



SUPPLEMENT TO THE VOTES AND PROCEEDINGS

Tuesday 13 December 2016

REPORT STAGE PROCEEDINGS

NEIGHBOURHOOD PLANNING BILL, AS AMENDED

GLOSSARY

This document shows the fate of each clause, schedule, amendment and new clause.

The following terms are used:

Agreed to: agreed without a vote.

Agreed to on division: agreed following a vote.

Negatived: rejected without a vote.

Negatived on division: rejected following a vote.

Not called: debated in a group of amendments, but not put to a decision.

Not moved: not debated or put to a decision.

Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.

Not selected: not chosen for debate by the Speaker.

NEW CLAUSES

Secretary Sajid Javid

Added NC6

To move the following Clause—

“Compensation for temporary severance of land after vesting declaration

In Schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981 (counter-notice requiring purchase of land not in general vesting declaration), in paragraph 16, after sub-paragraph (3) insert—

- “(4) If the vesting date for the specified land is after the vesting date for any land proposed to be acquired, the Upper Tribunal’s power to award compensation under section 7 of the Compulsory Purchase Act 1965 includes power to award compensation for any loss suffered by the

Neighbourhood Planning Bill, *continued*

owner by reason of the temporary severance of the land proposed to be acquired from the specified land.””

Graham Jones
Mr Charles Walker
Mr David Burrowes
Carolyn Harris
Paul Blomfield
Mr David Lammy

Steve Rotherham
Helen Hayes

Marie Rimmer
Sammy Wilson

Caroline Lucas
Alex Cunningham
Negated NC1

To move the following Clause—

“Guidance on clustering of betting offices and pay day loan shops

- (1) Before exercising his powers under section 36(1) the Secretary of State must issue guidance to local authorities on the granting of planning for permission change of use to betting offices and pay day loan shops.
- (2) This guidance must set out the manner in which policies in neighbourhood plans and local plans about the number, density and impact of betting offices and pay day loan shops shall be taken into account when determining applications for change of use, to prevent a deleterious effect on the neighbourhood or local area.”

Antoinette Sandbach

Not called NC2

To move the following Clause—

“Planning Applications: award of costs

- (1) Where a planning application for development meets the terms of subsection (2), and is—
 - (a) refused by a local authority, or
 - (b) an appeal under section 78 of the TCPA 1990 which is dismissed,
 the planning authority may apply to the Secretary of State for an award of costs to reimburse the expenses incurred by individuals who submitted objections to the unsuccessful application or appeal.
 - (2) A planning authority may only use this power if the following conditions are met—
 - (a) the unsuccessful application or appeal concerned a new commercial or residential development; and
 - (b) the application or appeal was unsuccessful, at least in part, due to its incompatibility with the relevant approved neighbourhood development plan.”
-

Neighbourhood Planning Bill, *continued*

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

Not called NC3

To move the following Clause—

“Review of compulsory purchase

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

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

Not called NC4

To move the following Clause—

“Sustainable development and placemaking

- (1) The Secretary of State must issue guidance setting out how the principles of sustainable development and placemaking can be—
 - (a) reflected in neighbourhood development plans;
 - (b) used by local authorities to support neighbourhood planning.
- (2) “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) To support this aim local planning authorities 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.”

Neighbourhood Planning Bill, *continued*

Sir Oliver Letwin

Not called NC5

To move the following Clause—

“Neighbourhood Planning: Payments to support production of plans

- (1) Where a parish is designated as a neighbourhood area under the Neighbourhood Planning (General) Regulations 2012, and where the parish council agrees to forego some or all of the relevant Community Infrastructure Levy Monies, the Local Planning Authority may make available the amounts foregone to support the parish council in the production of a Neighbourhood Plan or a Neighbourhood Development Order.
- (2) For the purposes of subsection (1) the relevant Community Infrastructure Levy Monies are those that will be payable to the Local Planning Authority under Regulation 8 of the CIL (Amendment) Regulations 2013 if the Neighbourhood Plan or Neighbourhood Development Order, when made—
 - (a) provides for the number of houses specified for development in that neighbourhood area under the relevant Local Plan, and
 - (b) those houses are built.”

Nick Herbert
 Sir Oliver Letwin
 Mr Andrew Mitchell
 Sir Nicholas Soames
 Sir Henry Bellingham
 Crispin Blunt

Fiona Bruce
 Philip Davies
 Antoinette Sandbach
 Dr Roberta Blackman-Woods

Maria Caulfield
 Jason McCartney
 Martin Vickers

Geoffrey Clifton-Brown
 Nigel Mills
 William Wragg

Not called NC7

To move the following Clause—

“Planning decisions: involvement of neighbourhood planning bodies

In place of section 75ZB of the Town and Country Planning Act 1990 (as inserted by section 156 of the Housing and Planning Act 2016) insert—

“75ZB Responsibilities of decision-makers in respect of Neighbourhood Development Plans in the exercise of planning functions

- (1) In considering whether to grant planning permission or permission in principle for development which affects land all or part of which is included within the area covered by a made or emerging Neighbourhood Development Plan, the local planning authority must—
 - (a) have regard to the desirability of upholding the policies and proposals contained in the Neighbourhood Development Plan;
 - (b) send a copy of the application to the relevant neighbourhood planning body;
 - (c) allow the relevant neighbourhood planning body a period of 21 days from receipt of the application to make recommendations about how the application should be determined; and

Neighbourhood Planning Bill, *continued*

- (d) take into account any recommendations made under paragraph (c).
- (2) Where a neighbourhood planning body recommended against the application, under subsection (1), and the following conditions are met, the local planning authority may not approve the application without first consulting with the Secretary of State.
- (3) The conditions mentioned in subsection (2) are—
- (a) the development is not classed as a householder development;
 - (b) the development is not on a site identified for the proposed development in the relevant neighbourhood development plan.
- (4) Consultations with the Secretary of State under subsection (2) must follow the procedures set out in provisions 10 to 12 of the Town & Country Planning (Consultation) (England) Direction 2009.
- (5) In this section—
- “emerging Neighbourhood Development Plan” means a Neighbourhood Development Plan that has been examined, is being examined, or is due to be examined, having met the public consultation requirements necessary to proceed to this stage.
- “householder development” means proposals to alter or enlarge a single house, including works within the curtilage (boundary/garden) of the house.
- “neighbourhood planning body” means a town or parish council or neighbourhood forum, as defined in section 61F of the 1990 Act (authorisation to act in relation to neighbourhood areas).”

Nick Herbert
 Sir Oliver Letwin
 Mr Andrew Mitchell
 Sir Nicholas Soames
 Sir Henry Bellingham
 Crispin Blunt

Fiona Bruce
 Philip Davies
 Antoinette Sandbach

Maria Caulfield
 Jason McCartney
 Martin Vickers

Geoffrey Clifton-Brown
 Nigel Mills
 William Wragg

Not called NC8

To move the following Clause—

“Delivery of housing development

After section 74 of the Town and Country Planning Act 1990 insert—

“74A Delivery of housing development

- (1) The Secretary of State may make provision, by a development order, for regulating the manner in which applications for planning permission for housing development are to be determined by local planning authorities with regard to the assessment of a five year supply of housing land.
- (2) A development order issued under subsection (1) may in particular—

Neighbourhood Planning Bill, *continued*

- (a) define a methodology to be used by local planning authorities to assess a deliverable five-year supply of housing land, including confirmation of types of sites that may be included;
 - (b) specify the minimum period of time after which, if a local authority has not demonstrated a five-year supply of housing land, the presumption in favour of sustainable development should be applied in accordance with paragraph 49 of the National Planning Policy Framework;
 - (c) set out the desirability of upholding policies and proposals of made or emerging neighbourhood plans, where these are positive towards housing development, notwithstanding any lack of a five-year supply of housing land in the local authority area in which the neighbourhood plan is wholly or partly situated.
- (3) In this section “five year supply of housing land” means specified deliverable sites identified as sufficient to provide five years’ worth of housing against the area’s housing requirements (see paragraph 47 of the National Planning Policy Framework).”

Greg Mulholland
 Caroline Lucas
 Dr Roberta Blackman-Woods
 Antoinette Sandbach
 Louise Haigh

Negated on division NC9

To move the following Clause—

“Permitted development: use clauses and demolition of drinking establishments

- (1) The Town and Country Planning (Use Classes) Order 1987 (SI/1987/764) is amended as follows.
- (2) At the end of section 3(6) insert—
 - “(p) drinking establishment.”
- (3) In the Schedule, leave out the paragraph starting “Class A4. Drinking Establishments”
- (4) The Town and Country Planning (General Permitted Development) Order 1995 (SI1995/418) is amended as follows.
- (5) In Part 3 of Schedule 2—
 - (a) in Class A: Permitted development, leave out “A4 (drinking establishments)”.
 - (b) In Class AA: Permitted development, leave out “Class A4 (drinking establishments)”.
 - (c) in Class C: Permitted development, leave out “Class A4 (drinking establishments)”.
- (6) In Part 31 of Schedule 2 under A.1 at end insert—
 - “() the building subject to demolition is classed as a drinking establishment”.

Neighbourhood Planning Bill, continued

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

Not called 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.”

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

Not called NC11

To move the following Clause—

“Planning obligations

- (1) The Town and Country Planning Act 1990 is amended as follows.
- (2) In subsection (1) of section 106 (planning obligations) after paragraph (d) insert—
 - “(e) requiring that information submitted as part of, and in support of, a viability assessment be made available to the public.””

Robert Neill
Geoffrey Clifton-Brown

Not called NC12

To move the following Clause—

“Rates of interest and advance payments

Within 14 days of the Neighbourhood Planning Bill receiving Royal Assent the Secretary of State for Communities and Local Government and the Chancellor of the Exchequer must bring forward outstanding regulations relating to Clauses 192 to 198 of the Housing and Planning Act 2016 and Clauses 19 to 21 and 33 to 35 of the Neighbourhood Planning Bill.”

Neighbourhood Planning Bill, *continued*

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

Not called 1

Clause 1, page 2, line 3, at end insert—

“(c) it has been examined by an independent examiner who is registered with the Royal Town Planning Institute.”

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

Not called 2

Clause 2, page 2, line 19, at end insert—

“(3C) To support Neighbourhood Plans, the Secretary of State should set out the weight that should be given to approved neighbourhood development plans at key stages in the planning process.”

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

Not called 3

Clause 3, page 2, line 28, at end insert “after consultation with the local area involved.”

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

Not called 4

Clause 4, page 4, line 7, at end insert “providing that the subsequent area is not smaller than a parish or town council area or local authority ward.”

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

Not called 7

Clause 5, page 5, line 10, at end insert—

“(c) reasonable payments made by local authorities for the purpose set out in paragraph (a) and (b) shall be recovered from the Secretary of State’s department.”

Neighbourhood Planning Bill, *continued*

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

Not called 5

Clause 5, page 5, line 11, at end insert—

“(2BA) Such statements of community involvement must include a right for members of the community to make representations.”

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

Not called 6

Clause 5, page 5, line 11, at end insert—

“(2BA) Such statements of community involvement shall include measures to enable local parish councils to be set up in a streamlined and speedy manner.”

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

Not called 8

Clause 5, page 5, line 21, after subsection (3) insert—

“(4) Section 120 of the Localism Act 2011 (Financial assistance in relation to neighbourhood planning) is amended as follows—

- (a) at the end of subsection (2)(a) leave out “, and” and insert “subject to the condition that such assistance is prioritised for bodies or persons in deprived communities, and”,
- (b) after subsection (3)(b), insert—

“(ba) a deprived community is defined as being any area which is among the 20 per cent most deprived Lower Layer Super Output Areas according to the most recently published English Indices of Deprivation,

(bb) prioritised financial assistance is defined to mean that no less than 50 per cent of the total value of the financial assistance provided under this section is provided to deprived communities.”

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

Not called 23

Clause 5, page 5, line 21, at end insert—

“(4) To support Neighbourhood Plans, all councils should have a Local Development Plan in place by December 2017.”

Neighbourhood Planning Bill, *continued*

Heidi Allen
 Huw Merriman
 Jeremy Lefroy
 Kate Green
 Mr David Burrowes
 Helen Goodman

Derek Thomas
 Dame Margaret Hodge

Dr Sarah Wollaston
 Dr Roberta Blackman-Woods

Ian C. Lucas
 Scott Mann

Not called **24**

Clause 6, page 5, line 26, at end insert “which must consider the current and future housing needs of the whole population including older and disabled people”

Heidi Allen
 Huw Merriman
 Jeremy Lefroy
 Kate Green
 Mr David Burrowes
 Helen Goodman

Derek Thomas
 Dame Margaret Hodge

Dr Sarah Wollaston
 Scott Mann

Ian C. Lucas

Not called **25**

Clause 6, page 6, line 7, after “strategy” insert “which must consider the current and future housing needs of the whole population including older and disabled people”

Mr Andrew Mitchell
 Sir Nicholas Soames
 Crispin Blunt
 Nicky Morgan
 Nick Herbert
 Sir Greg Knight

Geoffrey Clifton-Brown

Sir Edward Garnier

Not called **28**

Clause 6, page 6, line 21, at end insert—

“(3) In section 70 of the Town and Country Planning Act 1990 ((determination of applications for planning permission: general considerations) after subsection (4) insert—

“(5) No grant or other financial assistance shall be payable by the Secretary of State in connection with development of land in the circumstances set out in subsection (6) below.

(6) The circumstances are where a development plan document includes any of the following policies—

- (a) the removal of the Green Belt designation from land in order to accommodate 10 or more dwellings;
- (b) the designation of land that falls within a designated National Park, Area of Outstanding Natural Beauty, or Site of Special Scientific Interest to allow major housing development;
- (c) the designation of land that falls within a designated Site of Special Scientific Interest to allow major housing development.

Neighbourhood Planning Bill, *continued*

- (7) The Secretary of State must by regulation set out—
- (a) what constitutes “major” development for the purposes of subsection (6) (c); and
 - (b) any exceptions to subsection (5).”
-

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

Not called **10**

Clause **10**, page **10**, line **19**, at end insert—
“(c) they must set out a timetable to review the need for technical documents.”

Secretary Sajid Javid

Agreed to **17**

Clause **11**, page **10**, line **23**, leave out “Section 18” and insert “In section 18(2)”

Secretary Sajid Javid

Agreed to **18**

Clause **11**, page **10**, line **24**, leave out from “involvement)” to “after” in line 25

Secretary Sajid Javid

Agreed to **19**

Clause **11**, page **10**, line **26**, leave out subsection (3)

Mr Andrew Mitchell
Sir Nicholas Soames
Crispin Blunt
Nicky Morgan
Nick Herbert
Sir Greg Knight

Geoffrey Clifton-Brown

Dr Roberta Blackman-Woods

Sir Edward Garnier

Not called **29**

Clause **11**, page **10**, line **35**, at end insert—

“(4) Such Statements of Community Involvement must outline—

- (a) the links between Neighbourhood Plans and Local Plans; and
 - (b) consultation arrangements for Parish and Town Councils in the drawing up of Local Plans.”
-

Neighbourhood Planning Bill, *continued*

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

Negatived on division **14**

Page **11**, line **1**, leave out Clause 12

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

Not called **11**

Clause **12**, page **11**, line **18**, leave out subsection (2)(a)

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

Not called **12**

Clause **12**, page **11**, line **27**, leave out subsections (4) to (7)

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

Not called **13**

Clause **12**, page **11**, line **34**, at end insert—

“(6A) The Secretary of State should provide guidance for appeal routes where an agreement cannot be reached on pre-commencement conditions, along guidance on pre-completion and pre-occupation conditions.”

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

Not called **15**

Clause **13**, page **12**, line **32**, at end insert—

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

- (i) the impact on a local plan;
- (ii) an estimate as to how many homes the development will deliver; and
- (iii) a consultation with the local authority regarding the effect of the change of use on any urban regeneration plans.”

Secretary Sajid Javid

Agreed to **20**

Clause **13**, page **13**, line **21**, at end insert—

“() A development order—

- (a) may make different provision for different kinds of application or notification;
- (b) may make provision which applies generally or only in relation to particular kinds of notification or application.”

Neighbourhood Planning Bill, continued

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

Not called 16

Clause 13, page 13, line 21, 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.”

Robert Neill
Geoffrey Clifton-Brown

Not called 26

Clause 15, page 14, line 12, leave out “as well as, or instead of, compulsory acquisition” and insert “or compulsory acquisition, but not both”

Secretary Sajid Javid

Agreed to 21

Clause 23, page 19, line 45, at end insert “, and

(b) in subsection (6) for the words “acquiring authority” to the end of the subsection substitute “—

(a) “acquiring authority” means a person who could be authorised to acquire compulsorily the land to which the proposal mentioned in subsection (1) relates (regardless of whether the proposal is to acquire an interest in or a right over the land or to take temporary possession of it), and

(b) “owner” has the meaning given in section 7 of the Acquisition of Land Act 1981.””

Robert Neill
Geoffrey Clifton-Brown

Not called 27

Page 25, line 36, leave out Clause 28

Secretary Sajid Javid

Agreed to 22

Clause 40, page 32, line 13, leave out “, 10 and 11” and insert “and 10”

Neighbourhood Planning Bill, *continued*

Dr Roberta Blackman-Woods
Teresa Pearce
Jim McMahon

Not called 9

Schedule 2, page 42, line 15, at end insert “must consult the relevant lower-tier planning authority.”

Legislative Grand Committee (England and Wales): Consent Motion agreed to.
Legislative Grand Committee (England): Consent Motion agreed to.
Bill read the third time and passed.
