



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Wednesday 7 December 2016

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: NC7 to NC9

CONSIDERATION OF BILL (REPORT STAGE)

NEIGHBOURHOOD PLANNING BILL, AS AMENDED

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

NEW CLAUSES

Secretary Sajid Javid

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.””

Member’s explanatory statement

This amendment ensures that, when an acquiring authority is required to take more land than it had planned to take when it executed a general vesting declaration and the additional land vests in the authority after the land which it had planned to take, the Upper Tribunal may require it to pay compensation for the temporary severance of the land it had planned to take from the additional land.

Graham Jones
Mr Charles Walker
Mr David Burrowes

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 of the neighbourhood or local area.”

Antoinette Sandbach

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

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.”

Member’s explanatory statement

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

Dr Roberta Blackman-Woods

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 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 neighbourhood planning should be focused on the public interest and in achieving quality outcomes including placemaking.

Neighbourhood Planning Bill, *continued*

Sir Oliver Letwin

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.”

Member’s explanatory statement

This amendment would require Local Planning Authorities to make advances available to parish councils to support the production of Neighbourhood Plan or a Neighbourhood Development Order. The advances will equal the amount of income that the parish council agrees to forego out of the CIL revenues that would otherwise be paid to them by the Local Planning Authority once the housing specified in the Plan or Order is built.

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

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;

Neighbourhood Planning Bill, *continued*

- (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
 - (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).”

Member’s explanatory statement

This new clause would require planning authorities to consult neighbourhood planning bodies on decisions to grant planning permission. Where a planning authority wants to approve a major development against the wishes of a neighbourhood planning body, the planning authority will be required to consult the Secretary of State before granting permission.

 Neighbourhood Planning Bill, *continued*

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

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—
 - (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).”

Member’s explanatory statement

The proposal would empower the Secretary of State to issue a development order to: clarify the means by which housing land supply is assessed; define the minimum amount of time before a local planning authority’s failure to meet its housing targets results in its local plan being “out of date”; and specify that neighbourhood plans should be taken into account notwithstanding the lack of a five-year supply of housing land.

Neighbourhood Planning Bill, *continued*

Greg Mulholland

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”.

Member’s explanatory statement

The purpose of this amendment is to ensure that any proposed demolition of or change of use to public houses and other drinking establishments would be subject to planning permission. Currently such buildings, unless they have been listed as Assets of Community Value with the local authority, can be demolished or have their use changed without such permission being granted.

Dr Roberta Blackman-Woods

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.”

Member’s explanatory statement

This amendment ensures that the examination of a neighbourhood plan is conducted by an RTPI registered examiner.

Neighbourhood Planning Bill, *continued*

Dr Roberta Blackman-Woods

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.”

Member’s explanatory statement

This amendment gives weight to the Neighbourhood Plans at key stages along the process and not just at the post- referendum stage.

Dr Roberta Blackman-Woods

3

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

Member’s explanatory statement

This amendment ensure that any changes to a neighbourhood development order or plan are first subject to consultation with the local area involved.

Dr Roberta Blackman-Woods

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.”

Member’s explanatory statement

This amendment ensures that the size of a neighbourhood area is not smaller than a parish or town council area or local authority ward.

Dr Roberta Blackman-Woods

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.”

Member’s explanatory statement

This amendment allows for the full recovery of costs of assisting with the development of a neighbourhood plan to be recovered to the local authority.

Dr Roberta Blackman-Woods

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.”

Member’s explanatory statement

This amendment would give local people and communities a statutory “right to be heard”.

Neighbourhood Planning Bill, *continued*

Dr Roberta Blackman-Woods

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.”

Member’s explanatory statement

This amendment would make it easier for new parish and town councils to be formed.

Dr Roberta Blackman-Woods

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.”

Member’s explanatory statement

This amendment would require the Secretary of State to prioritise deprived communities when making available financial assistance to support the development of neighbourhood plans.

Dr Roberta Blackman-Woods

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

17

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

Member’s explanatory statement

This amendment and amendments 18, 19 and 22 provide for the removal of the power conferred by clause 11(3) for regulations to require a local planning authority to review its statement of community involvement at prescribed times. The power in clause 10 now covers this in more general terms.

Neighbourhood Planning Bill, *continued*

Secretary Sajid Javid

18

- ☆ Clause 11, page 10, line 24, leave out from “involvement)” to “after” in line 25
Member’s explanatory statement
See the explanatory statement for amendment 17.

Secretary Sajid Javid

19

- ☆ Clause 11, page 10, line 26, leave out subsection (3)
Member’s explanatory statement
See the explanatory statement for amendment 17.

Dr Roberta Blackman-Woods

14

- Page 11, line 1, leave out Clause 12
Member’s explanatory statement
This amendment would remove from the Bill completely the changes to planning conditions.

Dr Roberta Blackman-Woods

11

- Clause 12, page 11, line 18, 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

12

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

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.”
Member’s explanatory statement
This amendment ensures that there is clarity on appeal routes, pre-completion and pre-occupation conditions.

Dr Roberta Blackman-Woods

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—

Neighbourhood Planning Bill, continued

- (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.”

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.

Secretary Sajid Javid

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.”

Member’s explanatory statement

This amendment applies to a development order which makes provision about the information to be contained in a planning register about prior approval applications or notifications of proposed development. It confirms that the order may make different provision for different kinds of application or notification or provision that applies only in relation to particular kinds of application or notification.

Dr Roberta Blackman-Woods

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.”

Secretary Sajid Javid

21

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

- (b) in subsection (6) for the words from “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

Neighbourhood Planning Bill, continued

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

Member’s explanatory statement

This amendment ensures that the term “acquiring authority” in section 172 of the Housing and Planning Act 2016 has the same meaning that it has in clause 14 of the Bill, so that the power of entry in section 172 is available in relation to all proposals to take temporary possession of land under clause 14.

Secretary Sajid Javid

22

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

Member’s explanatory statement

See the explanatory statement for amendment 17

Dr Roberta Blackman-Woods

9

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

Member’s explanatory statement

This amendment ensures that district councils are consulted before a county council writes a local plan for their area.

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.

Neighbourhood 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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