

LORDS AMENDMENTS TO THE  
NEIGHBOURHOOD PLANNING BILL

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*[The page and line references are to HL Bill 86, the bill as first printed for the Lords]*

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**Clause 1**

- 1** Page 1, line 13, after “(2)(aza)” insert “(but subject to subsections (3BB) and (3BC))”
- 2** Page 1, line 22, at end insert –
- “(c) an examiner has recommended under paragraph 13(2)(a) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (examination of modified plan) that a local planning authority should make the draft plan, or
  - (d) an examiner has recommended under paragraph 13(2)(b) of that Schedule that a local planning authority should make the draft plan with modifications.
- (3BA) In the application of subsection (2)(aza) in relation to a post-examination draft neighbourhood development plan within subsection (3B)(d), the local planning authority must take the plan into account as it would be if modified in accordance with the recommendations.”
- 3** Page 1, line 22, at end insert –
- “(3BB) A draft neighbourhood development plan within subsection (3B)(a) or (b) ceases to be a post-examination draft neighbourhood development plan for the purposes of subsection (2)(aza) if –
- (a) section 38A(4)(a) (duty to make plan) or (6) (cases in which duty does not apply) of the Planning and Compulsory Purchase Act 2004 applies in relation to the plan,
  - (b) section 38A(5) (power to make plan) of that Act applies in relation to the plan and the plan is made by the local planning authority,
  - (c) section 38A(5) of that Act applies in relation to the plan and the local planning authority decide not to make the plan,
  - (d) a single referendum is held on the plan and half or fewer of those voting in the referendum vote in favour of the plan, or

- (e) two referendums are held on the plan and half or fewer of those voting in each of the referendums vote in favour of the plan.
- (3BC) A draft neighbourhood development plan within subsection (3B)(c) or (d) ceases to be a post-examination draft neighbourhood development plan for the purposes of subsection (2)(aza) if –
  - (a) the local planning authority make the draft plan (with or without modifications), or
  - (b) the local planning authority decide not to make the draft plan.”

#### **After Clause 1**

**4** Insert the following new Clause –

#### **“Notification of applications to neighbourhood planning bodies**

- (1) Schedule 1 to the Town and Country Planning Act 1990 (local planning authorities: distribution of functions) is amended as follows.
- (2) Paragraph 8 (duty to notify parish council of planning application etc) is amended in accordance with subsections (3) to (5).
- (3) After sub-paragraph (3) insert –
  - “(3A) Sub-paragraph (3B) applies to a local planning authority who have the function of determining applications for planning permission or permission in principle if –
    - (a) there is a relevant neighbourhood development plan for a neighbourhood area all or part of which falls within the authority’s area, and
    - (b) a parish council are authorised to act in relation to the neighbourhood area as a result of section 61F.
  - (3B) The local planning authority must notify the parish council of –
    - (a) any relevant planning application, and
    - (b) any alteration to that application accepted by the authority.
  - (3C) Sub-paragraph (3B) does not apply if the parish council have notified the local planning authority in writing that they do not wish to be notified of any such application.
  - (3D) If the parish council have notified the local planning authority in writing that they only wish to be notified under sub-paragraph (3B) of applications of a particular description, that sub-paragraph only requires the authority to notify the council of applications of that description.
  - (3E) For the purposes of sub-paragraphs (3A) to (3D) –
    - “neighbourhood area” means an area designated as such under section 61G;
    - “relevant neighbourhood development plan” means –
      - (a) a post-examination draft neighbourhood development plan as defined by section 70(3B) to (3C), or

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- (b) a neighbourhood development plan which forms part of a development plan by virtue of section 38(3) or (3A) of the Planning and Compulsory Purchase Act 2004 (plans which have been made or approved in a referendum);
  - “relevant planning application” means an application which relates to land in the neighbourhood area and is an application for –
    - (a) planning permission or permission in principle, or
    - (b) approval of a matter reserved under an outline planning permission within the meaning of section 92.”
  - (4) In the opening words of sub-paragraph (4) for “the duty” substitute “a duty under this paragraph”.
  - (5) In the opening words of sub-paragraph (5) for “their duty” substitute “a duty under this paragraph”.
  - (6) Paragraph 8A (duty to notify neighbourhood forums) is amended in accordance with subsections (7) to (9).
  - (7) After sub-paragraph (1) insert –
    - “(1A) Sub-paragraph (1B) applies to a local planning authority who have the function of determining applications for planning permission or permission in principle if –
      - (a) there is a relevant neighbourhood development plan for a neighbourhood area all or part of which falls within the authority’s area, and
      - (b) a neighbourhood forum are authorised to act in relation to the neighbourhood area as a result of section 61F.
    - (1B) The local planning authority must notify the neighbourhood forum of –
      - (a) any relevant planning application, and
      - (b) any alteration to that application accepted by the authority.
    - (1C) Sub-paragraph (1B) does not apply if the neighbourhood forum has notified the local planning authority in writing that it does not wish to be notified of any such application.
    - (1D) If the neighbourhood forum has notified the local planning authority in writing that it only wishes to be notified under sub-paragraph (1B) of applications of a particular description, that sub-paragraph only requires the authority to notify the forum of applications of that description.”
  - (8) In sub-paragraph (2) –
    - (a) before the definition of “neighbourhood forum” insert –
      - ““neighbourhood area” means an area designated as such under section 61G;”, and

- (b) after the definition of “neighbourhood forum” insert—
  - ““relevant neighbourhood development plan” means—
  - (a) a post-examination draft neighbourhood development plan as defined by section 70(3B) to (3C), or
  - (b) a neighbourhood development plan which forms part of a development plan by virtue of section 38(3) or (3A) of the Planning and Compulsory Purchase Act 2004 (development plans which have been approved in a referendum or made).”
- (9) In sub-paragraph (3) for “(3) to (6)” substitute “(3) and (4) to (6)”.
- (10) Section 62C of the Town and Country Planning Act 1990 (notification of parish councils of applications made to Secretary of State) is amended in accordance with subsections (11) and (12).
- (11) In subsection (2) after “paragraph 8(1)” insert “or (3B)”.
- (12) In subsection (3) after “Schedule 1” insert “or notifications received by the authority under paragraph 8(3C) or (3D) of that Schedule.”

#### **After Clause 5**

5 Insert the following new Clause—

#### **“Engagement by examiners with qualifying bodies etc**

In Schedule 4B to the Town and Country Planning Act 1990 (process for making neighbourhood development orders), in paragraph 11 (regulations about independent examinations) after sub-paragraph (2) insert—

- “(3) The regulations may in particular impose duties on an examiner which are to be complied with by the examiner in considering the draft order under paragraph 8 and which require the examiner—
  - (a) to provide prescribed information to each person within sub-paragraph (4);
  - (b) to publish a draft report containing the recommendations which the examiner is minded to make in the examiner’s report under paragraph 10;
  - (c) to invite each person within sub-paragraph (4) or representatives of such a person to one or more meetings at a prescribed stage or prescribed stages of the examination process;
  - (d) to hold a meeting following the issuing of such invitations if such a person requests the examiner to do so.
- (4) Those persons are—
  - (a) the qualifying body,
  - (b) the local planning authority, and
  - (c) such other persons as may be prescribed.
- (5) Where the regulations make provision by virtue of sub-paragraph (3)(c) or (d), they may make further provision about—
  - (a) the procedure for a meeting;
  - (b) the matters to be discussed at a meeting.”

### Clause 6

6 Page 5, line 39, at end insert –

- “( ) In section 34 of that Act (guidance) –  
 (a) the existing words become subsection (1), and  
 (b) after that subsection insert –

“(2) The Secretary of State must issue guidance for local planning authorities on how their local development documents (taken as a whole) should address housing needs that result from old age or disability.””

### Clause 11

7 Page 10, line 17, at end insert –

- “( ) Section 18 of the Planning and Compulsory Purchase Act 2004 (statement of community involvement) is amended as follows.”

8 Page 10, line 18, leave out from “In” to “after” in line 19 and insert “subsection (2)”

9 Page 10, line 19, at end insert –

- “( ) After subsection (3A) insert –

“(3B) The Secretary of State may by regulations prescribe matters to be addressed by a statement of community involvement in addition to the matters mentioned in subsection (2).””

### Clause 12

10 Page 10, line 27, after “a” insert “relevant”

11 Page 10, line 35, after “a” insert “relevant”

12 Page 11, line 3, at end insert –

- “( ) No regulations shall be made under subsection (1) that would have the effect of preventing a local planning authority from requiring a condition that would otherwise be in conformity with the national planning policy framework.”

13 Page 11, line 6, after “a” insert “relevant”

14 Page 11, line 13, at end insert –

- “(6A) Before making regulations under subsection (6) the Secretary of State must carry out a public consultation.”

15 Page 11, line 23, leave out “, or by virtue of,”

16 Page 11, line 24, after second “a” insert “relevant”

17 Page 11, line 27, leave out from “(b)” to end of line

18 Page 11, line 28, at end insert –

- “(8A) The Secretary of State must issue guidance to local planning authorities about the operation of this section and regulations made under it.

(8B) The Secretary of State may, from time to time, revise guidance issued under subsection (8A).

(8C) The Secretary of State must arrange for guidance issued or revised under this section to be published in such manner as the Secretary of State considers appropriate.”

19 Page 11, line 30, after “a” insert “relevant”

20 Page 11, line 31, leave out from first “permission” to end of line 32 and insert “to develop land which is granted on an application made under this Part;”

21 Page 11, line 35, at end insert –

“( ) In section 333 of the Town and Country Planning Act 1990 (regulations and orders) after subsection (3ZA) insert –

“(3ZAA) No regulations may be made under section 100ZA(1) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.””

#### After Clause 12

22 Insert the following new Clause –

##### **“Change of use of drinking establishments**

(1) In regulation 3 of the Town and Country Planning (Use Classes) Order 1987, after paragraph (6)(o) insert –

“(p) as a drinking establishment”.

(2) Before exercising his or her powers under section 41(1) of this Act, the Secretary of State must exercise the powers conferred by sections 59, 60, 61, 74 and 333(7) of the Town and Country Planning Act 1990 to remove permitted development rights relating to the change of use or demolition of “drinking establishments”.”

23 Insert the following new Clause –

##### **“Development of new towns by local authorities**

(1) The New Towns Act 1981 is amended as follows.

(2) After section 1 insert –

##### **“1A Local authority to oversee development of new town**

(1) This section applies where the Secretary of State is considering designating an area of land in England as the site of a proposed new town in an order under section 1.

(2) The Secretary of State may, in an order under section 1, appoint one or more local authorities to oversee the development of the area as a new town.

(3) But a local authority may only be appointed if the area of land mentioned in subsection (1) is wholly or partly within the area of the local authority.

(4) The Secretary of State may by regulations make provision about how a local authority is to oversee the development of an area as a new town.

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- (5) Regulations under subsection (4) may, for example—
- (a) provide that a local authority is to exercise specified functions under this Act which would otherwise be exercisable by the Secretary of State, the appropriate Minister or the Treasury;
  - (b) provide that a local authority is to exercise such functions subject to specified conditions or limitations;
  - (c) provide that specified functions under this Act may be exercised only with the consent of a local authority;
  - (d) make provision about the membership of a corporation established under section 3, including the proportion of the members of the corporation who may be members of or employed by a local authority;
  - (e) modify provisions of this Act;
  - (f) make different provision for different purposes;
  - (g) make incidental, supplementary or consequential provision.
- (6) In subsection (5)(a) the reference to “functions” does not include a power to make regulations or other instruments of a legislative character.
- (7) Where two or more local authorities are appointed in an order containing provision by virtue of subsection (2), the Secretary of State may in that order provide—
- (a) that a specified function is to be exercised by a specified local authority, or
  - (b) that a specified function is to be exercised by two or more specified local authorities jointly.
- (8) In this section—
- “local authority” means—
- (a) a district council,
  - (b) a county council, or
  - (c) a London borough council;
- “specified” means specified in—
- (a) an order containing provision by virtue of subsection (2), or
  - (b) regulations under subsection (4).”
- (3) In section 77 (regulations and orders)—
- (a) in subsection (2), after “which” insert “, subject to subsection (2A),”, and
  - (b) after subsection (2) insert—
- “(2A) A statutory instrument containing regulations under section 1A(4) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.””

**Clause 14**

- 24 Page 13, line 14, leave out paragraphs (a) and (b) and insert “a person (an “acquiring authority”)—
- (a) has a power conferred by an Act to acquire land compulsorily (with or without authorisation from another person), or
  - (b) is or has been, at any time, otherwise authorised to acquire land compulsorily.”
- 25 Page 13, line 18, leave out from “may” to end of line 20 and insert “, for purposes connected with the purposes for which it could acquire land compulsorily, take temporary possession of land—
- (a) by agreement, or
  - (b) compulsorily, if authorised to do so in accordance with section 15.”
- 26 Page 13, line 21, leave out “enactment” and insert “Act”
- 27 Page 13, line 24, leave out subsection (4)
- 28 Page 13, line 31, leave out subsection (6)

**Clause 15**

- 29 Page 13, line 35, leave out subsection (2) and insert—
- “(2) The temporary possession of the land must be authorised by the type of instrument (the “authorising instrument”) that would be required if the acquiring authority proposed to acquire that land compulsorily for the purposes for which it proposes to take temporary possession of that land.”
- 30 Page 14, line 1, after “possession” insert “of land”
- 31 Page 14, line 2, after “acquisition” insert—
- “( ) if it authorises the compulsory acquisition of land, may authorise temporary possession of the same or other land,”
- 32 Page 14, line 3, leave out “does so” and insert “makes provision relating to temporary possession”
- 33 Page 14, line 5, at end insert—
- “(3A) But in so far as an authorising instrument authorises the temporary possession of land, the instrument is not to be subject to special parliamentary procedure by virtue of any enactment applying that procedure to an instrument authorising the compulsory acquisition of land, unless the land which is proposed to be subject to temporary possession is held by the National Trust inalienably.
- (3B) For the purposes of subsection (3A)—
- (a) “the National Trust” means the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907, and
  - (b) land is held by the National Trust “inalienably” if it is inalienable under section 21 of the National Trust Act 1907 or section 8 of the National Trust Act 1939.”



34 Page 14, line 5, at end insert—

“( ) For the purposes of subsection (3)(c), the reference to compulsory acquisition does not include the compulsory acquisition of a right over land by creation unless section 14(2) applies in relation to the acquiring authority by virtue only of a power or authorisation to acquire a right over land by creation.”

35 Page 14, line 6, leave out subsection (4)

36 Page 14, line 11, leave out paragraph (c)

37 Page 14, line 13, leave out paragraph (d)

38 Page 14, line 18, leave out subsection (7)

#### Clause 16

39 Page 14, line 38, at end insert—

“( ) Where the authorising instrument mentioned in section 15 is a compulsory purchase order, a notice of intended entry under this section may not be served after the end of the period of three years beginning with the day on which the authorising instrument becomes operative.

( ) In any other case, a notice of intended entry under this section may not be served after the end of the period of five years beginning with the day on which the authorising instrument becomes operative.”

#### Clause 19

40 Page 16, line 9, at end insert—

“( ) A person (a “beneficial claimant”) is entitled to receive compensation from the authority for any loss or injury the beneficial claimant sustains as a result of the authority—

(a) interfering with a relevant right or interest annexed to land belonging to the beneficial claimant, or

(b) breaching a restriction as to the user of land arising by virtue of a contract where—

(i) the beneficial claimant is a party to the contract, or

(ii) the restriction benefits land which belongs to the beneficial claimant.”

41 Page 16, line 10, leave out subsection (3)

42 Page 16, line 14, leave out subsection (4)

43 Page 16, line 29, leave out “claim” and insert “cause of action”

44 Page 16, line 30, leave out “subsection (2)” and insert “this section”

45 Page 16, line 30, leave out “in relation to” and insert “which, apart from this subsection, would accrue before or during”

46 Page 16, line 31, leave out “accrues” and insert “is to be treated as accruing”

47 Page 16, line 33, leave out from “section” to end of line 35 and insert “in relation to a particular head of loss or injury carries interest from the day after the last day on which that loss or injury occurs.”

48 Page 16, line 39, at end insert—

“(11) In this Chapter “relevant right or interest” means any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land (including any natural right to support).”

#### Clause 20

49 Page 17, line 2, leave out “to the claimant” and insert “in relation to the land in respect of which the claimant is or will be entitled to compensation”

50 Page 17, line 4, leave out “a notice of intended entry to the claimant” and insert “such a notice”

#### Clause 23

51 Page 19, line 35, at end insert—

“( ) The acquiring authority may use land as described in subsection (1) even if this involves—

- (a) interfering with a relevant right or interest, or
- (b) breaching a restriction as to the user of land arising by virtue of a contract.”

52 Page 19, line 38, at end insert—

“(4) Nothing in this section authorises an interference with—

- (a) a right of way on, under or over land that is a protected right, or
- (b) a right of laying down, erecting, continuing or maintaining apparatus on, under or over land if it is a protected right.

(5) Nothing in this section authorises—

- (a) an interference with a relevant right or interest annexed to land belonging to the National Trust which is held by the National Trust inalienably, or
- (b) a breach of a restriction as to the user of land which does not belong to the National Trust—
  - (i) arising by virtue of a contract to which the National Trust is a party, or
  - (ii) benefiting land which does belong to the National Trust.

(6) For the purposes of subsection (5)—

- (a) “the National Trust” means the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907, and
- (b) land is held by the National Trust “inalienably” if it is inalienable under section 21 of the National Trust Act 1907 or section 8 of the National Trust Act 1939.

(7) In this section—

“protected right” means—

- (a) a right vested in, or belonging to, a statutory undertaker for the purpose of carrying on its statutory undertaking, or

- (b) a right conferred by, or in accordance with, the electronic communications code on the operator of an electronic communications code network (and expressions used in this paragraph have the meaning given by paragraph 1(1) of Schedule 17 to the Communications Act 2003);

“statutory undertaker” means a person who is, or who is deemed to be, a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990;

“statutory undertaking” is to be read in accordance with section 262 of the Town and Country Planning Act 1990 (meaning of “statutory undertakers”).”

### After Clause 23

53 Insert the following new Clause –

#### **“Impact of temporary possession on tenancies etc**

- (1) Subsection (2) applies where an acquiring authority takes temporary possession under section 14(2) of land subject to a tenancy.
- (2) A person is not to be treated as being in breach of –
  - (a) any term of the tenancy, or
  - (b) any other obligation associated with the tenancy or the land subject to temporary possession,
 to the extent that the person cannot reasonably comply with the term or other obligation as a result of the temporary possession.
- (3) Subsection (2) does not affect terms or obligations about –
  - (a) the length of the tenancy, or
  - (b) the payment of rent.
- (4) Subsection (5) applies where –
  - (a) an acquiring authority takes temporary possession of land subject to a tenancy to which Part 2 of the Landlord and Tenant Act 1954 (security of tenure for business tenants) applies immediately before the period of temporary possession,
  - (b) the tenancy expires during the period of temporary possession, and
  - (c) prior to the period of temporary possession the tenant notifies in writing both the acquiring authority and the landlord that the tenant intends to resume occupation of the land after the period of temporary possession.
- (5) For the purposes of Part 2 of the Landlord and Tenant Act 1954 the tenant is to be deemed to continue to occupy the land in accordance with the tenancy mentioned in subsection (4)(b), and any tenancy which succeeds that tenancy, despite the period of temporary possession.
- (6) But if the tenant notifies in writing both the acquiring authority and the landlord that the tenant no longer intends to resume occupation of the land after the period of temporary possession subsection (5) ceases to apply.
- (7) In this section, “tenancy” includes a sub-tenancy.”

**Clause 24**

- 54 Page 19, line 39, at end insert –  
“(A1) The appropriate national authority must by regulations make provision about –  
(a) the reinstatement of land subject to a period of temporary possession, and  
(b) the resolution by an independent person of disputes about reinstatement.”
- 55 Page 19, line 39, at end insert –  
“(A2) The Secretary of State may by regulations exclude the application of any provision of this Chapter in relation to a person who is an acquiring authority as a result of an authorisation by virtue of –  
(a) section 11, 12 or 12A of the Pipe-lines Act 1962 (compulsory purchase of land or rights over land in connection with pipe-lines),  
(b) section 12 or 13 of the Gas Act 1965 (compulsory purchase of rights in relation to storage of gas etc),  
(c) paragraph 1 of Schedule 3 to the Gas Act 1986 (compulsory purchase of land by gas transporter), or  
(d) paragraph 1 of Schedule 3 to the Electricity Act 1989 (compulsory purchase of land by licence holder).
- 56 Page 20, line 5, leave out paragraph (a)
- 57 Page 20, line 9, at end insert “, including by modifying that provision so that it is effective in relation to those cases or types of case,”
- 58 Page 20, line 25, leave out paragraph (i)
- 59 Page 20, line 29, at end insert –  
“( ) Before making regulations under this section the Secretary of State or the Welsh Ministers, as the case may be, must carry out a public consultation.”

**Clause 25**

- 60 Page 20, line 42, at end insert –  
““relevant right or interest” has the meaning given by section 19(11)”
- 61 Page 20, leave out line 43
- 62 Page 20, leave out lines 44 and 45

**Clause 27**

- 63 Page 21, line 25, after “land” insert “, or by the prospect of that scheme,”
- 64 Page 21, line 39, leave out “there is to be no consideration of whether” and insert “it is to be assumed that no”
- 65 Page 21, line 40, leave out “if the scheme had not been commenced or” and insert “in the exercise of a statutory function or by the exercise of compulsory purchase powers”
- 66 Page 23, line 34, at end insert “facilitated or”
- 67 Page 23, line 38, leave out “which was”

- 68 Page 23, line 40, after “powers” insert “(regardless of whether it is carried out before, after or at the same time as the regeneration or redevelopment)”

### Clause 31

- 69 Page 27, line 27, leave out “section 333ZA and paragraph 19(1) of Schedule 11” and insert—

- “(a) section 333ZA of this Act, and
- (b) paragraph 19(1) of Schedule 11 to this Act or Part 12 of the Highways Act 1980,”

- 70 Page 27, line 33, after “Schedule 11” insert “to this Act or Part 12 of the Highways Act 1980”

- 71 Page 27, line 42, after “Schedule 11” insert “to this Act or Part 12 of the Highways Act 1980”

- 72 Page 28, line 13, at end insert—

#### “403B Acquisition of land by MDC and TfL for shared purposes

- (1) This section applies where a Mayoral development corporation and Transport for London agree that the purposes for which they may acquire land compulsorily under—
  - (a) section 207 of the Localism Act 2011, and
  - (b) paragraph 19(1) of Schedule 11 to this Act or Part 12 of the Highways Act 1980,
 would be advanced by one or both of them acquiring land for a joint project.
- (2) The purposes for which the Mayoral development corporation may acquire land compulsorily under section 207 of the Localism Act 2011 are to be read as if they included the purposes for which Transport for London may acquire land compulsorily.
- (3) The purposes for which Transport for London may acquire land compulsorily under paragraph 19(1) of Schedule 11 to this Act or Part 12 of the Highways Act 1980 are to be read as if they included the purposes for which the Mayoral development corporation may acquire land compulsorily.
- (4) The Mayoral development corporation and Transport for London may agree that one of them is to acquire land on behalf of the other.
- (5) Where subsection (4) applies, a compulsory acquisition is to proceed under—
  - (a) section 207 of the Localism Act 2011 if it is agreed that the Mayoral development corporation will acquire the land, or
  - (b) paragraph 19(1) of Schedule 11 to this Act or Part 12 of the Highways Act 1980 if it is agreed that Transport for London will acquire the land.
- (6) Subsection (7) applies where—
  - (a) the Mayoral development corporation and Transport for London both propose to acquire land compulsorily for a joint project, and
  - (b) the proposed compulsory acquisitions require authorisation by different confirming authorities.

- (7) The proposed compulsory acquisitions are to be treated as requiring the joint authorisation of the confirming authorities.
- (8) The Mayoral development corporation or Transport for London may acquire land by agreement for the same purposes as those for which that body may acquire land compulsorily by virtue of subsection (2) or (3).
- (9) The joint project mentioned in subsection (1) is to be treated as the scheme for the purposes of the no-scheme principle in section 6A of the Land Compensation Act 1961 (impact of scheme to be disregarded when assessing value of land for compulsory purchase).”

73 Page 28, line 15, after “403A” insert “, 403B”

### After Clause 36

74 Insert the following new Clause –

### “CHAPTER 3

#### CONSEQUENTIAL PROVISION

#### **Consequential provision**

- (1) The Secretary of State may by regulations make provision in consequence of any provision of this Part.
- (2) Regulations under subsection (1) may amend, repeal or revoke any enactment.
- (3) In subsection (2) “enactment” includes –
  - (a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978, and
  - (b) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales.”

### Clause 38

75 Leave out Clause 38

### Clause 39

76 Page 31, line 25, leave out “24(1)” and insert “24(A1), (A2) or (1)”

77 Page 31, line 26, leave out “38(1)” and insert “(*Consequential provision*)(1)”

78 Page 31, line 29, leave out “24(1)” and insert “24(A1) or (1)”

79 Page 31, line 36, leave out “38(1)” and insert “(*Consequential provision*)(1)”

### Clause 40

80 Page 32, line 11, leave out “This Part extends” and insert “Section (*Consequential provision*) and this Part extend”

### Clause 41

- 81 Page 32, line 18, at end insert –  
 “( ) section (*Notification of applications to neighbourhood planning bodies*), for the purposes only of enabling the Secretary of State to make provision by development order under paragraph 8(6) of Schedule 1 to the Town and Country Planning Act 1990;”
- 82 Page 32, line 19, leave out “and 10” and insert “, 10 and 11”
- 83 Page 32, line 21, at end insert –  
 “( ) section (*Consequential provision*);”

### Schedule 1

- 84 Page 41, line 7, at end insert –
- “(3) The regulations may in particular impose duties on an examiner which are to be complied with by the examiner in considering the draft plan under paragraphs 10 and 11 and which require the examiner –
- (a) to provide prescribed information to each person within sub-paragraph (4);
  - (b) to publish a draft report containing the recommendations which the examiner is minded to make in the examiner’s report under paragraph 13;
  - (c) to invite each person within sub-paragraph (4) or representatives of such a person to one or more meetings at a prescribed stage or prescribed stages of the examination process;
  - (d) to hold a meeting following the issuing of such invitations if such a person requests the examiner to do so.
- (4) Those persons are –
- (a) the qualifying body,
  - (b) the local planning authority, and
  - (c) such other persons as may be prescribed.
- (5) Where the regulations make provision by virtue of sub-paragraph (3)(c) or (d), they may make further provision about –
- (a) the procedure for a meeting;
  - (b) the matters to be discussed at a meeting.”

### Schedule 3

- 85 Page 43, line 37, leave out paragraphs 2 to 5
- 86 Page 44, line 34, at end insert –  
 “ In section 90(3) (effect of deemed planning permission) after “except” insert “section 100ZA and”.”
- 87 Page 44, line 35, leave out paragraphs 9 to 11
- 88 Page 45, line 17, leave out paragraph 13
- 89 Page 45, line 29, leave out “under or by virtue of” and insert “to develop land which is granted on an application made under”

- 90 Page 45, line 36, leave out “under or by virtue of” and insert “to develop land which is granted on an application made under”



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LORDS AMENDMENTS TO THE  
NEIGHBOURHOOD PLANNING BILL

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