



House of Commons

Tuesday 25 October 2016

PUBLIC BILL COMMITTEE

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: NC3(a), NC4(a), NC5(a), NC6(a), NC15-NC16

NEIGHBOURHOOD 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This document includes all amendments remaining before the Committee and includes any withdrawn amendments at the end.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 [18 October 2016].

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

12

Clause 6, page 5, line 27, at end insert “in cases where the local authorities’ statement of community involvement was regarded as inadequate.”

Member’s explanatory statement

This amendment allows the Secretary of State only to require planning authorities to review their statement of community involvement if they have failed to produce one.

 Neighbourhood Planning Bill, *continued*

Dr Roberta Blackman-Woods
 Teresa Pearce
 Jim McMahon

15

Clause 7, page 6, line 7, at end insert—

“(1A) Regulations made under subsection (1) must make provisions for local planning authorities to make exceptions to conditions relating to matters set out in paragraphs (a), (b) and (c) of subsection (1).”

Member’s explanatory statement

This amendment would ensure that there is a local voice and judgement taking into account local circumstances and impact.

Dr Roberta Blackman-Woods
 Teresa Pearce
 Jim McMahon

18

Clause 7, page 6, line 12, leave out subsection (2)(a)

Member’s explanatory statement

This amendment would ensure that “acceptable in planning terms” does not mean that conditions can be overlooked because they are unacceptable for other reasons.

Dr Roberta Blackman-Woods
 Teresa Pearce
 Jim McMahon

19

Clause 7, page 6, line 18, at end insert—

“including in terms of sustainable development and public interest.”

Member’s explanatory statement

This amendment would ensure that there is a sustainable development test in conditions and that they are acceptable to local people.

Dr Roberta Blackman-Woods
 Teresa Pearce
 Jim McMahon

16

Clause 7, page 6, line 20, at end insert “which must include consultation with local authorities.”

Member’s explanatory statement

This amendment would ensure that local authorities are consulted on the draft regulations.

Dr Roberta Blackman-Woods
 Teresa Pearce
 Jim McMahon

17

Clause 7, page 6, line 20, at end insert—

“(1A) Regulations made under subsection (1) must make provision for an appeal process.”

Member’s explanatory statement

This amendment would ensure that provision is made for an appeals process.

 Neighbourhood Planning Bill, *continued*

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

22

Clause 7, page 6, line 23, leave out subsection (5)

Member's explanatory statement

This amendment would ensure that local authorities are still able to make necessary pre-commencement conditions on developers.

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

20

Clause 7, page 6, line 24, at end insert—

“where agreement cannot be reached a mediation system should be prescribed.”

Member's explanatory statement

This amendment would allow for there to be a mechanism to resolve disputes.

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

21

Clause 7, page 6, line 26, at end insert—

“(5A) The Secretary of State should provide guidance for appeal routes where an agreement cannot be reached on pre-commencement conditions, along with guidance on pre-completion and pre-occupation conditions.”

Member's explanatory statement

This amendment would ensure that there is clarity on appeal routes, pre-completion and pre-occupation conditions.

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

23

Page 5, line 35, leave out Clause 7

Member's explanatory statement

This amendment would remove from the Bill completely the changes to planning conditions.

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

28

Clause 8, page 7, line 21, at end insert—

“(e) information on the number of permitted demolition of offices for residential use to a similar scale including—

(a) the impact on a local plan;

(b) an estimate as to how many homes the development will deliver and

Neighbourhood Planning Bill, *continued*

- (c) a consultation with the local authority regarding the effect of the change of use on any urban regeneration plans.”

Member’s explanatory statement

This amendment would ensure monitoring of the impact of permitted right of demolition on offices, on urban regeneration that requires office space and on the provision of housing.

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

29

Clause 8, page 8, line 10, at end insert—

- “(9) The cost of compiling a register and gathering the information to underpin it should be met by the Secretary of State.”

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

30

Clause 9, page 8, line 23, at end insert—

- “(2A) The power of temporary possession of leasehold interests is not available if an interest would terminate within one year of the date on which the authority intends to hand back possession to the occupier.”

Member’s explanatory statement

This amendment would establish a limitation on the temporary possession of leasehold interests.

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

31

Clause 12, page 10, line 10, leave out “6” and insert “3”

Member’s explanatory statement

This amendment would reduce the length of time that an acquiring authority can take temporary possession of land.

Gavin Barwell

24

Clause 34, page 26, line 38, leave out “subsections (2) and” and insert “subsection”

Member’s explanatory statement

This amendment and amendment 25 provide for the repeal of section 141(5A) of the Local Government, Planning and Land Act 1980 in clause 23(3) to extend to England and Wales only. Although section 141 generally extends to Scotland, subsection (5A) only extends to England and Wales, so its repeal should only extend there.

Neighbourhood Planning Bill, continued

Gavin Barwell

25

Clause 34, page 26, line 39, leave out subsection (2)
Member's explanatory statement
 See the explanatory statement for amendment 24.

Gavin Barwell

26

Clause 35, page 27, line 8, after “3”, insert “, (Power to direct preparation of joint local development documents)”
Member's explanatory statement
 The amendment provides for the regulation-making powers conferred by NC4 to come into force on the passing of the Act resulting from the Bill.

Gavin Barwell

27

Clause 35, page 27, line 8, after “3”, insert “, (Review of local development documents)”
Member's explanatory statement
 The amendment provides for the regulation-making powers conferred by NC7 to come into force on the passing of the Act resulting from the Bill.

NEW CLAUSES

Gavin Barwell

NC3

To move the following Clause—

“Content of development plan documents

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

5 “(1B) Each local planning authority must identify the strategic priorities for the development and use of land in the authority’s area.

(1C) Policies to address those priorities must be set out in the local planning authority’s development plan documents (taken as a whole).

10 (1D) Subsection (1C) does not apply in the case of a London borough council or a Mayoral development corporation if and to the extent that the council or corporation are satisfied that policies to address those priorities are set out in the spatial development strategy.

15 (1E) If a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 has the function of preparing the spatial development strategy for the authority’s area, subsection (1D) also applies in relation to—

(a) a local planning authority whose area is within, or the same as, the area of the combined authority, and

Neighbourhood Planning Bill, *continued*

- (b) the spatial development strategy published by the combined authority.”
- 20 (2) In section 35 of that Act (local planning authorities’ monitoring reports) after subsection (3) insert—
- “(3A) Subsection (3B) applies if a London borough council or a Mayoral development corporation have determined in accordance with section 19(1D) that—
- 25 (a) policies to address the strategic priorities for the development and use of land in their area are set out in the spatial development strategy, and
- (b) accordingly, such policies will not to that extent be set out in their development plan documents.
- 30 (3B) Each report by the council or corporation under subsection (2) must—
- (a) indicate that such policies are set out in the spatial development strategy, and
- (b) specify where in the strategy those policies are set out.
- 35 (3C) If a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 has the function of preparing the spatial development strategy for the authority’s area, subsections (3A) and (3B) also apply in relation to—
- (a) a local planning authority whose area is within, or the same as, the area of the combined authority, and
- 40 (b) the spatial development strategy published by the combined authority.””

Member’s explanatory statement

This new clause requires a local planning authority to identify the strategic priorities for the development and use of land in the authority’s area and to set out policies to address these in their development plan documents. The latter duty does not apply in the case of certain authorities to the extent that other documents set out the policies, but in that case the authority’s monitoring reports must make that clear.

As an Amendment to Gavin Barwell’s proposed New Clause (NC3):—

Dr Roberta Blackman-Woods

★ Line 19, at end insert—

“(1F) The Secretary of State may by regulations require a particular timescale to be set for the production of plan documents.”

(a)

Gavin Barwell

To move the following Clause—

NC4

“Power to direct preparation of joint development plan documents

- (1) The Planning and Compulsory Purchase Act 2004 is amended as follows.

Neighbourhood Planning Bill, *continued*

(2) After section 28 insert—

“28A Power to direct preparation of joint development plan documents

- 5 (1) The Secretary of State may direct two or more local planning authorities to prepare a joint development plan document.
- 10 (2) The Secretary of State may give a direction under this section in relation to a document whether or not it is specified in the local development schemes of the local planning authorities in question as a document which is to be prepared jointly with one or more other local planning authorities.
- 15 (3) The Secretary of State may give a direction under this section only if the Secretary of State considers that to do so will facilitate the more effective planning of the development and use of land in the area of one or more of the local planning authorities in question.
- 20 (4) A direction under this section may specify—
(a) the area to be covered by the joint development plan document to which the direction relates;
(b) the matters to be covered by that document;
(c) the timetable for preparation of that document.
- 25 (5) The Secretary of State must, when giving a direction under this section, notify the local planning authorities to which it applies of the reasons for giving it.
- 30 (6) If the Secretary of State gives a direction under this section, the Secretary of State may direct the local planning authorities to which it is given to amend their local development schemes so that they cover the joint development plan document to which it relates.
- (7) A joint development plan document is a development plan document which is, or is required to be, prepared jointly by two or more local planning authorities pursuant to a direction under this section.

28B Application of Part to joint development plan documents

- 35 (1) This Part applies for the purposes of any step which may be or is required to be taken in relation to a joint development plan document as it applies for the purposes of any step which may be or is required to be taken in relation to a development plan document.
- 40 (2) For the purposes of subsection (1) anything which must be done by or in relation to a local planning authority in connection with a development plan document must be done by or in relation to each of the authorities mentioned in section 28A(1) in connection with a joint development plan document.
- (3) If the authorities mentioned in section 28A(1) include a London borough council or a Mayoral development corporation, the requirements of this Part in relation to the spatial development strategy also apply.
- 45 (4) Those requirements also apply if—
(a) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 has the function of preparing the spatial development strategy for the combined authority’s area, and

Neighbourhood Planning Bill, *continued*

- 50 (b) the authorities mentioned in section 28A(1) include a local planning authority whose area is within, or is the same as, the area of the combined authority.

28C Modification or withdrawal of direction under section 28A

- (1) The Secretary of State may modify or withdraw a direction under section 28A by notice in writing to the authorities to which it was given.
- 55 (2) The Secretary of State must, when modifying or withdrawing a direction under section 28A, notify the local planning authorities to which it was given of the reasons for the modification or withdrawal.
- (3) The following provisions of this section apply if—
- 60 (a) the Secretary of State withdraws a direction under section 28A, or
- (b) the Secretary of State modifies a direction under that section so that it ceases to apply to one or more of the local planning authorities to which it was given.
- (4) Any step taken in relation to the joint development plan document to which the direction related is to be treated as a step taken by—
- 65 (a) a local planning authority to which the direction applied for the purposes of any corresponding document prepared by them, or
- (b) two or more local planning authorities to which the direction applied for the purposes of any corresponding joint development plan document prepared by them.
- 70 (5) Any independent examination of a joint development plan document to which the direction related must be suspended.
- (6) If before the end of the period prescribed for the purposes of this subsection a local planning authority to which the direction applied request the Secretary of State to do so, the Secretary of State may direct that—
- 75 (a) the examination is resumed in relation to—
- (i) any corresponding document prepared by a local planning authority to which the direction applied, or
- 80 (ii) any corresponding joint development plan document prepared by two or more local planning authorities to which the direction applied, and
- (b) any step taken for the purposes of the suspended examination has effect for the purposes of the resumed examination.
- 85 (7) The Secretary of State may by regulations make provision as to what is a corresponding document or a corresponding joint development plan document for the purposes of this section.”
- (3) In section 21 (intervention by Secretary of State) after subsection (11) insert—
- 90 “(12) In the case of a joint local development document or a joint development plan document, the Secretary of State may apportion liability for the expenditure on such basis as the Secretary of State thinks just between the local planning authorities who have prepared the document.”
- (4) In section 27 (Secretary of State’s default powers) after subsection (9) insert—
- 95 “(10) In the case of a joint local development document or a joint development plan document, the Secretary of State may apportion liability for the

Neighbourhood Planning Bill, continued

expenditure on such basis as the Secretary of State thinks just between the local planning authorities for whom the document has been prepared.”

- 100 (5) Section 28 (joint local development documents) is amended in accordance with subsections (6) and (7).
- (6) In subsection (9) for paragraph (a) substitute—
- “(a) the examination is resumed in relation to—
- (i) any corresponding document prepared by an authority which were a party to the agreement, or
- 105 (ii) any corresponding joint local development document prepared by two or more other authorities which were parties to the agreement;”.
- (7) In subsection (11) (meaning of “corresponding document”) at the end insert “or a corresponding joint local development document for the purposes of this section.”
- 110 (8) In section 37 (interpretation) after subsection (5B) insert—
- “(5C) Joint local development document must be construed in accordance with section 28(10).
- (5D) Joint development plan document must be construed in accordance with
- 115 section 28A(7).”
- (9) Schedule A1 (default powers exercisable by Mayor of London, combined authority and county council) is amended in accordance with subsections (10) and (11).
- 120 (10) In paragraph 3 (powers exercised by the Mayor of London) after sub-paragraph (3) insert—
- “(4) In the case of a joint local development document or a joint development plan document, the Mayor may apportion liability for the expenditure on such basis as the Mayor thinks just between the councils for whom the document has been prepared.”
- 125 (11) In paragraph 7 (powers exercised by combined authority) after sub-paragraph (3) insert—
- “(4) In the case of a joint local development document or a joint development plan document, the combined authority may apportion liability for the expenditure on such basis as the authority considers
- 130 just between the authorities for whom the document has been prepared.””

Member’s explanatory statement

This new clause enables the Secretary of State to give a direction requiring two or more local planning authorities to prepare a joint development plan document. It also makes provision about the consequences of withdrawal or modification of such a direction.

As an Amendment to Gavin Barwell’s proposed New Clause (NC4):—

Dr Roberta Blackman-Woods

- ★ Line 92, at end insert “after consulting with the local authorities concerned.” (a)

 Neighbourhood Planning Bill, *continued*

Gavin Barwell

NC5

To move the following Clause—

“County councils’ default powers in relation to development plan documents

Schedule (*County councils’ default powers in relation to development plan documents*) makes provision for the exercise of default powers by county councils in relation to development plan documents.”

Member’s explanatory statement

This new clause and NS1 enable the Secretary of State to invite a county council to prepare or revise a development plan document in a case where the Secretary of State thinks that a district council in the county council’s area is failing to prepare, revise or adopt such a document.

As an Amendment to Gavin Barwell’s proposed New Clause (NC5):—

Dr Roberta Blackman-Woods

(a)

★ Line 4, at end insert “with the agreement of district councils.”

Gavin Barwell

NC6

To move the following Clause—

“Format of local development schemes and documents

(1) Section 36 of the Planning and Compulsory Purchase Act 2004 (regulations under Part 2) is amended in accordance with subsections (2) and (3).

(2) In the heading after “Regulations” insert “and standards”.

5 (3) After subsection (2) insert—

“(3) The Secretary of State may from time to time publish data standards for—

(a) local development schemes,

(b) local development documents, or

10 (c) local development documents of a particular kind.

(4) For this purpose a “data standard” is a written standard which contains technical specifications for a scheme or document or the data contained in a scheme or document.

15 (5) A local planning authority must comply with the data standards published under subsection (3) in preparing, publishing, maintaining or revising a scheme or document to which the standards apply.”

(4) In section 15(8AA) of that Act (cases in which direction to revise local development scheme may be given by Secretary of State or Mayor of London)—

(a) after “only if” insert “—(a)”, and

20 (b) at the end of paragraph (a) insert “, or

(b) the Secretary of State has published data standards under section 36(3) which apply to the local development scheme and the person giving the direction thinks that

 Neighbourhood Planning Bill, *continued*

25 the scheme should be revised so that it complies with the standards.””

Member’s explanatory statement

This new clause enables the Secretary of State to set data standards for local development schemes and documents, requiring these documents or the data they contain to comply with specified technical specifications. It also enables the Secretary of State or the Mayor of London to direct a local planning authority to revise a local development scheme so that it complies with data standards.

As an Amendment to Gavin Barwell’s proposed New Clause (NC6):—

Dr Roberta Blackman-Woods

(a)

- ★ Line 10, at end insert—
“(d) technical documents.”

Gavin Barwell

NC7

To move the following Clause—

“Review of local development documents

In section 17 of the Planning and Compulsory Purchase Act 2004 (local development documents) after subsection (6) insert—

- “(6A) The Secretary of State may by regulations make provision requiring a local planning authority to review a local development document at such times as may be prescribed.
- (6B) If regulations under subsection (6A) require a local planning authority to review a local development document—
- (a) they must consider whether to revise the document following each review, and
 - (b) if they decide not to do so, they must publish their reasons for considering that no revisions are necessary.
- (6C) Any duty imposed by virtue of subsection (6A) applies in addition to the duty in subsection (6).””

Member’s explanatory statement

This new clause enables regulations to require a local planning authority to review local development documents at prescribed times.

Neighbourhood Planning Bill, *continued*

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

NC1

To move the following Clause—

“Approval of draft-neighbourhood development plans by referendum

- (1) Schedule 4B of the Town and Country Planning Act is amended as follows—
- (2) After paragraph (2) insert—

“(3) The outcome of such a referendum shall only be valid if the turnout is equal to or greater than 40%.”

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

NC2

To move the following Clause—

“Incentives to create neighbourhood development plans

- (1) Areas with an adopted neighbourhood development plan in place should benefit from a locally agreed share in the New Homes Bonus.
- (2) Areas with an adopted neighbourhood development plan should have access to enhanced Community Infrastructure Levy payments, and all councils shall have a Community Infrastructure Levy scheme in place by 2017.”

Member’s explanatory statement

This new clause would create incentives to encourage communities to produce neighbourhood development plans.

John Mann

NC8

To move the following Clause—

“Neighbourhood planning: Addition of beauty as a basic condition

- (1) Schedule 4B to the Town and Country Planning Act 1990 (process for making of neighbourhood development orders) is amended as follows.
- (2) In paragraph 8, after sub-paragraph (2)(c) insert—

“() having regard to the desirability of promoting the conservation and enhancement of beauty in the built and natural environment, as perceived by the community within the neighbourhood area,

Neighbourhood Planning Bill, continued

within the neighbourhood area, it is appropriate to make the order.”

Member’s explanatory statement

This new clause would make the conservation and enhancement of beauty in the built and natural environment a basic condition that neighbourhood development order must meet.

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

NC9

To move the following Clause—

“Sustainable development and placemaking

- (1) The purpose of planning is the achievement of long-term sustainable development and placemaking.
- (2) Under this Act sustainable development and placemaking 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.
- (3) In achieving sustainable development, the local planning authority should—
 - (a) 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) 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 clarify in statute that the planning system should be focused on the public interest and in achieving quality outcomes including placemaking.

Neighbourhood Planning Bill, continued

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

NC10

To move the following Clause—

“Funding for local authority planning functions

- (1) The Secretary of State must consult local planning authorities prior to the commencement of any new statutory duties to ensure that they are—
 - (a) adequately resourced; and
 - (b) adequately fundedso that they are able to undertake the additional work.
- (2) In any instance where that is not the case, an independent review of additional cost must be conducted to set out the level of resource required to allow planning authorities to fulfil any new statutory duties.”

Member’s explanatory statement

This new clause would ensure that the costs of new planning duties are calculated and adequately funded.

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

NC11

To move the following Clause—

“Review of sustainable drainage

- (1) Before exercising his powers under section 35(1) the Secretary of State must carry out a review of planning legislation, government planning policy and local planning policies concerning sustainable drainage in relation to the development of land in England.”

Member’s explanatory statement

This new clause would require the Secretary of State to review the impact of the planning system on the management of flooding and drainage.

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

NC12

To move the following Clause—

“Planning obligations

- (1) The Town and Country Planning Act 1990 is amended as follows.

Neighbourhood Planning Bill, continued

- (2) In subsection (1) of section 106 (planning obligations) paragraph (d) at end insert—

“(e) requiring that information submitted as part of, and in support of, a viability assessment be made available to the public.””

Member’s explanatory statement

This new clause would ensure that viability assessments are public documents with no commercial confidentiality restrictions, except in cases where disclosure would not be in the public interest.

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

NC13

To move the following Clause—

“Review of compulsory purchase

- (1) Before exercising his powers under section 35(1) the Secretary of State must carry out a review of the entire compulsory purchase order process.”

Member’s explanatory statement

This new clause would require the Secretary of State to review the entire compulsory purchase order process.

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

NC14

To move the following Clause—

“Review of permitted development rights

- (1) Before exercising his powers under section 35(1) the Secretary of State must review the provisions of all General Development Orders made under the powers conferred to the Secretary of State by sections 59, 60, 61, 74 and 333(7) of the Town and Country Planning Act 1990 granting permitted development rights since 1 January 2013.”

Member’s explanatory statement

This new clause would require the Secretary of State to review the permitted development rights granted since 2013.

Neighbourhood Planning Bill, *continued*

Dr Roberta Blackman-Woods

NC15

★ To move the following Clause—

“Ability of local authorities to set planning fees

- (1) A local authority may determine fees relating to planning applications in its area.
 - (2) Subsection (1) applies, but is not restricted to, fees relating to—
 - (a) permitted development applications, and
 - (b) discharge of planning conditions.”
-

Dr Roberta Blackman-Woods

NC16

★ To move the following Clause—

“Review of local authority determination of amendments to planning approvals

Within 12 months of this Act coming into force, the Secretary of State shall conduct a review into the process by which local authorities determine amendments to planning approvals and shall lay the report of the review before each House of Parliament.”

NEW SCHEDULE

Gavin Barwell

NS1

To move the following Schedule—

“COUNTY COUNCILS’ DEFAULT POWERS IN RELATION TO DEVELOPMENT PLAN DOCUMENTS

- 1 The Planning and Compulsory Purchase Act 2004 is amended as follows.
- 2 Schedule A1 (default powers exercisable by Mayor of London or combined authority) is amended in accordance with paragraphs 3 to 8.
- 3 In the heading for “or combined authority” substitute “, combined authority or county council”.
- 4 After paragraph 7 insert—

“Default powers exercisable by county council

7A In this Schedule—

“upper-tier county council” means a county council for an area for which there is also a district council;

“lower-tier planning authority”, in relation to an upper-tier county council, means a district council which is the local

Neighbourhood Planning Bill, *continued*

planning authority for an area within the area of the upper-tier county council.

- 7B If the Secretary of State—
- (a) thinks that a lower-tier 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 upper-tier county council to prepare or revise the document,
- the upper-tier county council may prepare or revise (as the case may be) the development plan document.
- 7C (1) This paragraph applies where a development plan document is prepared or revised by an upper-tier county council under paragraph 7B.
- (2) The upper-tier county council must hold an independent examination.
 - (3) The upper-tier county council—
 - (a) must publish the recommendations and reasons of the person appointed to hold the examination, and
 - (b) may also give directions to the lower-tier planning authority in relation to publication of those recommendations and reasons.
 - (4) The upper-tier county council may—
 - (a) approve the document, or approve it subject to specified modifications, as a local development document, or
 - (b) direct the lower-tier planning authority to consider adopting the document by resolution of the authority as a local development document.
- 7D (1) Subsections (4) to (7C) of section 20 apply to an examination held under paragraph 7C(2)—
- (a) with the reference to the local planning authority in subsection (7C) of that section being read as a reference to the upper-tier county council, and
 - (b) with the omission of subsections (5)(c), (7)(b)(ii) and (7B)(b).
- (2) The upper-tier county council must give reasons for anything they do in pursuance of paragraph 7B or 7C(4).
 - (3) The lower-tier planning authority must reimburse the upper-tier county council—
 - (a) for any expenditure that the upper-tier county council incur in connection with anything which is done by them under paragraph 7B and which the lower-tier planning authority failed or omitted to do as mentioned in that paragraph;
 - (b) for any expenditure that the upper-tier county council incur in connection with anything which is done by them under paragraph 7C(2).
 - (4) In the case of a joint local development document or a joint development plan document, the upper-tier council may apportion

Neighbourhood Planning Bill, *continued*

liability for the expenditure on such basis as the council considers just between the authorities for whom the document has been prepared.”

- 5 (1) Paragraph 8 is amended as follows.
- (2) In sub-paragraph (1)—
- (a) omit the “or” at the end of paragraph (a), and
 - (b) at the end of paragraph (b) insert “, or
 - (c) under paragraph 7B by an upper-tier county council.”
- (3) In sub-paragraph (2)(a)—
- (a) for “or 6(4)(a)” substitute “, 6(4)(a) or 7C(4)(a)”, and
 - (b) for “or the combined authority” substitute “, the combined authority or the upper-tier county council”.
- (4) In sub-paragraph (3)(a) for “or the combined authority” substitute “, the combined authority or the upper-tier county council”.
- (5) In sub-paragraph (5) for “or 6(4)(a)” substitute “, 6(4)(a) or 7C(4)(a)”.
- (6) In sub-paragraph (7)—
- (a) in paragraph (b) for “or 6(4)(a)” substitute “, 6(4)(a) or 7C(4)(a)”, and
 - (b) in the words following that paragraph for “or the combined authority” substitute “, the combined authority or the upper-tier county council”.
- 6 In paragraph 9(8) for “or the combined authority” substitute “, the combined authority or the upper-tier county council”.
- 7 In paragraph 12—
- (a) for “or the combined authority” substitute “, the combined authority or the upper-tier county council”, and
 - (b) for “or the authority” substitute “, the authority or the council”.
- 8 In paragraph 13(1)—
- (a) for “or a combined authority” substitute “, a combined authority or an upper-tier county council”, and
 - (b) for “or the authority” substitute “, the authority or the council”.
- 9 In section 17(8) (document a local development document only if adopted or approved) after paragraph (d) insert—
- “(e) is approved by an upper-tier county council (as defined in that Schedule) under paragraph 7C of that Schedule.”
- 10 In section 27A (default powers exercisable by Mayor of London or combined authority) in both places for “or combined authority” substitute “, combined authority or county council”.

Member’s explanatory statement

See the explanatory statement for NC5.

Neighbourhood Planning Bill, *continued*

ORDER OF THE HOUSE [10 OCTOBER 2016]

That the following provisions shall apply to the Neighbourhood 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 1 November 2016.
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 any 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.

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.

ORDER OF THE COMMITTEE [18 OCTOBER 2016]

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 18 October meet—
 - (a) at 2.00 pm on Tuesday 18 October;
 - (b) at 11.30 am and 2.00 pm on Thursday 20 October;
 - (c) at 9.25 am and 2.00 pm on Tuesday 25 October;
 - (d) at 11.30 am and 2.00 pm on Thursday 27 October;
 - (e) at 9.25 am and 2.00 pm on Tuesday 1 November;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

Neighbourhood Planning Bill, *continued*
TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 18 October	Until no later than 10.30 am	British Property Federation Federation of Master Builders Home Builders Federation Country Land and Business Association
Tuesday 18 October	Until no later than 11.25 am	Local Government Association Historic England National Infrastructure Planning Association Town and Country Planning Association
Tuesday 18 October	Until no later than 2.30 pm	National Association of Local Councils Royal Institute of British Architects
Tuesday 18 October	Until no later than 3.00 pm	Locality Campaign to Protect Rural England
Tuesday 18 October	Until no later than 4.00 pm	Compulsory Purchase Association Royal Institution of Chartered Surveyors Law Society Royal Town Planning Institute
Tuesday 18 October	Until no later than 4.45 pm	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 3; Schedule 1; Clauses 4 to 7; Schedule 2; Clauses 8 to 36; new Clauses; new Schedules; remaining proceedings on the Bill;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 1 November.
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