a banning order.*

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Brandon Lewis

NC4

To move the following Clause—

**“Offences by bodies corporate**

- (1) Where an offence under section (*Offence of breach of banning order*) committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of a body corporate, the officer as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member’s functions of management as if the member were an officer of the body corporate.”

***Member’s explanatory statement***

*This amendment ensures that officers of a body corporate can be prosecuted for offences committed by it under NC3. “Officer” is given a broad definition by clause 48 of the Bill.*

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**Housing and Planning Bill, *continued***

Brandon Lewis

NC5

To move the following Clause—

**“Power to require information**

- (1) A local housing authority may require a person to provide specified information for the purpose of enabling the authority to decide whether to apply for a banning order against the person.
- (2) It is an offence for the person to fail to comply with a requirement, unless the person has a reasonable excuse for the failure.
- (3) It is an offence for the person to provide information that is false or misleading if the person knows that the information is false or misleading or is reckless as to whether it is false or misleading.
- (4) A person who commits an offence under this section is liable on summary conviction to a fine.”

***Member’s explanatory statement***

*This amendment allows a local housing authority to require a person to provide information for the purpose of deciding whether to apply for a banning order. For example, the number of properties that a landlord has may be relevant to whether an authority applies for a banning order. The power would allow the authority to require the landlord to provide that information.*

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Brandon Lewis

NC6

To move the following Clause—

**“Removal or variation of entries made under section 24**

- (1) An entry made in the database under section 24 may be removed or varied in accordance with this section.
- (2) If the entry was made on the basis of one or more convictions all of which are overturned on appeal, the responsible local housing authority must remove the entry.
- (3) If the entry was made on the basis of more than one conviction and some of them (but not all) have been overturned on appeal, the responsible local housing authority may—
  - (a) remove the entry, or
  - (b) reduce the period for which the entry must be maintained.
- (4) If the entry was made on the basis of one or more convictions that have become spent, the responsible local housing authority may—
  - (a) remove the entry, or
  - (b) reduce the period for which the entry must be maintained.
- (5) If a local housing authority removes an entry in the database, or reduces the period for which it must be maintained, it must notify the person to whom the entry relates.
- (6) In this section—
 

“responsible local housing authority” means the local housing authority by which the entry was made;

“spent”, in relation to a conviction, means spent for the purposes of the Rehabilitation of Offenders Act 1974.”

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**Housing and Planning Bill, *continued***
***Member's explanatory statement***

*This amendment allows a local housing authority to remove an entry in the database of rogue landlords and property agents or reduce the time for which the entry must be maintained in certain circumstances. See also NC7. There is no mention of clause 23 as an entry under that clause is maintained for as long as the banning order has effect.*

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Brandon Lewis

NC7

To move the following Clause—

**“Requests for exercise of powers under section (*Removal or variation of entries made under section 24*) and appeals**

- (1) A person in respect of whom an entry is made in the database under section 24 may request the responsible local housing authority to use its powers under section (*Removal or variation of entries made under section 24*) to—
  - (a) remove the entry, or
  - (b) reduce the period for which the entry must be maintained.
- (2) The request must be in writing.
- (3) Where a request is made, the local housing authority must—
  - (a) decide whether to comply with the request, and
  - (b) give the person notice of its decision.
- (4) If the local housing authority decides not to comply with the request the notice must include—
  - (a) reasons for that decision, and
  - (b) a summary of the appeal rights conferred by this section.
- (5) Where a person is given notice that the responsible local housing authority has decided not to comply with the request the person may appeal to the First-tier Tribunal against that decision.
- (6) An appeal to the First-tier Tribunal under subsection (5) must be made before the end of the period of 21 days beginning with the day on which the notice was given.
- (7) The First-tier Tribunal may allow an appeal to be made to it after the end of that period if satisfied that there is a good reason for the person's failure to appeal within the period (and for any subsequent delay).
- (8) On an appeal under this section the tribunal may order the local housing authority to—
  - (a) remove the entry, or
  - (b) reduce the period for which the entry must be maintained.”

***Member's explanatory statement***

*This amendment allows a person to request a local housing authority to use its powers to remove or vary an entry in the database of rogue landlords and property agents (see NC6). If the local housing authority refuses, the person may appeal to the First-tier Tribunal.*

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**Housing and Planning Bill, *continued***

Brandon Lewis

NC8

To move the following Clause—

**“Meaning of “property manager” and related expressions**

- (1) In this Part “property manager” means a person who engages in English property management work.
- (2) In this Part “English property management work” means things done by a person in the course of a business in response to instructions received from another person (“the client”) where—
  - (a) the client wishes the person to arrange services, repairs, maintenance, improvements or insurance in respect of, or to deal with any other aspect of the management of, premises on the client’s behalf, and
  - (b) the premises consist of housing in England let under a tenancy.”

***Member’s explanatory statement***

*This and related amendments are intended to ensure that a banning order can be made against any person who engages in property management work, not just letting agents who engage in such work.*

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Brandon Lewis

NC17

To move the following Clause—

**“Default powers exercisable by Mayor of London or combined authority**

- (1) After section 27 of the Planning and Compulsory Purchase Act 2004 insert—
 

**“27A Default powers exercisable by Mayor of London or combined authority**

Schedule A1 (default powers exercisable by Mayor of London or combined authority) has effect.”
- (2) Before Schedule 1 to that Act insert, as Schedule A1, the Schedule set out in Schedule (*Default powers exercisable by Mayor of London or combined authority: Schedule to be inserted in the Planning and Compulsory Purchase Act 2004*) to this Act.
- (3) In section 17 of that Act (local development documents), at the end of subsection (8) insert—
  - “(c) is approved by the Mayor of London under paragraph 2 of Schedule A1;
  - (d) is approved by a combined authority under paragraph 6 of that Schedule.””

***Member’s explanatory statement***

*This new Clause and NS2 make provision for the Secretary of State to invite the Mayor of London or a combined authority to prepare or revise a development plan document for a local planning authority in their area that is failing to progress the document.*

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**Housing and Planning Bill, *continued***

Brandon Lewis

NC18

To move the following Clause—

**“Amendments to do with section 111 to 117**

Schedule (*Right to enter and survey land: consequential amendments*) amends legislation conferring rights of entry relating to the acquisition of an interest in or a right over land in England and Wales.”

***Member’s explanatory statement***

*This amendment, together with amendment 257 and new Schedule (Right to enter and survey land: consequential amendments), clarifies how the new right of entry in clause 111 will interact with a number of existing rights of entry.*

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Brandon Lewis

NC23

☆ To move the following Clause—

**“Procedure for redeeming English rentcharges**

- (1) The Rentcharges Act 1977 is amended in accordance with subsections (2) to (5).
- (2) Before section 8 (but after the italic heading before section 8) insert—

**“7A Power to make procedure for redeeming English rentcharges**

- (1) The Secretary of State may by regulations make provision allowing the owner of land in England affected by a rentcharge to redeem it.
- (2) Regulations under subsection (1) may not make provision in relation to—
  - (a) a rentcharge that could be redeemed by making an application under section 8(1A),
  - (b) a rentcharge of a kind mentioned in section 2(3) or section 3(3)(a),
  - (c) a rentcharge in respect of which the period for which it is payable cannot be ascertained, or
  - (d) a variable rentcharge.
- (3) For the purposes of subsection (2)(d) a rentcharge is variable if the amount of the rentcharge will, or may, vary in the future in accordance with the provisions of the instrument under which it is payable.
- (4) Regulations under subsection (1) may, in particular—
  - (a) provide for the owner of land affected by a rentcharge to be able to redeem a rentcharge by taking specified steps, including making payments determined in accordance with the regulations;
  - (b) require a rent owner or other person to take specified steps to facilitate the redemption of a rentcharge, such as providing information or executing a deed of release;
  - (c) where the documents of title of the owner of land affected by a rentcharge are in the custody of a mortgagee, require the mortgagee to make those documents or copies of those documents available in accordance with the regulations;

**Housing and Planning Bill**, *continued*

- (d) permit or require a person specified in the regulations to design the form of any document to be used in connection with the redemption of rentcharges under the regulations;
  - (e) provide for a court or tribunal to—
    - (i) determine disputes about or in relation to the redemption of a rentcharge;
    - (ii) make orders about the redemption of a rentcharge;
    - (iii) issue a redemption certificate;
  - (f) make provision corresponding to any of the provisions of section 10(2) to (4).
- (5) Nothing in this section prevents the redemption of a rentcharge otherwise than in accordance with regulations under subsection (1).”
- (3) In section 8—
- (a) in subsection (1)—
    - (i) after “land” insert “in Wales”;
    - (ii) for the words from “a certificate” to the end substitute “a redemption certificate”;
  - (b) after subsection (1) insert—
    - “(1A) The owner of any land in England affected by a rentcharge which has been apportioned to that land by an apportionment order with a condition under—
      - (a) section 7(2) above, or
      - (b) section 20(1) of the Landlord and Tenant Act 1927,
 may apply to the Secretary of State, in accordance with this section, for a redemption certificate.”
- (4) In section 12—
- (a) in subsection (1), after “this Act” insert “, apart from regulations under section 7A,”;
  - (b) after subsection (1) insert—
    - “(1A) Regulations under section 7A are to be made by statutory instrument.
    - (1B) A statutory instrument containing regulations under section 7A may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”
- (5) In section 13(1), in the definition of “redemption certificate”, for the words from “has” to the end substitute “means a certificate certifying that a rentcharge has been redeemed”.
- (6) The Leasehold Reform Act 1967 is amended in accordance with subsections (7) and (8).
- (7) In section 8(4)(b), for “8” substitute “7A”.
- (8) In section 11—
- (a) in subsection (6), after “1977” insert “or the amount that would have to be paid to secure the redemption of that rentcharge in accordance with regulations made under section 7A of that Act”;
  - (b) in subsection (7)(a), after “specified” insert “or required”;
  - (c) in subsection (8), for “8” substitute “7A”.

**Member’s explanatory statement**

*This amendment will permit the Secretary of State to make regulations allowing the owner of land*

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**Housing and Planning Bill, *continued***

*in England that is affected by a rentcharge to redeem that rentcharge without making an application to the Secretary of State as the procedure in section 8 of the Rentcharges Act 1977 would involve.*

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Zac Goldsmith  
Boris Johnson  
Mr Nick Hurd  
Stephen Hammond  
Mr David Burrowes  
Dr Tania Mathias

James Berry  
Mark Field  
Robert Neill  
Mark Prisk

Bob Stewart  
Andrew Rosindell  
Dame Angela Watkinson

Paul Scully  
Victoria Borwick  
Bob Blackman

NC1

To move the following Clause—

**“Target for new affordable housing provision in Greater London**

The Secretary of State, the Mayor of London and local housing authorities in Greater London as defined by section 2 of the London Government Act 1963 shall jointly have a duty to achieve the provision of at least two new units of affordable housing to be provided within Greater London in return for the disposal of each unit of high value housing in Greater London as defined under section 62.”

***Member’s explanatory statement***

*This New Clause would impose a duty on the Secretary of State, the Mayor of London and London housing authorities to achieve the provision of at least two new units of affordable housing for the disposal of each unit of high value housing within the Greater London area.*

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Gareth Thomas

NC9

To move the following Clause—

**“Duty to promote lending to small and medium sized house builders**

- (1) The Secretary of State shall have a duty to promote lending by banks to small and medium sized house builders.
  - (2) A small or medium sized builder in subsection (1) is a builder that has fewer than 250 employees.”
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**Housing and Planning Bill, *continued***

Gareth Thomas

NC10

To move the following Clause—

**“Planning obligations in respect of apprenticeships**

In section 106 of the Town and Country Planning Act 1990 (planning obligations), after subsection (12) insert—

- “(12A) The Secretary of State may by regulations require planning obligations to include a requirement to offer apprenticeships to local people on sites where 50 or more dwellings are to be constructed.””

Gareth Thomas

NC11

To move the following Clause—

**“Tenant Management Organisations**

All industrial and provident societies and housing associations registered with the Homes and Communities Agency as tenant management organisations shall—

- (a) be exempt from implementing, or facilitating the implementation of, the right to buy; and
- (b) not accept grants made by the Secretary of State in respect of right to buy discounts.”

Jim Fitzpatrick  
Dr Roberta Blackman-Woods

NC12

To move the following Clause—

**“Tenants’ rights to new management in property sold under LSVT**

- (1) This section applies to housing which—
  - (a) was previously owned by a local authority;
  - (b) was part of a large scale voluntary transfer falling within the definition of section 32(4AB) of the Housing Act 1985; and
  - (c) the disposal of which was subject to the consent of the Secretary of State under section 32 of the 1985 Act.
- (2) Where the transfer took place more than five years before this section comes into operation the current owner of the transferred housing shall consult the current tenants on their satisfaction with the management of that property.
- (3) Where the transfer took place less than five years after this section comes into operation the current owner of the transferred housing shall not more than every five years consult the current tenants on their satisfaction with the management of that property.
- (4) If more than 50% of tenants responding to the consultation under subsections (2) or (3) are dissatisfied with the management of the property, the owner of the

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**Housing and Planning Bill, *continued***

housing must carry out a competitive tender for the management of the property and report the outcome to the tenants.”

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Jim Fitzpatrick  
Dr Roberta Blackman-Woods

NC13

To move the following Clause—

**“Conversion of leasehold to commonhold for interdependent properties**

- (1) On 1 January 2020 long leases of residential property in interdependent properties shall cease to be land tenure capable of conveyance.
- (2) On 1 January 2020 long leases as set out in subsection (1) shall become commonholds to which Part 1 of the Commonhold and Leasehold Reform Act 2002 (“the 2002 Act”) shall apply, subject to the modifications set out in this section.
- (3) Leaseholders, freeholders and those with an interest in an interdependent property are required to facilitate the transfer to commonhold, in particular they shall:
  - (a) by 1 January 2018 draw-up an agreed plan for the transfer;
  - (b) by 1 October 2018 value any interests to be extinguished by the transfer where the interest is held by a person who after transfer will not be a unit-holder; and
  - (c) by 1 January 2019 draw up a commonhold community statement for the purposes of—
    - (i) defining the extent of each commonhold unit;
    - (ii) defining the extent of the common parts and their respective uses;
    - (iii) defining the percentage contributions that each unit will contribute to the running costs of the building;
    - (iv) defining the voting rights of the members of the commonhold association; and
    - (v) specifying the rights and duties of the commonhold association, the unit-holders and their tenants.
- (4) In any case where the parties at subsection (3) cannot or refuse to agree arrangements to facilitate the transfer any of the parties can make an application to the First-tier Tribunal (Property Chamber) for a determination of the matter.
- (5) Section 3 [*Consent*] of the 2002 Act shall cease to have effect on 1 January 2017.
- (6) In subsection (1) “long lease” means—
  - (a) a lease granted for a term certain exceeding 21 years, whether or not it is (or may become) terminable before the end of that term by notice given by the tenant or by re-entry or forfeiture; or
  - (b) a lease for a term fixed by law under a grant with a covenant or obligation for perpetual renewal, other than a lease by sub-demise from one which is not a long lease.”

***Member’s explanatory statement***

*This New Clause would end the tenure of residential leasehold by 1 January 2020 by converting residential leases into commonhold.*

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**Housing and Planning Bill, *continued***

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook  
Helen Hayes

NC14

To move the following Clause—

**“Development plan documents: accessible design**

In section 19 of the Planning and Compulsory Purchase Act 2004 [*preparation of local documents*] after subsection (1) insert—

“(1B) Development Plan documents must (taken as a whole) include policies designed to secure inclusive design and accessibility for the maximum number of people including disabled people”

***Member’s explanatory statement***

*This new Clause would ensure all planning decisions fully consider the need to create places and buildings which meet the needs of all sections of society across their lifetimes. It would provide support for plans and planning decisions which seek to meet locally assessed needs for accessible homes.*

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Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook  
Helen Hayes

NC15

To move the following Clause—

**“Strengthening the Plan Led system**

(1) In section 38 [*Development plan*] of the Planning and Compulsory Act 2004 subsection (6) after “considerations” insert “of exceptional importance”

***Member’s explanatory statement***

*This new Clause would give more certainty to all parts of the community that the content of neighbourhood and local plans will be the prime factor in all decision making.*

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**Housing and Planning Bill, *continued***

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook  
Helen Hayes

NC16

To move the following Clause—

**“The Purpose of Planning**

- (1) In Part 2 (Local development) of the Planning and Compulsory Act 2004 insert—

**“12A The Purpose of Planning**

- (1) The Purpose of Planning is the achievement of long-term sustainable development and place making.
- (2) 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 the local planning authority 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.

***Member’s explanatory statement***

*This new Clause would make clear in statute that the planning system should be focused above all on the public interest and in achieving quality outcomes including place-making.*

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**Housing and Planning Bill, *continued***

Dr Roberta Blackman-Woods  
Michael Dugher  
John Healey  
Teresa Pearce  
Matthew Pennycook  
Helen Hayes

NC19

To move the following Clause—

**“Granting of planning permission: change of use to residential use**

After section 58 of the Town and Country Planning Act 1990, insert—

**“58A Granting of planning permission: change of use to residential use**

- (1) Before planning permission is granted under section 58(1) for change of use of a building to residential use as dwellinghouses, the body considering granting planning permission must consider the impact of noise and other factors from buildings which have been in continuous and unchanged use for at least a year in the vicinity which would affect the amenity and enjoyment of the residents of the dwellinghouses.
- (2) Where planning permission is granted under section 58(1) for change of use of a building to residential use as dwellinghouses, the permission must include conditions imposed on the persons granted planning permission in respect of the building changing use to—
  - (a) eliminate noise between the hours of 10pm and 6am from neighbouring buildings which have been in continuous and unchanged use for at least a year before the permission is given; and
  - (b) counteract any other impact seriously impairing the amenity and enjoyment of the residents and prospective residents of the dwellinghouses arising from neighbouring buildings which have been in continuous and unchanged use for at least a year before the permission is given.””

***Member’s explanatory statement***

*This new Clause would ensure that residents of buildings converted to residential use are protected from factors, particularly noise, affecting their amenity and enjoyment. Such measures shall be the responsibility of the agent of the change of the permission.*

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Dr Roberta Blackman-Woods  
Michael Dugher  
John Healey  
Teresa Pearce  
Matthew Pennycook  
Helen Hayes

NC20

To move the following Clause—

**“Permitted development: change of use to residential use**

Where the Secretary of State, in exercise of the powers conferred by sections 59, 60, 61, 74 or 333(7) of the Town and Country Planning Act 1990, makes a

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**Housing and Planning Bill, *continued***

General Permitted Development in respect of change of use to residential use as dwellinghouses, the change must first be subject to prior approval in respect of the impact of the amenity and enjoyment of the prospective residents of the dwellinghouses arising from neighbouring buildings which have been in continuous and unchanged use for at least a year before.”

***Member’s explanatory statement***

*This new Clause would ensure that residents of buildings converted to residential use are protected from factors, particularly noise, affecting their amenity and enjoyment when buildings are converted to residential by virtue of a General Permitted Development order. Such measures shall be the responsibility of the agent of the change of the permission.*

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Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook  
Sadiq Khan

NC21

☆ To move the following Clause—

**“Planning obligations: local first-time buyers**

After section 106 of the Town and Country Planning Act 1990 (planning obligations) insert—

**“106ZA Planning obligations in respect of local first-time buyers**

- (1) When granting planning permission under 70(1)(a), or permission in principle under 70(1A)(a), for the construction of new dwellings for sale, the local planning authority may require that a proportion of the dwellings are marketed exclusively to local first-time buyers for a specified period.
- (2) The “specified period” in subsection (1) must start no earlier than six months before the new dwellings have achieved, or are likely to, practical completion.
- (3) “First-time buyer” in subsection (1) has the meaning given by section 57AA(2) of the Finance Act 2003.
- (4) The Secretary of State may by regulations—
  - (a) define the “specified period” in subsection (1);
  - (b) define “local” in subsection (1), and
  - (c) the definition “local” may vary according to specified circumstances.
- (5) The regulations in subsection (4) so far as they apply to local planning authorities in Greater London will not apply to these authorities unless the Secretary of State has consulted and received the consent of the Greater London Authority.””

***Member’s explanatory statement***

*This amendment would empower local planning authorities to impose a planning obligation when*

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**Housing and Planning Bill, *continued***

*giving planning permission for the construction of new housing for sale requiring that a proportion of the housing is marketed exclusively to local first-time buyers.*

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Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

NC22

☆ To move the following Clause—

**“Security of tenure**

After section 19A of the Housing Act 1988 insert—

“Section 19B: minimum length of certain assured shorthold tenancy

(1) Any assured shorthold tenancy (other than one where the landlord is a private registered provider of social housing) granted on or after April 1, 2018 must be for a fixed term of at least thirty six months. It is an implied term of such a tenancy that the tenant may terminate the tenancy by giving two months’ written notice to the landlord.”

(2) In section 21 Housing Act 1988 insert—

“(4ZA) In the case of a dwelling-house in England no notice under subsection (4) may be given for thirty six months after the beginning of the tenancy.””

***Member’s explanatory statement***

*This amendment would prevent private sector landlords from using the ‘notice only’ grounds for possession for the first three years of a tenancy, without affecting the rights of tenants to give notice and leave the tenancy early.*

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Helen Hayes

NC24

★ To move the following Clause—

**“Local Authorities and Development Control Services**

(1) A local planning authority may set a charging regime in relation to their development control services to allow for the cost of providing the development control service to be recouped.

(2) Such a charging regime will be subject to statutory consultation.”

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**Housing and Planning Bill, *continued***
*NEW SCHEDULES*

Brandon Lewis

NS2

To move the following Schedule—

## “SCHEDULE

DEFAULT POWERS EXERCISABLE BY MAYOR OF LONDON OR COMBINED AUTHORITY:  
SCHEDULE TO BE INSERTED IN THE PLANNING AND COMPULSORY PURCHASE ACT 2004

## “SCHEDULE A1

Section 27A

DEFAULT POWERS EXERCISABLE BY MAYOR OF LONDON  
OR COMBINED AUTHORITY

*Default powers exercisable by Mayor of London*

- 1 If the Secretary of State—
  - (a) thinks that a London borough council, in their capacity as local planning authority, are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document, and
  - (b) invites the Mayor of London to prepare or revise the document,

the Mayor of London may prepare or revise (as the case may be) the development plan document.
- 2
  - (1) This paragraph applies where a development plan document is prepared or revised by the Mayor of London under paragraph 1.
  - (2) The Mayor of London must hold an independent examination.
  - (3) The Mayor of London—
    - (a) must publish the recommendations and reasons of the person appointed to hold the examination, and
    - (b) may also give directions to the council in relation to publication of those recommendations and reasons.
  - (4) The Mayor of London may—
    - (a) approve the document, or approve it subject to specified modifications, as a local development document, or
    - (b) direct the council to consider adopting the document by resolution of the council as a local development document.
- 3
  - (1) Subsections (4) to (7C) of section 20 apply to an examination held under paragraph 2(2)—
    - (a) with the reference to the local planning authority in subsection (7C) of that section being read as a reference to the Mayor of London, and
    - (b) with the omission of subsections (5)(c), (7)(b)(ii) and (7B)(b).

**Housing and Planning Bill**, *continued*

- (2) The Mayor of London must give reasons for anything he does in pursuance of paragraph 1 or 2(4).
- (3) The council must reimburse the Mayor of London—
  - (a) for any expenditure that the Mayor incurs in connection with anything which is done by him under paragraph 1 and which the council failed or omitted to do as mentioned in that paragraph;
  - (b) for any expenditure that the Mayor incurs in connection with anything which is done by him under paragraph 2(2).

*Default powers exercisable by combined authority*

- 4 In this Schedule—
 

“combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;

“constituent planning authority”, in relation to a combined authority, means—

  - (a) a county council, metropolitan district council or non-metropolitan district council which is the local planning authority for an area within the area of the combined authority, or
  - (b) a joint committee established under section 29 whose area is within, or the same as, the area of the combined authority.
- 5 If the Secretary of State—
  - (a) thinks that a constituent planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document, and
  - (b) invites the combined authority to prepare or revise the document,

the combined authority may prepare or revise (as the case may be) the development plan document.
- 6
  - (1) This paragraph applies where a development plan document is prepared or revised by a combined authority under paragraph 5.
  - (2) The combined authority must hold an independent examination.
  - (3) The combined authority—
    - (a) must publish the recommendations and reasons of the person appointed to hold the examination, and
    - (b) may also give directions to the constituent planning authority in relation to publication of those recommendations and reasons.
  - (4) The combined authority may—
    - (a) approve the document, or approve it subject to specified modifications, as a local development document, or
    - (b) direct the constituent planning authority to consider adopting the document by resolution of the authority as a local development document.

**Housing and Planning Bill**, *continued*

- 7 (1) Subsections (4) to (7C) of section 20 apply to an examination held under paragraph 6(2)—
- (a) with the reference to the local planning authority in subsection (7C) of that section being read as a reference to the combined authority, and
  - (b) with the omission of subsections (5)(c), (7)(b)(ii) and (7B)(b).
- (2) The combined authority must give reasons for anything they do in pursuance of paragraph 5 or 6(4).
- (3) The constituent planning authority must reimburse the combined authority—
- (a) for any expenditure that the combined authority incur in connection with anything which is done by them under paragraph 5 and which the constituent planning authority failed or omitted to do as mentioned in that paragraph;
  - (b) for any expenditure that the combined authority incur in connection with anything which is done by them under paragraph 6(2).

*Intervention by Secretary of State*

- 8 (1) This paragraph applies to a development plan document that has been prepared or revised—
- (a) under paragraph 1 by the Mayor of London, or
  - (b) under paragraph 5 by a combined authority.
- (2) If the Secretary of State thinks that a development plan document to which this paragraph applies is unsatisfactory—
- (a) he may at any time before the document is adopted under section 23, or approved under paragraph 2(4)(a) or 6(4)(a), direct the Mayor of London or the combined authority to modify the document in accordance with the direction;
  - (b) if he gives such a direction he must state his reasons for doing so.
- (3) Where a direction is given under sub-paragraph (2)—
- (a) the Mayor of London or the combined authority must comply with the direction;
  - (b) the document must not be adopted or approved unless the Secretary of State gives notice that the direction has been complied with.
- (4) Sub-paragraph (3) does not apply if or to the extent that the direction under sub-paragraph (2) is withdrawn by the Secretary of State.
- (5) At any time before a development plan document to which this paragraph applies is adopted under section 23, or approved under paragraph 2(4)(a) or 6(4)(a), the Secretary of State may direct that the document (or any part of it) is submitted to him for his approval.
- (6) In relation to a document or part of a document submitted to him under sub-paragraph (5) the Secretary of State—
- (a) may approve the document or part;

**Housing and Planning Bill**, *continued*

- (b) may approve it subject to specified modifications;
- (c) may reject it.

The Secretary of State must give reasons for his decision under this sub-paragraph.

- (7) The Secretary of State may at any time—
- (a) after a development plan document to which this paragraph applies has been submitted for independent examination, but
  - (b) before it is adopted under section 23 or approved under paragraph 2(4)(a) or 6(4)(a),
- direct the Mayor of London or the combined authority to withdraw the document.
- 9 (1) This paragraph applies if the Secretary of State gives a direction under paragraph 8(5).
- (2) No steps are to be taken in connection with the adoption or approval of the document until the Secretary of State gives his decision, or withdraws the direction.
- (3) If the direction is given, and not withdrawn, before the document has been submitted for independent examination, the Secretary of State must hold an independent examination.
- (4) If the direction—
- (a) is given after the document has been submitted for independent examination but before the person appointed to carry out the examination has made his recommendations, and
  - (b) is not withdrawn before those recommendations are made, the person must make his recommendations to the Secretary of State.
- (5) The document has no effect unless the document or (as the case may be) the relevant part of it has been approved by the Secretary of State, or the direction is withdrawn.
- The “relevant part” is the part of the document that—
- (a) is covered by a direction under paragraph 8(5) which refers to only part of the document, or
  - (b) continues to be covered by a direction under paragraph 8(5) following the partial withdrawal of the direction.
- (6) The Secretary of State must publish the recommendations made to him by virtue of sub-paragraph (3) or (4) and the reasons of the person making the recommendations.
- (7) In considering a document or part of a document submitted under paragraph 8(5) the Secretary of State may take account of any matter which he thinks is relevant.
- (8) It is immaterial whether any such matter was taken account of by the Mayor of London or the combined authority.
- 10 Subsections (4) to (7C) of section 20 apply to an examination held under paragraph 9(3)—

**Housing and Planning Bill, *continued***

- (a) with the reference to the local planning authority in subsection (7C) of that section being read as a reference to the Secretary of State, and
  - (b) with the omission of subsections (5)(c), (7)(b)(ii) and (7B)(b).
- 11 In the exercise of any function under paragraph 8 or 9 the Secretary of State must have regard to the local development scheme.
- 12 The Mayor of London or the combined authority must reimburse the Secretary of State for any expenditure incurred by the Secretary of State under paragraph 8 or 9 that is specified in a notice given by him to the Mayor or the authority.

*Temporary direction pending possible use of intervention powers*

- 13 (1) If the Secretary of State is considering whether to give a direction to the Mayor of London or a combined authority under paragraph 8 in relation to a development plan document, he may direct the Mayor or the authority not to take any step in connection with the adoption or approval of the document—
- (a) until the time (if any) specified in the direction, or
  - (b) until the direction is withdrawn.
- (2) A document to which a direction under this paragraph relates has no effect while the direction is in force.
- (3) A direction given under this paragraph in relation to a document ceases to have effect if a direction is given under paragraph 8 in relation to that document.””

***Member’s explanatory statement***

*This new Schedule inserts a new Schedule A1 to the Planning and Compulsory Purchase Act 2004 which makes detailed provision for the intervention in local plan-making by the Mayor of London or a combined authority described in NC17.*

Brandon Lewis

NS3

To move the following Schedule—

“RIGHT TO ENTER AND SURVEY LAND: CONSEQUENTIAL AMENDMENTS

*Defence Act 1842 (5 & 6 Vict c. 94)*

- 1 In section 16 of the Defence Act 1842, at the end insert—
- “(3) A person may not be authorised under subsection (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 111 of the Housing and Planning Act 2015).”



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**Housing and Planning Bill, *continued****Coast Protection Act 1949 (12 & 13 Geo 6 c. 74)*

- 2 In section 25 of the Coast Protection Act 1949, after subsection (1) insert—
- “(1A) A person may not be authorised under subsection (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 111 of the Housing and Planning Act 2015).”

*National Parks and Access to the Countryside Act 1949 (12, 13 & 14 Geo 6 c. 97)*

- 3 (1) Section 108 of the National Parks and Access to the Countryside Act 1949 is amended as follows.
- (2) In subsection (1)(a), after “therein” insert “in relation to land in Scotland”.
- (3) After subsection (1) insert—
- “(1A) A person may not be authorised under subsection (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 111 of the Housing and Planning Act 2015).”

*Land Powers (Defence) Act 1958 (6 & 7 Eliz 2 c. 30)*

- 4 In section 21 of the Land Powers (Defence) Act 1958, after subsection (1) insert—
- “(1A) A person may not be authorised under subsection (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 111 of the Housing and Planning Act 2015).”

*Caravan Sites and Control of Development Act 1960 (8 & 9 Eliz 2 c. 62)*

- 5 In section 26 of the Caravan Sites and Control of Development Act 1960, after subsection (1) insert—
- “(1A) A person may not be authorised under subsection (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 111 of the Housing and Planning Act 2015).”

*Compulsory Purchase Act 1965 (c. 56)*

- 6 In section 11(3) of the Compulsory Purchase Act 1965 for “surveying and taking levels” substitute “surveying, valuing or taking levels”.

*Criminal Justice Act 1972 (c. 71)*

- 7 In the Criminal Justice Act 1972 omit section 60.

*Welsh Development Agency Act 1975 (c. 70)*

- 8 In Schedule 4 to the Welsh Development Agency Act 1975 omit paragraph 14(1).

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**Housing and Planning Bill, *continued***
*Local Government (Miscellaneous Provisions) Act 1976 (c. 57)*

- 9 In the Local Government (Miscellaneous Provisions) Act 1976 omit section 15.

*Ancient Monuments and Archaeological Areas Act 1979 (c. 46)*

- 10 In section 43 of the Ancient Monuments and Archaeological Areas Act 1979, for subsection (1) substitute—
- “(1) Any person authorised under this section may at any reasonable time enter any land in Scotland for the purpose of surveying it, or estimating its value, in connection with any proposal to acquire that or any other land under this Act or in connection with any claim for compensation under this Act in respect of any such acquisition.
- (1A) Any person authorised under this section may at any reasonable time enter any land in England and Wales or Scotland for the purpose of surveying it, or estimating its value, in connection with any claim for compensation under this Act for any damage to that or any other land.
- (1B) See section 111 of the Housing and Planning Act 2015 for a power to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land.”

*Local Government, Planning and Land Act 1980 (c. 65)*

- 11 (1) Section 167 of the Local Government, Planning and Land Act 1980 is amended as follows.
- (2) In the heading, after “land” insert “in Scotland”.
- (3) In subsection (1)—
- (a) in paragraph (a) after “any land” insert “in Scotland”;
- (b) in paragraph (b) after “other land” insert “in Scotland”.
- (4) In subsection (7)—
- (a) for the words before paragraph (a) substitute “Where it is proposed to search or bore in pursuance of this section in a road within the meaning of Part 4 of the New Roads and Street Works Act 1991—”;
- (b) in paragraph (a) omit “55 or”;
- (c) in paragraph (b) omit “69 or”;
- (d) in paragraph (c) omit “82 or”;
- (e) for the words after paragraph (c) substitute “have effect in relation to the searching or boring as if they were road works within the meaning of Part 4 of that Act.”
- (5) In subsection (9)—
- (a) for “Upper Tribunal” substitute “Lands Tribunal for Scotland”;
- (b) for the words from “section 4” to “costs” substitute “sections 9(2) to (5) and 11 of the Land Compensation (Scotland) Act 1963 (procedure and expenses)”.
- (6) Omit subsection (13).

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**Housing and Planning Bill, *continued****Highways Act 1980 (c. 66)*

- 12 In section 289 of the Highways Act 1980, after subsection (1) insert—
- “(1A) A person may not be authorised under subsection (1) to enter and survey or value land in connection with a proposal to acquire an interest in or a right over land (but see section 111 of the Housing and Planning Act 2015).”

*New Towns Act 1981 (c. 64)*

- 13 In section 73(1) of the New Towns Act 1981 omit paragraph (b) (and the “or” before it).

*Civil Aviation Act 1982 (c. 16)*

- 14 (1) Section 50 of the Civil Aviation Act 1982 is amended as follows.
- (2) In subsection (1), for paragraph (e) substitute—
- “(e) in any case not falling within paragraphs (a) to (d) above where the Secretary of State has made an order under or in pursuance of this Part of this Act—
- (i) authorising the compulsory purchase of land,
  - (ii) providing for the creation in favour of a particular person of a right in or in relation to land, or
  - (iii) declaring that an area of land shall be subject to control by directions.
- (f) in any case not falling within paragraphs (a) to (d) above where the Secretary of State is considering making an order under or in pursuance of this Part of this Act—
- (i) authorising the compulsory purchase of land in Scotland or Northern Ireland,
  - (ii) providing for the creation in favour of a particular person of a right in or in relation to land in Scotland or Northern Ireland, or
  - (iii) declaring that an area of land in England and Wales, Scotland or Northern Ireland shall be subject to control by directions.”

(3) In subsection (3)(e), after “(1)(e)” insert “or (f)”.

(4) In subsection (4)(b), after “(1)(e)” insert “or (f)”.

(5) In subsection (7)(c), after “(1)(e)” insert “or (f)”.

*Industrial Development Act 1982 (c. 52)*

- 15 In section 14 of the Industrial Development Act 1982 omit subsection (6).

*Housing Act 1985 (c. 68)*

- 16 In section 54 of the Housing Act 1985, after subsection (2) insert—
- “(3) A person may not be authorised by a local housing authority under subsection (1)(a) to enter and survey or value land in connection with a proposal to acquire an interest in or a right over land (but see section 111 of the Housing and Planning Act 2015).”

**Housing and Planning Bill, *continued****Local Government and Housing Act 1989 (c. 42)*

- 17 In section 97 of the Local Government and Housing Act 1989, after subsection (1) insert—
- “(1A) A person may not be authorised by a local housing authority under subsection (1)(a) to enter and survey or value land in connection with a proposal to acquire an interest in or a right over land (but see section 111 of the Housing and Planning Act 2015).”

*Electricity Act 1989 (c. 29)*

- 18 In Schedule 4 to the Electricity Act 1989, in paragraph 10, after sub-paragraph (1) insert—
- “(1A) A person may not be authorised under sub-paragraph (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 111 of the Housing and Planning Act 2015).”

*Town and Country Planning Act 1990 (c. 8)*

- 19 In section 324 of the Town and Country Planning Act 1990 omit subsection (6).

*Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)*

- 20 In section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990 omit subsection (5).

*Land Drainage Act 1991 (c. 59)*

- 21 In section 64 of the Land Drainage Act 1991, after subsection (1) insert—
- “(1A) A person may not be authorised under subsection (1)(a) or (b) to enter and survey or value land in connection with a proposal to acquire an interest in or a right over land (but see section 111 of the Housing and Planning Act 2015).”

*Water Industry Act 1991 (c. 56)*

- 22 (1) Section 169 of the Water Industry Act 1991 is amended as follows.
- (2) In subsection (2) omit paragraph (a) (and the “or” at the end of it).
- (3) In subsection (4), for the words before paragraph (a) substitute “The powers conferred by this section or section 111 of the Housing and Planning Act 2015 shall not be exercised on behalf of a water undertaker in any case for purposes connected with the determination of—”.

*Water Resources Act 1991 (c. 57)*

- 23 (1) Section 171 of the Water Resources Act 1991 is amended as follows.
- (2) In subsection (2) omit paragraph (a) (and the “or” at the end of it).
- (3) In subsection (4), for the words before paragraph (a) substitute “The powers conferred by this section or section 111 of the Housing and Planning Act 2015 shall not be exercised on behalf of the Agency or the NRBW in any case for purposes connected with the determination of—”.

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**Housing and Planning Bill, *continued***
*Environment Act 1995 (c. 25)*

- 24 (1) Schedule 8 to the Environment Act 1995 is amended as follows.
- (2) In paragraph 1(2) omit paragraph (b).
- (3) In paragraph 2(3)—
- (a) at the end of paragraph (a) insert “and”;
  - (b) omit paragraph (c) (and the “and” before it).

*Greater London Authority Act 1999 (c. 29)*

- 25 In the Greater London Authority Act 1999 omit section 333ZD.

*Postal Services Act 2000 (c. 26)*

- 26 In Schedule 6 to the Postal Services Act 2000, in paragraph 2, after sub-paragraph (2) insert—
- “(2A) A person may not be authorised under sub-paragraph (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 111 of the Housing and Planning Act 2015).”

*Housing and Regeneration Act 2008 (c. 17)*

- 27 In the Housing and Regeneration Act 2008 omit sections 17 and 18.

*Localism Act 2011 (c. 20)*

- 28 In the Localism Act 2011 omit section 210.

***Member’s explanatory statement***

*See Member’s explanatory statement for NC18.*

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Gareth Thomas

NS1

To move the following Schedule—

“SCHEDULE

COMMUNITY-LED HOUSING SCHEMES

- 1 A community-led housing scheme is a scheme provided by a community led housing provider meeting the requirements of this Schedule.
- 2 A community led housing provider is a body corporate (“a body”) which makes available, or intends to make available, dwellings in England and satisfies all the conditions in paragraph 4 and at least one of the conditions in paragraph 5.
- 3 In the conditions at paragraph 4 the following definitions apply—
  - (a) “dwellings” means flats and houses for occupation by individuals as their only home;

**Housing and Planning Bill**, *continued*

- (b) “local community” means the individuals who live or work, or want to live or work in a specified area or are part of a specified community;
  - (c) “own” and “owned” means ownership of a freehold interest or a leasehold interest;
  - (d) in paragraph 3(b) “specified area” means the locality or region referred to in a body’s constitution;
  - (e) in paragraph 3(b) “specified community” means the individuals to whom the body seeks to provide a benefit as set out in its constitution.
- 4 The conditions that must be satisfied are that—
- (a) the body includes within its constitution the purpose of providing accommodation to the local community or for the members of the body;
  - (b) the local community have the opportunity to become members of the body (whether or not others can also become members);
  - (c) the local community must provide the majority vote on resolutions at general meetings and decisions at management board meetings;
  - (d) any profits or surplus from its activities will be used to benefit the local community or other activities of the body as set out in its constitution (otherwise than being paid directly to members);
  - (e) the accommodation let to individuals is owned by the body; and
  - (f) the number of properties owned by the body does not exceed 1000.
- 5 One of the conditions set out in this paragraph must be satisfied—
- (a) the body’s objects include furthering the social, economic or environmental interests of a local community; or
  - (b) the body is owned in the majority by its members who are also the tenants of the body.”

## ORDER OF THE HOUSE [2 NOVEMBER 2015]

That the following provisions shall apply to the Housing and Planning 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 10 December 2015.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

*Proceedings on Consideration and up to and including Third Reading*

4. Proceedings on Consideration and proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration 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 up to and including Third Reading.

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**Housing and Planning Bill, *continued***
*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 [10 NOVEMBER 2015, AS AMENDED ON 19 NOVEMBER 2015]

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 10 November) meet—
- (a) at 2.00 pm on Tuesday 10 November;
  - (b) at 9.25 am on Tuesday 17 November;
  - (c) at 11.30 am and 2.00 pm on Thursday 19 November;
  - (d) at 9.25 am and 2.00 pm on Tuesday 24 November;
  - (e) at 11.30 am and 2.00 pm on Thursday 26 November;
  - (f) at 9.25 am and 2.00 pm on Tuesday 1 December;
  - (g) at 11.30 am and 2.00 pm on Thursday 3 December;
  - (h) at 9.25 am and 2.00 pm on Tuesday 8 December;
  - (i) at 11.30 am and 2.00 pm on Thursday 10 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 10 November | Until no later than 10.00 am | Greater London Authority  |
| Tuesday 10 November | Until no later than 10.45 am | Local Government Association;<br>London Councils  |
| Tuesday 10 November | Until no later than 11.25 am | National Housing Federation;<br>PlaceShapers  |
| Tuesday 10 November | Until no later than 2.45 pm  | British Property Federation;<br>Federation of Master Builders;<br>Home Builders Federation                            |
| Tuesday 10 November | Until no later than 3.15 pm  | Shelter; Crisis   |
| Tuesday 10 November | Until no later than 4.15 pm  | Peaks and Plains Housing Trust;<br>Hastoe Group; Riverside; L&Q   |
| Tuesday 10 November | Until no later than 5.00 pm  | National Landlords Association;<br>Residential Landlords<br>Association; Association of<br>Residential Letting Agents |

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**Housing and Planning Bill, *continued***

| <i>Date</i>         | <i>Time</i>                  | <i>Witness</i>  |
|---------------------|------------------------------|---|
| Tuesday 17 November | Until no later than 10.15 am | Chartered Institute of Housing; Planning Officers Society; Royal Town Planning Institute; Town and Country Planning Association |
| Tuesday 17 November | Until no later than 10.45 am | Campaign to Protect Rural England   |
| Tuesday 17 November | Until no later than 11.25 am | Department for Communities and Local Government   |

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 17; Schedule 1; Clauses 18 and 19; Schedule 2; Clause 20; Schedule 3; Clauses 21 to 55; Clauses 84 to 86; Schedule 4; Clauses 87 to 90; Schedule 5; Clause 91; Clauses 56 to 83; Clauses 92 to 102; Schedule 6; Clauses 103 to 121; Schedule 7; Clauses 122 to 127; Schedule 8; Clauses 128 to 134; Schedules 9 and 10; Clauses 135 to 139; Schedule 11; Clauses 140 to 145; 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 5.00pm on Thursday 10 December.

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**NOTICES WITHDRAWN**

*The following Notices were withdrawn on 27 November 2015:*

Amendment 156

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