

# Housing and Planning Bill

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EIGHTH  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE

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*The amendments have been marshalled in accordance with the Instruction of 4th February 2016, as follows –*

Clauses 134 to 136	Schedule 16
Schedule 12	Clauses 170 to 176
Clauses 137 to 142	Schedules 17 and 18
Schedule 13	Clauses 177 to 182
Clauses 143 to 159	Schedule 19
Schedule 14	Clauses 183 to 186
Clauses 160 to 163	Schedule 20
Schedule 15	Clauses 187 to 193
Clauses 164 to 169	Title

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

**After Clause 134**

BARONESS ANDREWS  
LORD CLEMENT-JONES  
LORD GREAVES

**89LZA** Insert the following new Clause –

**“The purpose of planning**

- (1) Part 2 of the Planning and Compulsory Purchase Act 2004 is amended as follows.
- (2) Before section 13 (survey of area) insert –

**“12A The purpose of planning**

- (1) The purpose of planning is the achievement of long-term sustainable development and place making.

**After Clause 134 - continued**

- (2) In this Act “sustainable development and place making” means managing the use, development and protection of land and natural resources in a way which enables people and communities to provide for their legitimate social, economic and cultural well-being while sustaining the potential of future generations to meet their own needs.
- (3) In achieving sustainable development and place making the local planning authority should –
- (a) positively identify suitable land for development in line with the economic, social and environmental objectives so as to improve the quality of life, well-being 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 historic environment;
  - (e) positively promote the enhancement and protection of biodiversity so as to achieve a net benefit for nature;
  - (f) contribute to the mitigation of and adaptation to climate change in line with the objectives of the Climate Change Act 2008;
  - (g) positively promote high quality and inclusive design that meets the needs of the maximum number of people, including disabled and older people;
  - (h) ensure that decision-making is open, transparent, participative and accountable; and
  - (i) ensure, whenever possible, that assets arising from the development process are managed for the long-term interest of the community.”

BARONESS ANDREWS  
LORD GREAVES

**89LZB** Insert the following new Clause –

**“Duty to deliver accessible housing**

- (1) Part 3 of the Planning and Compulsory Purchase Act 2004 is amended as follows.
- (2) After section 39 (sustainable development) insert –
  - “39A Duty to ensure supply of wheelchair-accessible housing**
  - (1) An English planning authority must carry out its relevant planning functions with a view to ensuring the adequate supply of accessible and adaptable dwellings and wheelchair-user dwellings in England.
  - (2) A local planning authority in England must have regard to any relevant guidance given by the Secretary of State in carrying out the duty under subsection (1).”

**After Clause 134 - continued**

BARONESS GREENGROSS

89LZC Insert the following new Clause—

**“Planning permission: specialised housing for older people**

In considering whether to grant planning permission for the development of specialised housing for older people with support or care needs, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the local need for such accommodation.

**Clause 135**LORD TRUE  
LORD BEECHAM

*The above-named Lords give notice of their intention to oppose the Question that Clause 135 stand part of the Bill.*

**After Clause 135**

LORD TRUE

89LA Insert the following new Clause—

**“Lee Valley Regional Park Authority**

In section 48 of the Lee Valley Regional Park Act 1966 (precepts), after subsection (11) insert—

“(12) No precept or levy shall be imposed by the Authority or be payable to the Authority under this section unless the council or London Borough concerned has in its annual budget resolutions assented to the imposition of such a precept or levy by the Authority and specifically approved that levy or precept by a majority on a recorded vote.”

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

89M Insert the following new Clause—

**“Land for use by housing co-operatives**

The Secretary of State may by regulations made by statutory instrument require local planning authorities to designate land for use by housing co-operatives.”

**Clause 136**

LORD GREAVES

89N Page 66, line 28, at beginning insert “Subject to section 58B (land for which permission in principle may not be granted),”

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

90 Page 66, line 28, leave out “land” and insert “brownfield land for housing”

**Clause 136 - continued**

LORD GREAVES

**90ZA** Page 66, line 31, leave out “technical” and insert “development”**90A** Page 66, line 32, leave out “a prescribed period” and insert “three years”LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM**91** Page 66, line 36, at end insert –

“(4) Criteria for permission in principle and technical details consent shall be subject to consultation with local authorities.”

BARONESS PARMINTER  
LORD GREAVES  
BARONESS YOUNG OF OLD SCONE  
BARONESS BAKEWELL**92** Page 66, line 36, at end insert –

“(4) Permission in principle may not be granted in respect of land of high environmental value, which is defined as such by dint of –

- (a) containing priority habitat(s) listed under section 41 of the Natural Environment and Rural Communities Act 2006 (biodiversity lists and action (England));
- (b) holding a nature conservation designation such as ‘site of special scientific interest’; or
- (c) having been selected as a local wildlife site.

(5) Land of high environmental value is also exempt from the development order requirements provided for by section 59A (development orders: permission in principle).”

**92A** [*Withdrawn*]

LORD TOPE

**92B** Page 66, line 36, at end insert –

“(4) A development order under subsection (1) shall be made in respect of land in Greater London by the Mayor of London and in respect of land in England outside of Greater London by the Secretary of State.

(5) Section 59B (development orders made by the Mayor of London) shall apply to the making of a development order under subsection (1) by the Mayor of London.”

LORD ROTHERWICK

**92C** Page 66, line 36, at end insert –

“(4) Permission in principle may not be granted for a development of land which is an important part of the national infrastructure, or is the subject of national policy or interest, as defined by the Secretary of State in regulations made by statutory instrument.”

**Clause 136 - continued**

LORD GREAVES  
BARONESS FEATHERSTONE

**92D** Page 66, line 36, at end insert –

**“58B Land for which permission in principle may not be granted**

- (1) Permission in principle may not be granted in respect of land which consists of all of, or part of –
- (a) a green belt area,
  - (b) a conservation area,
  - (c) a national park,
  - (d) an area of outstanding natural beauty,
  - (e) metropolitan open land (in London),
  - (f) local green space designated in a local development plan,
  - (g) a common or a town or village green,
  - (h) access land under Part 1 of the Countryside and Rights of Way Act 2000,
  - (i) a local or national nature reserve,
  - (j) a site of special scientific interest,
  - (k) a park or parkland provided with public funds,
  - (l) privately owned parkland described as such in a local development document,
  - (m) playing fields,
  - (n) any land used for recreational purposes and available for use by the general public,
  - (o) public open space described in a local development plan document,
  - (p) a garden or land forming the curtilage of a dwelling,
  - (q) a scheduled monument,
  - (r) the national forestry estate, or
  - (s) any other category or description of land specified in a development order made by the Secretary of State.
- (2) A local planning authority may set out in a local development document descriptions of land for which permission in principle may not be granted and may specify particular sites to which such descriptions apply.”

LORD GREAVES

**92E** Page 66, line 39, leave out “either”

**92F** Page 67, line 2, leave out “development of a prescribed description; or” and insert “housing development”

**92G** Page 67, leave out lines 3 to 6

**92H** Page 67, leave out line 6 and insert “housing development”

**Clause 136 - continued**

- 92HA** Page 67, line 6, at end insert –
- “(1A) A local development order may grant permission in principle for housing development on land within the boundary of the relevant local planning authority.
- (1B) A neighbourhood development order may grant permission in principle for housing development on land within the boundary of the relevant neighbourhood area.”

LORD SHIPLEY

- 92HB** Page 67, leave out lines 7 to 18 and insert –
- “(2) “Qualifying document” means the development plan or a register as defined in section 14A of the Planning and Compulsory Purchase Act 2004 (register of land).”

LORD GREAVES

- 92J** Page 67, leave out line 8
- 92K** Page 67, line 13, leave out “is of a prescribed description,” and insert “has been adopted by the local planning authority on a date not earlier than the date of commencement of this section,”

- 92L** Page 67, line 14, leave out from “question” to end of line 15 and insert “is –
- (i) allocated for major housing development in the local development plan, or
- (ii) listed as being suitable for housing development on a register of brownfield land,”

- 92M** Page 67, leave out lines 16 to 18

- 92N** Page 67, leave out lines 19 to 23

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM  
LORD GREAVES  
BARONESS ANDREWS

- 93** Page 67, line 29, leave out “not”

LORD GREAVES

- 93A** Page 67, line 31, at end insert –
- “(c) is not granted by any document which was adopted before the date on which section 58A and this section are commenced, unless the document or that part of it which would grant permission in principle has been readopted or revised at a later date.

**Clause 136 - continued**

- (4A) The procedure to be followed for the readoption or revision of a qualifying document in a way that affects the granting of permission in principle to any land is the same as that which applies to the original adoption of the document.”

**93B** Page 67, line 36, at end insert –

- “(5B) Permission in principle will cease to have effect in relation to land –
- (a) on which planning permission is given for a different use;
  - (b) which is allocated for a different use or has the allocation for housing removed in the local development plan; or
  - (c) which is removed from the list of land which is suitable for housing development in a register of brownfield land.”

**93C** Page 67, leave out lines 37 to 39 and insert –

- “(6) An application for planning permission for development of land in respect of which permission in principle has been granted must be dealt with under the provisions of Part 3 of this Act as they relate to planning applications in general.
- (6A) If a planning application is granted for land in respect of which permission in principle has been granted, that permission ceases to have effect for the period during which the planning permission is valid.”

**93D** Page 67, line 39, at end insert –

- “( ) A development order under this section may not grant permission in principle for the winning and working of minerals in, on or under land (whether by surface or underground working), the depositing of mineral waste, or the carrying out of any activities specified in Schedule 1.
- ( ) A development order under this section may not grant permission in principle for the depositing, processing or management of waste in any way.”

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

**94** Page 67, line 42, at end insert –

- “( ) For the purposes of subsection (7), “prescribed information” shall be subject to prior consultation with local planning authorities.”

LORD GREAVES

**94ZA** Page 67, leave out lines 43 to 45

**94ZB** Page 68, leave out lines 1 to 5

**94ZC** Page 68, line 5, at end insert –

- “(c) they may grant permission in principle with conditions.

**Clause 136 - continued**

- (1B) Any conditions imposed under paragraph (c) may only relate to matters that are material to the granting of permission in principle.”

LORD BEST  
 BARONESS WHITAKER  
 BARONESS HODGSON OF ABINGER  
 LORD CLEMENT-JONES

**94A** Page 68, line 5, at end insert –

“( ) Where an application is made for a permission in principle, such permission may not be granted until the local authority has prepared, or has been provided with and deems satisfactory, proposals or guidance for the site that reflect the elements of good design as set out in paragraph 59 of the National Planning Policy Framework (March 2012), which thereafter must be attached to and form part of the permission in principle.”

LORD GREAVES

**94B** Page 68, line 5, at end insert –

“(aa) in subsection 2, omit “such an application” and insert “an application for planning permission or for permission in principle”.”

LORD KENNEDY OF SOUTHWARK  
 LORD BEECHAM  
 BARONESS ANDREWS

**95** Page 68, line 7, at beginning insert “Unless any material considerations indicate otherwise, ”

LORD GREAVES

**95ZA** Page 68, line 7, leave out “technical” and insert “development”

LORD BEST  
 BARONESS WHITAKER  
 BARONESS HODGSON OF ABINGER  
 LORD CLEMENT-JONES

**95A** Page 68, line 9, at end insert “, including the provisions of any design requirements attached to the permission in principle”

**95B** [*Withdrawn*]

LORD GREAVES

**95BA** Page 68, line 11, leave out “technical” and insert “development”

**95C** Page 68, line 22, leave out “a prescribed period” and insert “three years”

LORD KENNEDY OF SOUTHWARK  
 LORD BEECHAM

**96** Page 68, line 22, after “period” insert “and in any event no longer than five years”



**Clause 136 - continued**

BARONESS ANDREWS  
LORD REDESDALE

- 96ZA** Page 68, line 24, at end insert “;  
or where the authority becomes aware of information since the permission in principle came into force which renders it no longer appropriate to determine the application in accordance with the relevant permission in principle.”

LORD GREAVES

- 96ZB** Page 68, leave out lines 25 and 26

- 96ZC** Page 68, line 26, at end insert –

“( ) The granting of planning in principle for land is subject to any conditions imposed by the local planning authority following the submission and approval by the authority of a site specific flood risk assessment and where necessary –

- (a) a sustainable drainage scheme for the site, and
- (b) details of any measures outside the site which are necessary to manage the quantity of water entering or potentially entering the site, and the consequences of development on the site for water management downstream.”

- 96ZD** Page 68, line 26, at end insert –

“( ) The granting of planning in principle for land is subject to any conditions imposed by the local planning authority following the submission and approval of a highways and access appraisal and where necessary –

- (a) a scheme for improvements to the highways network which has been agreed with the local highways authority and, where relevant, Highways England, and
- (b) an assessment of public transport, cycling and walking links to the site and a scheme for improvements to those links.”

- 96ZE** Page 68, line 26, at end insert –

“( ) The granting of planning in principle for land is subject to any conditions imposed by the local planning authority following the submission of a survey of contamination of the site and a scheme for its remediation.”

- 96ZF** Page 68, line 26, at end insert –

“( ) Land on which planning in principle has been granted is subject to the Community Infrastructure Levy regime that has been applied by the local planning authority and may be subject to contributions under section 106, either as part of the granting of permission in principle, or of technical details consent.”

**Clause 136 - continued**

LORD GREAVES  
LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

*The above-named Lords give notice of their intention to oppose the Question that Clause 136 stand part of the Bill.*

**After Clause 136**

LORD TOPE

**96A** Insert the following new Clause –

**“Development orders made by the Mayor of London**

After section 59A of the Town and Country Planning Act 1990 insert –

**“59B Development orders made by the Mayor of London**

- (1) Subsection (2) shall apply to a development order made by the Mayor of London under section 58A(1).
- (2) The Mayor of London may make a development order if –
  - (a) the Mayor of London has consulted the persons specified in subsection (3),
  - (b) the Mayor of London has had regard to any comments made in response by the consultees,
  - (c) in the event that those comments include comments made by the Secretary of State, the London Assembly or a consultee under subsection (3)(e) or (f) that are comments that the Mayor of London does not accept, the Mayor of London has published a statement giving the reasons for the non-acceptance,
  - (d) the Mayor of London has laid before the London Assembly, in accordance with standing orders of the Greater London Authority, a document that is a draft of the development order that the Mayor of London is proposing to make, and
  - (e) the consideration period for the document has expired without the London Assembly having rejected the proposal.
- (3) The persons who must be consulted before a development order may be made by the Mayor of London are –
  - (a) the Secretary of State,
  - (b) the London Assembly,
  - (c) each constituency member of the London Assembly,
  - (d) each Member of Parliament whose parliamentary constituency is in Greater London,
  - (e) each London borough council,
  - (f) the Common Council of the City of London,
  - (g) any other person whom the Mayor considers it appropriate to consult.
- (4) For the purposes of subsection (2)(e) –

**After Clause 136 - continued**

- (a) the “consideration period” for a document is the 21 days beginning with the day the document is laid before the London Assembly in accordance with standing orders of the Greater London Authority, and
- (b) the London Assembly rejects a proposal if it resolves to do so on a motion—
  - (i) considered at a meeting of the Assembly throughout which members of the public are entitled to be present, and
  - (ii) agreed to by at least two-thirds of the Assembly members voting.
- (5) If the Mayor of London makes a development order, he or she must—
  - (a) publish a notice setting out the effect of the development order in the London Gazette and otherwise give the development order adequate publicity including on the Greater London Authority’s website,
  - (b) notify and send a copy of the development order to—
    - (i) the Secretary of State, and
    - (ii) every London local planning authority.””

**Schedule 12**

## LORD GREAVES

*Lord Greaves gives notice of his intention to oppose the Question that Schedule 12 be the Twelfth Schedule to the Bill.*

**Clause 137**

## LORD GREAVES

- 96B** Page 68, leave out lines 37 and 38 and insert “is brownfield land”
- 96C** Page 68, line 38, at end insert—  
“( ) A register of land under this section is a local development document.”
- 96D** Page 68, line 38, at end insert—  
“( ) A register of land under this section is a development plan document.”
- 96E** Page 68, line 42, at end insert—  
“( ) The reference in subsection (2) to “two or more parts” must include a part that identifies all the brownfield sites larger than 0.25 hectares, and one that identifies those which the local planning authority thinks are suitable for listing for housing development.”
- 96F** Page 69, line 7, leave out “or authorise”
- 96G** Page 69, line 12, leave out “, in prescribed circumstances,”

**Clause 137 - continued**

BARONESS PARMINTER  
LORD GREAVES  
BARONESS YOUNG OF OLD SCONE  
BARONESS BAKEWELL

97 Page 69, line 21, at end insert –

“(5A) Land of high environmental value is exempt from the register of land requirements provided for by this section.

(5B) “Land of high environmental value” means –

- (a) land containing priority habitat(s) listed under section 41 of the Natural Environment and Rural Communities Act 2006 (biodiversity lists and action (England));
- (b) land holding a nature conservation designation such as ‘site of special scientific interest’; or
- (c) land that has been selected as a local wildlife site.”

97A [*Withdrawn*]

LORD ROTHERWICK

97B Page 69, line 21, at end insert –

“(5A) Regulations made under subsection (1) must specify that aerodromes will be excluded from the register of land if they have been operating for more than 28 days in a calendar year.”

LORD GREAVES

97C Page 69, leave out lines 22 to 29

97D Page 69, leave out lines 30 to 35

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM  
BARONESS ANDREWS

98 Page 69, line 33, at end insert “and in particular the achievement of sustainable development and good design”

LORD GREAVES

98A Page 69, line 38, at end insert –

“(9) In this section “brownfield land” means land which –

- (a) has previously been developed;
- (b) is not in use or is being used in such a way that the local planning authority considers that a change of use would be appropriate;
- (c) is not of high environmental or amenity value;

but does not mean land which has reverted to a condition in which its use and appearance is that of a greenfield site.”

**Clause 137 - continued**

**98B** Page 69, line 38, at end insert –

**“14B Viability of brownfield sites: gap funding**

- (1) A local planning authority may decide not to include a brownfield site on a register established under section 14A if, after they have assessed the viability of development of the site for housing, they think that it is not viable.
- (2) Where subsection (1) applies, a local planning authority may make a request to the Secretary of State for sufficient financial support to make viable a housing development on the site.
- (3) The Secretary of State must consider such a request and either provide the requested support or give reasons for refusal in writing.
- (4) If the site becomes viable for housing development, by means of a contribution from the Secretary of State or otherwise, the local planning authority may add it to the register.”

*Lord Greaves gives notice of his intention to oppose the Question that Clause 137 stand part of the Bill.*

**After Clause 137**

LORD TRUE

**98C** Insert the following new Clause –

**“Local Planning Authority right to develop in the local interest**

- (1) Where a local planning authority has compiled a register under section 137 and considers that a government department, Mayor of London or other public authority, transport undertaking or other statutory undertaking has not prepared, or declines to prepare, a plan for development of previously developed unused or underused land on the register in its possession within the local authority area, it may challenge the owner of the land to present planning proposals to the local planning authority within 6 months in conformity with the adopted plan or plans for the area concerned.
- (2) Where the owner declines to present such a plan in accordance with subsection (1) it must publish within the same 6-month period a response showing good reason why such previously used land in its ownership should not be developed in the local public interest.
- (3) If the local planning authority considers the response not to show good reason why the land should not be developed, it may proceed to present its own proposals for development, to compulsorily purchase the land concerned and to exercise itself any planning consent that is then granted.
- (4) The costs to the local planning authority of any compulsory purchase of the land and the net cost of its development will be remitted by the local planning authority without any profit element to the owner who has declined to develop, in arrears after the land is sold.
- (5) This section does not apply to land within National Parks, the Royal Parks or designated as a site of special scientific interest.”

**Clause 138**

LORD GREAVES

*Lord Greaves gives notice of his intention to oppose the Question that Clause 138 stand part of the Bill.*

**After Clause 138**

LORD STEVENSON OF BALMACARA  
LORD KENNEDY OF SOUTHWARK  
LORD CLEMENT-JONES

99 Insert the following new Clause—

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

Where the Secretary of State, in exercising the powers conferred by sections 59 (development orders), 60 (permission granted by development order), 61 (development orders: supplementary provisions), 74 (directions etc as to method of dealing with applications) or 333(7) (regulations and orders) of the Town and Country Planning Act 1990, makes a general permitted development in respect of change of use to residential use as dwelling houses, the change must first be subject to prior approval in respect of the impact of neighbouring buildings which have been in continuous and unchanged use for at least one year on the amenity and enjoyment of the prospective residents of the dwelling houses.”

100 Insert the following new Clause—

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

After section 58 of the Town and Country Planning Act 1990 (granting of planning permission) insert—

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

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

*After Clause 138 - continued*

LORD PALMER OF CHILDS HILL

LORD SHIPLEY

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

**100ZA** Insert the following new Clause—**“Time limits for developing land where planning permission is granted**

After section 58 of the Town and Country Planning Act 1990 (granting of planning permission: general), insert—

**“58A Time limits for developing land**

- “(1) Where planning permission is granted under section 58, the person or persons to whom planning permission is granted must develop the land to which the planning permission relates within a specified period of time, which the Secretary of State must by regulations made by statutory instrument specify.
- (2) Regulations made under subsection (1) must specify that –
- (a) development on the land must be commenced before the end of five years from the date on which planning permission was granted, and
  - (b) development on the land must be completed before the end of seven years from the date on which development on the land was commenced.
- (3) Regulations made under this section may make different provision for different purposes.
- (4) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.””

BARONESS THORNHILL

**100ZAZA** Insert the following new Clause—**“Permitted development: change of use to residential**

Where the Secretary of State, in exercising the powers conferred by section 59 (development orders), 60 (permission granted by development order), 61 (development orders: supplementary provisions), 74 (directions etc as to method of dealing with applications) or 333(7) (regulations and orders) of the Town and Country Planning Act 1990, makes a general permitted development in respect of change of use to residential use as dwelling-houses, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) impacts of air quality and noise on the intended occupiers of the development;
- (b) the impact of neighbouring buildings and their uses on the intended occupiers of the development;
- (c) the impact of the development and its intended occupiers on neighbouring buildings;
- (d) the design or external appearance of a development;
- (e) minimum space standards for the dwelling-houses;

**After Clause 138 - continued**

- (f) noise impacts of the development;
- (g) in cases where the authority considers the building to which the development relates is located in an area that is important for provision of particular services (for example offices), whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services; and
- (h) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Town and Country Planning (Use Classes) Order 1987.”

**100ZAZB** Insert the following new Clause –

**“Article 4 directions**

- (1) A local planning authority may introduce an Article 4 direction with immediate effect, and without compensation being payable, where it considers that a direction relating to a development permitted through the exercise by the Secretary of State of any of the powers conferred by sections 59, 59A, 60, 61, 74 or 333(7) of the Town and Country Planning Act 1990 would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area.
- (2) Where an Article 4 direction is in place, a local planning authority may charge an appropriate planning application fee for any subsequent planning application relating to that development.”

## LORD GREAVES

**100ZAZC** Insert the following new Clause –

**“Planning in principle: notifications and publicity**

In section 65 of the Town and Country Planning Act 1990, after subsection (1) insert –

- “(1A) A development order which makes provision under subsection (1) must also provide that –
- (a) any requirements relating to applications for outline planning permission also apply to applications for planning in principle,
  - (b) any requirements relating to applications for approval of reserved matters also apply to applications for technical details consent,
  - (c) when compiling a register under section 14A of the Planning and Compulsory Purchase Act 2004 (register of land), a local planning authority must have regard to the requirements for notices, publicity and the issue of certificates that apply to applications for planning permission and carry out procedures to the same effect, and



**After Clause 138 - continued**

- (d) a local planning authority that is proposing to make site allocations for use of land in a local development plan that would, if made, result in the granting of permission in principle, must carry out notifications and publicity equivalent to that which is required when an application is made for outline planning permission.””

**Clause 139**

LORD TOPE

**100ZAA** Page 70, line 19, at end insert –

“( ) In section 62A of the Town and Country Planning Act 1990 (when application may be made directly to Secretary of State), in each place where it appears except in subsection (1)(a), for “Secretary of State” substitute “Secretary of State or the Mayor of London”.”

**100ZAB** Page 70, line 25, at end insert “which in Greater London may be by reference to a relevant application for PSI application (an application of Potential Strategic Importance) as defined in the Schedule to the Town and Country Planning (Mayor of London) Order 2008 (SI 2008/580) (as amended)”

LORD GREAVES

*Lord Greaves gives notice of his intention to oppose the Question that Clause 139 stand part of the Bill.*

**After Clause 139**

LORD LUCAS

**100ZABA** Insert the following new Clause –**“Local planning areas: right to request alterations to planning system**

- (1) A local planning authority in England shall have the right to present to the Secretary of State an alternative approach to planning, and to request that the Secretary of State alters or suspends part or all of planning legislation to allow the alternative approach to be tried.
- (2) The Secretary of State may approve such a request, save that the Secretary of State may not approve more than 12 such requests.
- (3) Any such approval be limited to not more than 10 years.”

**Clause 140**

LORD GREAVES

**100ZABB** Page 71, line 14, leave out “non-delegated”**100ZABC** Page 71, line 19, after “benefits” insert “and costs”**100ZABD** Page 71, line 21, leave out “of a prescribed description”

**Clause 140 - continued**

- 100ZABE** Page 71, line 22, at end insert “or incurred”
- 100ZABF** Page 71, line 24, leave out from “by” to “any” in line 25
- 100ZABG** Page 71, line 27, after “benefit” insert “or cost”
- 100ZABH** Page 71, line 29, after “benefit” insert “or cost”
- 100ZABJ** Page 71, line 30, leave out “prescribed”
- 100ZABK** Page 71, line 31, at end insert “or cost”
- 100ZABL** Page 71, leave out lines 35 and 36
- 100ZABM** Page 71, leave out lines 41 and 42

*Lord Greaves gives notice of his intention to oppose the Question that Clause 140 stand part of the Bill.*

**Clause 141**

## BARONESS GARDNER OF PARKES

- 100ZAC** Page 72, line 1, at end insert—
- “(1) Local planning authorities may make provision for the payment of fees or charges to them in respect of the performance of their functions and anything done by them which is calculated to facilitate or is conducive or incidental to the performance of their functions, and may vary such fees or charges according to the value of the project concerned or any other material concerns.
- (2) Fees or charges under subsection (1) may exceed the costs incurred by the local planning authority in performing functions relating to the relevant project.
- (3) Local planning authorities shall retain any fees or charges paid in accordance with subsection (1), and use them as they see fit.”

## LORD TRUE

- 100ZB** Page 72, line 3, after “etc),” insert “—
- (a) after subsection (5) insert—
- “(5A) In making regulations under this section the appropriate authority must ensure or allow that, taking one financial year with another, each authority may recover sufficient income from the fees or charges to meet the full cost of performing the function or doing the thing (as the case may be).”; and”

- 100A** [*Withdrawn*]

**Clause 141 - continued**

*Lord True gives notice of his intention to oppose the Question that Clause 141 stand part of the Bill.*

**After Clause 141**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM  
LORD SHIPLEY  
LORD FOSTER OF BATH

**101** Insert the following new Clause –

**“Local authorities and development control services**

- (1) A local planning authority may set a charging regime in relation to their development control services to allow for the cost of providing the development control service to be recouped.
- (2) Any such charging regime must be subject to consultation prior to implementation.”

LORD TRUE  
LORD KENNEDY OF SOUTHWARK  
LORD TOPE

**101A** Insert the following new Clause –

**“Local determination of the application of prior approval for conversion from office to residential use**

- (1) Notwithstanding paragraphs O.1, O.2 and W of Schedule 2, Part 3, of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other section of that or any other order or regulation purporting to convey a right to developers to automatic prior approval of the conversion of office (Class B1(a)) premises to residential use (Class C3), consent may be refused by the local planning authority for the conversion of any such office premises to residential use, if the local planning authority has by a majority vote passed a formal resolution stating that the purported right to approval without full planning consideration shall no longer apply within that local authority planning area, or any part of it.
- (2) In reaching any decision on the conversion of offices to residential use the local planning authority shall be able to take account of all representations from the public or businesses, and all aspects of an approved local plan, neighbourhood plan or supplementary local planning document incorporated within its approved plan, provided that it has passed a resolution under subsection (1).
- (3) A resolution under subsection (1) may be adopted if –
  - (a) the local authority can demonstrate that active businesses within its area are being expelled from office space to enable conversion to residential use, or
  - (b) the local authority has concluded that the retention of office space is necessary for the future economic development of its area.”

*After Clause 141 - continued*

LORD TRUE  
LORD BEECHAM

101B Insert the following new Clause –

**“Compensation to businesses expelled from premises to enable conversion from office to residential use**

Any property owner, developer, or agent, who gives notice to a solvent and active business in order to enable the conversion of office premises to residential use, shall be required to –

- (a) meet the full costs of the planning authority in advising on and determining such an application;
- (b) make a contribution to the local planning authority of not less than 20% of the net profit gained from the difference between the office and residential value of the property concerned; and
- (c) share not less than 50% of the net profit gained from the difference between the office and residential value of the property concerned with any business or businesses expelled from the premises to enable the change of use.”

BARONESS WHITAKER  
LORD CLEMENT-JONES

101BA Insert the following new Clause –

**“Place-making**

It shall be a duty on those with a responsibility for determining planning permissions to ensure that their decisions fully reflect the precepts of place-making as established in paragraph 58 of the National Planning Policy Framework (March 2012), and that they have access to appropriately skilled advice to assist them in this role.”

LORD DUBS

101BB Insert the following new Clause –

**“Code of practice for subterranean development works**

- (1) A local planning authority may promulgate a code of practice on the excavation and construction of a subterranean development with a view to lessening the adverse impact of the excavation and construction on adjacent properties and their owners and occupiers and on the wider neighbourhood.
- (2) The code may include, but need not be limited to, the provisions listed in Schedule (provisions in local authority code of practice for subterranean development).
- (3) Local planning authorities shall take account of any guidance issued by the Secretary of State in drawing up such a code of practice.
- (4) If a local planning authority has promulgated such a code, it may make the granting of planning consent for a subterranean development conditional on the developer undertaking to abide by the code or specified elements of it.”

*After Clause 141 - continued*

**101BC** Insert the following new Clause –

**“Presumption against subterranean development**

- (1) A local planning authority may not grant planning permission on an application to the authority under section 58 of the Town and Country Planning Act 1990 (granting of planning permission: general) in respect of subterranean development which is either –
  - (a) in a flood zone classified by the Environment Agency as subject to a high probability of flooding;
  - (b) within a terrace; or
  - (c) such that the local planning authority has reasonable grounds to believe that the subterranean development is likely to cause unreasonable interference to the use or enjoyment of the land of others either during its construction or after its completion;

unless it can be demonstrated that the development will achieve substantial public benefits.

- (2) For the purposes of subsection (1)(b), a “terrace” means a row of adjoining buildings where each building has a wall built at the line of juncture between itself and the adjoining property which provides structural support to itself and a building on the adjoining property.”

**101BD** Insert the following new Clause –

**“Notice to adjoining owners**

- (1) Any owner of a property intending to undertake subterranean development works shall serve notice for any subterranean development in the manner set out in section 6(5) (adjacent excavation and construction) of the Party Wall etc Act 1996 (“the 1996 Act”) as if the distance of six metres is replaced by a distance of 12 metres.
- (2) For the purposes of section 6 of the 1996 Act, where the buildings or structures of different owners are above the site of the subterranean development, the owners of those buildings or structures shall be deemed to be adjoining owners.
- (3) If a building owner fails to serve notice in accordance with this section and with the 1996 Act before commencing subterranean development works, he or she shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or 10 per cent of the contract value reasonably to be expected in relation to the notifiable works, whichever shall be the greater and which, in the absence of agreement, shall be determined by surveyors appointed in accordance with the 1996 Act or as otherwise directed by the Court.”

*After Clause 141 - continued*

**101BE** Insert the following new Clause –

**“Expenses and losses**

- (1) Where an adjoining owner does not notify the building owner in writing within 14 days that the works notified under section (notice to adjoining owners) are agreed, or agreed subject to conditions that are acceptable to the building owner, and a dispute is deemed to have arisen, the surveyors appointed in accordance with the 1996 Act shall –
  - (a) determine a sum to be held as security for expenses and losses which reasonably reflects –
    - (i) the risk of damage to the adjoining owner’s building likely to occur in consequence of the works;
    - (ii) the likely cost of completing the works, sufficiently to safeguard the adjoining owner’s building and to leave it weather tight if those works are suspended or left incomplete;
    - (iii) the cost of any loss to the adjoining owner as a result of the adjoining owner being unable to sell or lease his or her property for the normal market value as a result of the subterranean development works; and
    - (iv) the cost of appropriate alternative accommodation if the surveyors determine that the adjoining owner or any member of his or her household who normally undertakes remunerative work in their building is unable to do so because of the disturbance caused by the subterranean development works, or that alternative accommodation is required for a member of the household seriously affected by the disturbance by reason of his or her physical condition; and
  - (b) hold and administer the determined sum.
- (2) Any liability arising from works shall remain with the owner or owners of the land or buildings where the subterranean works are taking or took place, and may be registered as a charge against the property for the purposes of the Land Registration Act 2002.”

**101BF** Insert the following new Clause –

**“Other works taking place on the subterranean development site**

Non-subterranean works taking place on the building owner’s building during the period of the works on the subterranean development shall be treated –

- (a) as part of the subterranean development works for the purposes of sections 2 and 4 of this Act; and
- (b) as part of the works described in section 6(1) and (2) of the 1996 Act (adjacent excavation and construction) for the purposes of sections 7(1) and (2) of that Act (compensation etc).”

**101BG** Insert the following new Clause –

**“Subterranean development: definitions**

For the purposes of this Act –

**After Clause 141 - continued**

“subterranean development” means development which comprises excavation or building below the prevailing ground level other than for the purposes of repairing, strengthening or supporting an existing building or structure; and

“owner”, “adjoining owner” and “building owner” have the same meanings as under the Party Wall etc Act 1996.”

## LORD GREAVES

**101BGA** Insert the following new Clause –

**“Community right of appeal**

- (1) The Town and Country Planning Act 1990 is amended as follows.
- (2) After section 78 (right to appeal against planning decisions and failure to take such decisions) insert –

**“78ZA Right to appeal against granting of planning permission in certain cases**

- (1) Where a local planning authority in England grants an application for planning permission or grants it subject to conditions, and the requirements listed in subsection (2) apply, a person may by notice appeal against the decision to the Secretary of State.
- (2) The requirements are –
  - (a) the application is a major planning application or an application for permission in principle,
  - (b) the appellant made representations to the local planning authority that they should refuse the application before it was determined by the authority,
  - (c) the appellant is a parish council or a neighbourhood forum, or if no such body exists in the relevant area, the appellant is supported by a petition of at least twenty per cent of the local government electors in the relevant local authority ward, and
  - (d) the decision of the local planning authority does not accord with the policies in an approved local development plan.
- (3) Subsections 78(3) and (4), and 79(1) and (2) apply to appeals under this section.
- (4) In this section –
 

“local authority” means the local planning authority that determined the application;

“relevant local authority ward” means the ward or division in which the land is situated.””

**Clause 142**

## LORD GREAVES

**101BGB** Page 72, line 14, after “effect” insert “ in relation to the provision of affordable housing”

### Before Schedule 13

LORD DUBS

**101BH** Insert the following new Schedule –

#### “SCHEDULE

##### PROVISIONS IN LOCAL AUTHORITY CODE OF PRACTICE FOR SUBTERRANEAN DEVELOPMENT

In constructing or excavating in respect of a subterranean development, a developer must, if the planning authority so directs, have regard to –

- (a) the studies and investigations to be carried out in advance of the application for planning consent in relation to the stability of structures and the minimising of adverse effects on adjoining owners;
- (b) the adequacy of technical skills for investigations to be carried out and for the design and execution of the works;
- (c) the methods, materials and equipment to be used;
- (d) the standards and monitoring arrangements to be observed in relation to noise and vibration levels;
- (e) the hours of construction and excavation, and of particularly noisy types of construction and excavation;
- (f) the provision of information to adjoining owners;
- (g) the protection of adjoining owners from the risks associated with defective investigation or design and the interruption of the contract of works once commenced;
- (h) the limitation of the effects of ground movements on third party property to damage capable of repair by decoration and the repair of minor cracking;
- (i) the protection of the subsoil environment including hydrological and hydrogeological conditions;
- (j) the adequacy of a contractor’s third party liability insurance; and
- (k) the adequacy of standards of post-construction monitoring.”

#### Clause 143

LORD SHIPLEY

**101C** Page 72, line 38, after “people” insert “across all tenures”

**101D** Page 73, leave out lines 6 and 7

LORD GREAVES

BARONESS ROYALL OF BLAISDON

*Lord Greaves gives notice of his intention to oppose the Question that Clause 143 stand part of the Bill.*



**After Clause 143**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

**102** Insert the following new Clause—

**“Minimum space standards for new dwellings**

In Part M of Schedule 1 to The Building Regulations Act 2010 (access to and use of buildings), after requirement M4 insert—

**“Internal Space Standards**

M5 New dwellings should meet the minimum standards for internal space set out in the nationally described space standard, March 2015”.”

**102A** Insert the following new Clause—

**“Planning obligations for student housing**

Upon commencement of this Part, the Secretary of State must incorporate planning for student accommodation into the National Planning Policy Framework so that it is planned for and included in local and neighbourhood plans and taken into consideration in planning decisions where appropriate.”

BARONESS ROYALL OF BLAISDON  
BARONESS PARMINTER  
LORD BEST

**102B** Insert the following new Clause—

**“Affordable housing contributions in small scale development**

- (1) Local planning authorities may require sites falling within subsection (2) to make an affordable housing contribution, in cash or kind, determined by the requirements of the housing market of that area.
- (2) Authorities may require contributions from—
  - (a) developments of 10 units or less, and developments which have a maximum combined gross floorspace of no more than 1000sqm (gross internal area), and
  - (b) developments in a rural area where—
    - (i) planning permission for the site was granted wholly or partly on the basis of a policy for the provision of housing on rural exception sites;
    - (ii) the site is in a national park or an area with equal protection to that of a national park; or
    - (iii) the site is in an area designated under section 82 of the Countryside and Rights of Way Act 2000 (designation of areas) as an area of outstanding natural beauty.
- (3) In subsection (2) a rural area is defined as—
  - (a) any settlement with a population of fewer than 3,000 people at the most recent national census, or
  - (b) any settlement with a population of between 3,000 and 10,000 people at the most recent national census, and designated as a rural area by the Secretary of State following representations from the relevant local authority.”

**After Clause 143 - continued**

LORD PALMER OF CHILDS HILL

LORD SHIPLEY

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

**102C** Insert the following new Clause—*“Planning: community developments***Duty to ensure the use of local authority funding for community developments**

- (1) An English planning authority must carry out its relevant planning functions with a view to ensuring that funding is available for community developments.
- (2) The planning authority must ensure that its duty under this section is taken into account when it is carrying out its duty to promote starter homes under section 3 of this Act.
- (3) In this section, “community developments” means land that is developed to be used—
  - (a) as a library;
  - (b) as an educational institution;
  - (c) as an institution which promotes community culture;
  - (d) for public transport; or
  - (e) for other activities that are intended to benefit the local community.”

LORD GREAVES

**102CZA★** Insert the following new Clause—**“Limitations on planning obligations**

Regulation 123 of the Community Infrastructure Levy Regulations 2010 (further limitations on use of planning regulations) is repealed.”

**Clause 144**

LORD GREAVES

**102CA** Page 73, line 17, leave out “related” and insert “subsidiary”**102CB** Page 73, line 20, leave out “Related” and insert “Subsidiary”**102CC** Page 73, line 21, leave out “or includes”**102CD** Page 73, line 23, leave out “or close to”**102CE** Page 73, line 24, leave out from “(1)(a)” to end of line 25**102CF** Page 73, line 27, at end insert—

- “(e) is subsidiary to a development which is the subject of an application for development consent,
- (f) is associated with that development, and

**Clause 144** - *continued*

(g) does not use more than 10% of the area of that development.”

**102CG** Page 73, line 33, at end insert –  
 “(4D) In this section “associated” means occupied by persons who are employed or will be employed in the infrastructure project which is the subject of the application for development consent.”

**102CH** Page 73, line 34, leave out “related” and insert “subsidiary”

**102CJ** Page 73, line 38, leave out “related” and insert “subsidiary”

LORD CAMERON OF DILLINGTON  
 THE EARL OF LYTTON

**102CK** Page 73, line 40, at end insert –  
 “(7A) Guidance referred to in subsection (7) must include a requirement for the developer to pay development value for land that is compulsorily purchased for housing as part of any nationally significant infrastructure project.”

LORD SHIPLEY

*Lord Shipley gives notice of his intention to oppose the Question that Clause 144 stand part of the Bill.*

**Clause 145**

LORD GREAVES

**102CL** Page 74, line 6, at end insert –  
 “() A local planning authority may only be specified under subsection (1) if it so consents.”

**102CLA** Page 74, line 6, at end insert –  
 “() Any specification of a local planning authority under subsection (1) is on a pilot basis and must be for no more than three years.  
 () No more than six local planning authorities may be specified under subsection (1).  
 () Regulations made under subsection (1) cease to have effect four years after the commencement of this section.”

**102CM** Page 74, line 12, leave out subsection (3)

**Clause 145 - continued**

LORD BORWICK  
 LORD CARRINGTON OF FULHAM  
 LORD YOUNG OF NORWOOD GREEN  
 BARONESS JONES OF MOULSECOOMB

**102D** Page 74, line 21, at end insert –

“( ) The regulations may not allow a planning authority to delegate to a designated person any power to determine a planning application.”

LORD GREAVES

**102DA** Page 74, leave out lines 29 and 30

LORD KENNEDY OF SOUTHWARK  
 LORD BEECHAM

**102DAA** Page 74, line 31, leave out second “person” and insert “local authority or public body”

LORD GREAVES

**102DB** Page 74, line 36, at end insert “but such a designation may only be made with the consent of the responsible local planning authority”

**102DC** Page 74, line 36, at end insert –

“( ) The Secretary of State may not designate a person who –

- (a) provides services in a professional capacity to persons in connection with development proposals or applications for planning permission or is employed by or associated with a company which provides such services,
- (b) is employed or remunerated, whether on a full-time or part-time basis, by persons or companies which undertake development, or
- (c) has within the past five years been employed by a local planning authority in any capacity that involved dealing with planning applications.”

**102DD** Page 74, line 36, at end insert –

“( ) A designated person must –

- (a) provide information to applicants, statutory and other consultees, neighbours and members of the public in accordance with the policies for the provision of information and public consultation adopted by the local planning authority including on its website and at its offices;
- (b) provide advice and assistance to applicants and other persons on a consistent basis;
- (c) provide reports and all supporting information to the local planning authority before applications are determined;
- (d) provide a copy of all reports and other documents relating to an application to the local planning authority after an application has been closed.”

**Clause 145 - continued**

**102DE** Page 74, line 36, at end insert –

“( ) A designated person must deliver all reports, recommendations and supporting information to the local planning authority in accord with the decision-making timetable of that authority including its committee timetable, and allowing sufficient time for the authority’s planning officer to review the report, recommendations and supporting information before a determination of an application is made by Councillors or by delegation to an officer.”

**102DF** Page 74, line 36, at end insert –

“( ) Where an application has been submitted to one provider (whether a designated person or a local planning authority) and has been refused, any resubmission must be made to the same provider.”

**102DG** Page 74, line 36, at end insert –

“( ) A designated person must attend any official site visit by Councillors who have the responsibility for determining a planning application that is being or has been processed by that person.”

LORD SHIPLEY

**102E** Page 74, line 37, at end insert –

““fee flexibility pilot scheme” means an agreement between a local planning authority and the Secretary of State regarding the use of fees under specified conditions;”

LORD GREAVES

**102EA** Page 74, line 40, at end insert “(including permission in principle and technical details consent)”

LORD GREAVES

LORD BEECHAM

LORD KENNEDY OF SOUTHWARK

*The above-named Lords give notice of their intention to oppose the Question that Clause 145 stand part of the Bill.*

**After Clause 145**

LORD GREAVES

**102F** Insert the following new Clause –

**“Review of the plan-making process**

(1) Not less than six months after the coming into force of this section the Secretary of State must establish a comprehensive review of the procedures, costs, time-scales and efficiency of the plan-making processes under planning legislation (“the plan-making review”).

**After Clause 145 - continued**

- (2) The plan-making review must invite evidence from planning authorities, users of the planning system, and any other persons.
- (3) The report of the plan-making review must be sent to the Secretary of State and the Secretary of State must arrange for it to be laid before each House of Parliament.”

**Clause 146**

LORD GREAVES

**102FA** Page 75, line 3, leave out “, except in specified circumstances,”**102FB** Page 75, line 6, leave out “in specified circumstances”

LORD SHIPLEY

**102G** Page 75, line 7, at end insert –

“(c) allowing a responsible planning authority to enter into a fee flexibility pilot scheme.”

LORD GREAVES

**102H** Page 75, line 21, leave out paragraph (g)

LORD GREAVES

LORD KENNEDY OF SOUTHWARK

LORD BEECHAM

*The above-named Lords give notice of their intention to oppose the Question that Clause 146 stand part of the Bill.*

**Clause 147**

LORD GREAVES

**102J** Page 76, line 9, leave out “or a responsible planning authority”**102K** Page 76, line 13, leave out subsection (4)

LORD GREAVES

LORD KENNEDY OF SOUTHWARK

LORD BEECHAM

*The above-named Lords give notice of their intention to oppose the Question that Clause 147 stand part of the Bill.*

**Clause 148**

LORD GREAVES

102L Page 76, line 23, at end insert—

“but such regulations may not restrict the use by the local planning authority of any information relating to a planning application that it would be able to use if it were itself processing that application, or the disclosure of any information relating to such an application that it would make available in that case.”

LORD GREAVES

LORD KENNEDY OF SOUTHWARK

LORD BEECHAM

*The above-named Lords give notice of their intention to oppose the Question that Clause 148 stand part of the Bill.*

**After Clause 151**

LORD KENNEDY OF SOUTHWARK

LORD BEECHAM

103 Insert the following new Clause—

**“Development corporations: objects and general powers**

- (1) Section 136 of the Local Government, Planning and Land Act 1980 (objects and general powers) is amended as follows.
- (2) After subsection (2) insert --
  - “(2A) Corporations under this Act must contribute to the long-term sustainable development and place making of the new community.
  - (2B) Under this Act sustainable development and place making means managing the use, development and protection of land and natural resources in a way which enables people and communities to provide for their legitimate social, economic and cultural wellbeing while sustaining the potential of future generations to meet their own needs.
  - (2C) In achieving sustainable development and place making, development corporations should—
    - (a) positively identify suitable land for development in line with the economic, social and environmental objectives so as to improve the quality of life, wellbeing and health of people and the community;
    - (b) contribute to the sustainable economic development of the community;
    - (c) contribute to the vibrant cultural and artistic development of the community;
    - (d) protect and enhance the natural and historic environment;
    - (e) contribute to mitigation and adaptation to climate change in line with the objectives of the Climate Change Act 2008;
    - (f) positively promote high quality and inclusive design;
    - (g) ensure that decision-making is open, transparent, participative and accountable; and

**After Clause 151 - continued**

- (h) ensure that assets are managed for long-term interest of the community.”
- (3) Section 4 of the New Towns Act 1981 (the objects and general powers of development corporations) is amended as follows.
- (4) For subsection (1) substitute –
  - “(1) The objects of a development corporation established for the purpose of a new town or garden city shall be to secure the physical laying out of infrastructure and the long-term sustainable development and place making of the new community.
  - (1A) Under this Act sustainable development and place making means managing the use, development and protection of land and natural resources in a way which enables people and communities to provide for their legitimate social, economic and cultural wellbeing while sustaining the potential of future generations to meet their own needs.
  - (1B) In achieving sustainable development, development corporations should –
    - (a) positively identify suitable land for development in line with the economic, social and environmental objectives so as to improve the quality of life, wellbeing and health of people and the community;
    - (b) contribute to the sustainable economic development of the community;
    - (c) contribute to the vibrant cultural and artistic development of the community;
    - (d) protect and enhance the natural and historic environment;
    - (e) contribute to mitigation and adaptation to climate change in line with the objectives of the Climate Change Act 2008;
    - (f) positively promote high quality and inclusive design;
    - (g) ensure that decision-making is open, transparent, participative and accountable; and
    - (h) ensure that assets are managed for long-term interest of the community.””

LORD TAYLOR OF GOSS MOOR

LORD BEST

**103A** Insert the following new Clause –**“Designation of new town development areas: procedure**

- (1) Section 1 of the New Towns Act 1981 (designation of areas) is amended as follows.
- (2) For subsection (4) substitute –
  - “(4) Before making an order under subsection (1) in relation to land in England, the Secretary of State must consult –
    - (a) persons who appear to the Secretary of State to represent those living within, or in the vicinity of, the proposed new town development area;



**After Clause 151 - continued**

- (b) persons who appear to the Secretary of State to represent businesses with any premises within, or in the vicinity of, the proposed new town development area;
  - (c) each local authority for an area which falls wholly or partly within the proposed new town development area; and
  - (d) any other person whom the Secretary of State considers it appropriate to consult.
- (4A) A statutory instrument containing an order made by the Secretary of State under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.”

**103B** Insert the following new Clause—

**“Designation of new town development corporations: procedure**

- (1) Section 3 of the New Towns Act 1981 (establishment of development corporations for new towns) is amended as follows.
- (2) After subsection (1) insert—
  - “(1A) Before making an order under this section in relation to a new town development corporation in England, the Secretary of State must consult—
    - (a) persons who appear to the Secretary of State to represent those living within, or in the vicinity of, the proposed new town development area;
    - (b) persons who appear to the Secretary of State to represent businesses with any premises within, or in the vicinity of, the proposed new town development area;
    - (c) each local authority for an area which falls wholly or partly within the proposed new town development area; and
    - (d) any other person whom the Secretary of State considers it appropriate to consult.
  - (1B) A statutory instrument containing an order made by the Secretary of State under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.”

BARONESS ANDREWS

LORD BEECHAM

**103BA** Insert the following new Clause—

**“The plan-led system**

- (1) Section 38 of the Planning and Compulsory Purchase Act 2004 (development plan) is amended as follows.
- (2) In subsection (6), after “material considerations” insert “of exceptional importance”.

**Clause 165**

THE EARL OF LYTTON

- 103BAA** Page 84, line 17, at end insert “provided –
- (a) the owner, lessee or occupier would have been entitled to a notice to treat had the acquiring authority been aware of the existence of the owner, lessee or occupier, and
  - (b) the acquiring authority undertook reasonably diligent enquiries to ascertain the existence of those entitled to a notice to treat.”

**Before Clause 171**LORD BEECHAM  
BARONESS ANDREWS

- 103BB** Insert the following new Clause –
- “Acquisition of land by development corporations: compensation**
- Where the land of a private landowner is compulsorily purchased under section 10 of the New Towns Act 1981 (acquisition of land by development corporations) the Secretary of State may, by order, set out the formula for determining fair compensation to the landowner.”

**Clause 173**LORD CAMERON OF DILLINGTON  
THE EARL OF LYTTON

- 103BC** Page 89, line 6, at end insert –
- “( ) after subsection (10) insert –
- “(10A) If an acquiring authority fails to make an advance payment of compensation and the landowner has fulfilled all of the requirements to facilitate a payment, the acquiring authority may not take possession of the relevant land without the written permissions of the landowner or until an advance payment has been made.””

**Clause 174**LORD CAMERON OF DILLINGTON  
THE EARL OF LYTTON

- 103BD** Page 90, line 15, at end insert –
- “(1A) The rate of interest on compensation due to be paid in advance of entry, but paid late, shall be set at 8% above the Bank of England base rate.
  - (1B) Interest on compensation that is paid after entry, but was not due in advance of entry, shall be paid at 4% above Bank of England base rate.”
- 103BE** Page 90, leave out lines 24 to 32

**Clause 175**

LORD CAMERON OF DILLINGTON  
THE EARL OF LYTTON

**103BF** Insert the following new Clause –

**“Duty of Care**

- (1) The Secretary of State shall by 31 December 2016 make regulations establishing a duty of care upon acquiring authorities within the meaning of the Land Compensation Act 1973.
- (2) The duty of care established in regulations made under subsection (1) must include but not be limited to specifications regarding the treatment by acquiring authorities of those losing land or property to compulsory purchase.”

**Schedule 17**

THE EARL OF LYTTON

**103BG** Page 177, leave out lines 3 to 9 and insert “then the acquiring authority must not take possession of the land proposed to be acquired until –

- (a) the date specified in the notice of entry, or
- (b) 14 days after the date on which the acquiring authority served the owner with notice of their decision under paragraph 7 to accept the counter-notice or refer the counter-notice to the Upper Tribunal.”

**103BH** Page 177, leave out lines 28 to 36 and insert “the compulsory purchase order and the notice to treat are to have effect as if they include the owner’s interest in the whole of the land.

- 11 If the acquiring authority serve notice of a decision to accept the counter-notice in respect of the land proposed to be acquired the acquiring authority may serve a notice of entry under section 11(1) in relation to the whole of the land and they have already served notice of entry in respect of the land proposed to be acquired, that notice has effect as if it were served in respect of the whole land.
- 11A If the acquiring authority serve notice of a decision to refer the counter-notice to the Upper Tribunal and have already served a notice of entry in respect of the land proposed to be acquired, the notice of entry has effect subject to paragraph 5.
- 11B If the acquiring authority serve notice of a decision to refer the counter-notice to the Upper Tribunal and they have not served a notice of entry, the acquiring authority may serve a notice of entry under section 11(1) in relation to the land proposed to be acquired.”

**Clause 179**

BARONESS ANDREWS  
BARONESS PARMINTER

103C Page 93, line 21, at end insert –

- “( ) a right, easement, restrictive covenant, covenant, liberty or privilege in respect of land belonging to the National Trust for Places of Historic Interest or Natural Beauty (“the Trust”) which is held inalienably, within the meaning of section 18(3) of the Acquisition of Land Act 1981 (National Trust land held inalienably), or
- ( ) a restrictive covenant held by the Trust, within the meaning of section 8 of the National Trust Act 1937 (power to enter into agreements restricting use of land).”

**After Clause 179**

LORD SKELMERSDALE

104 Insert the following new Clause –

**“Presumed diversion or extinguishment of footpaths or bridleways which pass through the curtilage of residential dwellings**

- (1) Where a footpath, bridleway or byway passes through the curtilage of a residential dwelling, including the gardens and driveways of the premises, the council shall make, and the Secretary of State shall confirm, either –
  - (a) a public path diversion order, or
  - (b) a public path extinguishment order,
 unless –
  - (a) the Secretary of State or the Council are satisfied that the privacy, safety and security of the premises are not adversely affected by the existence or use of the footpath, bridleway or byway,
  - (b) the premises have been unlawfully extended to encompass the footpath, bridleway or byway,
  - (c) where a public path extinguishment order is considered, it would be possible instead to divert the footpath or bridleway or restricted byway such that the privacy, safety and security of the premises are not adversely affected by its use, or
  - (d) where a public path extinguishment order is considered, the footpath or bridleway or restricted byway provides access to a vital local service or amenity not otherwise reasonably accessible.
- (2) In this section –
  - “public path diversion order”,
  - “public path extinguishment order”,
  - “footpath”,
  - “bridleway”, and
  - “restricted byway”
 have the same meaning as in the Highways Act 1980.”

**Clause 183**

LORD TOPE  
BARONESS VALENTINE

- 105 Page 95, line 15, after “authority” insert “outside Greater London”
- 106 Page 95, line 17, at end insert “as may be specified in regulations, and in such manner, form and circumstances as may be specified in regulations.”
- 107 Page 95, line 19, at end insert –  
“(3A) A relevant public authority inside Greater London must, in developing proposals for the disposal of the authority’s interest in any land, engage on an ongoing basis with other relevant public authorities inside Greater London, the Mayor of London, and such other relevant public authorities as may be specified in regulations, and in such manner, form and circumstances as may be specified in regulations.”
- 108 Page 95, line 22, at end insert –  
“( ) A body inside Greater London which is subject to a duty under subsection (3A) must have regard to any guidance given by the Mayor of London about how the duty is to be complied with.”
- 109 Page 96, line 13, at end insert “and includes the Greater London Authority”

LORD GREAVES

*Lord Greaves gives notice of his intention to oppose the Question that Clause 183 stand part of the Bill.*

**Clause 184**

BARONESS WILLIAMS OF TRAFFORD

- 109A Page 96, line 33, after “means” insert “–  
( ) a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975), or”

LORD TOPE  
BARONESS VALENTINE

- 110 Page 97, line 4, after “reports” insert –  
“( ) provision about to whom the reports should be provided (including making provision for reports produced by relevant public bodies inside Greater London to be provided to the Mayor of London),  
( ) provision for the duty imposed by subsection (1) to be discharged by a mayoral combined authority on behalf of any one or more of its constituent councils,”

**Clause 184 - continued**

111 Page 97, line 21, at end insert –

““mayoral combined authority” means a mayoral combined authority established under section 107A of the Local Democracy, Economic Development and Construction Act 2009 (power to provide for election of mayor);”

LORD GREAVES

*Lord Greaves gives notice of his intention to oppose the Question that Clause 184 stand part of the Bill.*

**After Clause 184**

LORD TOPE

BARONESS VALENTINE

112 Insert the following new Clause –

**“Disposing of surplus public land in the area of a mayoral combined authority**

- (1) A relevant public body in the area of a mayoral combined authority shall not dispose of any surplus land (as defined in section 184(3), but subject to section 184(8)) without first giving the mayoral combined authority the opportunity, within a reasonable time-scale, to acquire or refuse to acquire the surplus land –
  - (a) for a sum that has been assessed as equivalent to the best consideration that can reasonably be obtained, or
  - (b) with the consent of the Secretary of State, for a sum that has been assessed as less than the sum referred to in paragraph (a).
- (2) Consent under subsection (1)(b) may be general or specific, and may be given unconditionally or subject to conditions.
- (3) If, having been given the opportunity to acquire or refuse to acquire any surplus land of a public body under subsection (1), the mayoral combined authority decides not to acquire that land, it must notify the public body of its decision in writing.
- (4) Upon receiving written notice given by the mayoral combined authority under subsection (3), the public body may dispose of the surplus land to which that notice relates to a person or body other than the mayoral combined authority, but only in accordance with a plan for disposing of the surplus land which has been approved by the mayoral combined authority.
- (5) A plan under subsection (4) must contain the public body’s proposals for disposing of the surplus land to which it relates and, in preparing and producing the plan, the public body must consult the mayoral combined authority and such other bodies as the mayoral combined authority may direct.
- (6) Regulations made under this Part may make further provision about –
  - (a) what constitutes a “disposal” under subsection (1);

**After Clause 184 - continued**

- (b) the process and means by which any surplus land may be assessed as equivalent to or less than the best consideration that can reasonably be obtained under subsection (1);
  - (c) the process by and terms on which a mayoral combined authority shall be given the opportunity to acquire or refuse to acquire surplus land under subsection (1); and
  - (d) the contents, nature, form and requirements of any plan for disposing of surplus land referred to in subsection (4), and the process by which that plan is to be produced and approved.
- (7) This section is without prejudice to section (*Disposing of surplus public land in Greater London*).
- (8) In this section a “mayoral combined authority” means a mayoral combined authority established under section 107A of the Local Democracy, Economic Development and Construction Act 2009.”

**113** Insert the following new Clause –

**“Disposing of surplus public land in Greater London**

- (1) A relevant public body in Greater London shall not dispose of any surplus land (as defined in section 184(3), but subject to section 184(8)) without first giving the Mayor of London the opportunity, within a reasonable time-scale, to acquire or refuse to acquire the surplus land –
  - (a) for a sum that has been assessed as equivalent to the best consideration that can reasonably be obtained, or
  - (b) with the consent of the Secretary of State, for a sum that has been assessed as less than the sum referred to in paragraph (a).
- (2) Consent under subsection (1)(b) may be general or specific, and may be given unconditionally or subject to conditions.
- (3) If, having been given the opportunity to acquire or refuse to acquire any surplus land of a public body under subsection (1), the Mayor decides not to acquire that land, he or she must notify the public body of his or her decision in writing.
- (4) Upon receiving written notice given by the Mayor of London under subsection (3), the public body may dispose of the surplus land to which that notice relates to a person or body other than the Mayor of London, but only in accordance with a plan for disposing of the surplus land which has been approved by the Mayor of London.
- (5) A plan under subsection (4) must contain the public body’s proposals for disposing of the surplus land to which it relates and, in preparing and producing the plan, the public body must consult the Mayor of London and such other bodies as the Mayor may direct.
- (6) Regulations made under this Part may make further provision about –
  - (a) what constitutes a “disposal” under subsection (1);
  - (b) the process and means by which any surplus land may be assessed as equivalent to or less than the best consideration that can reasonably be obtained under subsection (1);

**After Clause 184 - continued**

- (c) the process by and terms on which the Mayor of London shall be given the opportunity to acquire or refuse to acquire surplus land under subsection (1); and
  - (d) the contents, nature, form and requirements of any plan for disposing of surplus land referred to in subsection (4), and the process by which that plan is to be produced and approved.
- (7) This section is without prejudice to section 185.”

**Clause 185**

LORD TOPE  
BARONESS VALENTINE

114 Page 97, line 30, after “authority” insert “outside Greater London”

115 Page 97, line 33, at end insert –

“(A2) Where a body to which this Part applies is a relevant public authority inside Greater London, the Mayor of London may in specified circumstances direct the body to take steps for the disposal of the body’s freehold or leasehold interest in any land or any lesser interest in the land.”

116 Page 97, line 34, after “(A1)” insert “or (A2)”

LORD GREAVES

*Lord Greaves gives notice of his intention to oppose the Question that Clause 185 stand part of the Bill.*

**After Clause 185**

LORD TOPE  
BARONESS VALENTINE

117 Insert the following new Clause –

**“General duties of public bodies in the area of a mayoral combined authority**

- (1) In discharging any duties or functions under this Part, a relevant public body in the area of a mayoral combined authority must co-operate with the mayoral combined authority in such circumstances, manner and form as may be prescribed in regulations.
- (2) The mayoral combined authority may in such circumstances, manner and form as may be prescribed in regulations issue guidance to relevant public bodies inside the area of the mayoral combined authority as to the discharge of their duties and functions under this Part.
- (3) Regulations made under this Part may make further provision about –
  - (a) the circumstances, manner and form in which a relevant public body in the area of a mayoral combined authority shall be required to co-operate with the mayoral combined authority under subsection (1); and



**After Clause 185 - continued**

- (b) the circumstances, manner and form in which the mayoral combined authority may issue guidance to public bodies under subsection (2).
- (4) In this section a “mayoral combined authority” means a mayoral combined authority established under section 107A of the Local Democracy, Economic Development and Construction Act 2009.”

**118** Insert the following new Clause –

**“General duties of public bodies in Greater London under this Part**

- (1) In discharging any duties or functions under this Part, a relevant public body in Greater London must co-operate with the Mayor of London in such circumstances, manner and form as may be prescribed in regulations.
- (2) The Mayor of London may in such circumstances, manner and form as may be prescribed in regulations issue guidance to relevant public bodies inside Greater London as to the discharge of their duties and functions under this Part.
- (3) Regulations made under this Part may make further provision about –
- (a) the circumstances, manner and form in which a relevant public body in Greater London shall be required to co-operate with the Mayor of London under subsection (1); and
  - (b) the circumstances, manner and form in which the Mayor of London may issue guidance to public bodies under subsection (2).”

**Clause 192**

BARONESS WILLIAMS OF TRAFFORD

**118A** Page 100, line 27, after “135,” insert “137,”

**118B** Page 100, line 32, leave out “, 137”

BARONESS PARMINTER

LORD KREBS

LORD GREAVES

BARONESS YOUNG OF OLD SCONE

**119** Page 100, line 34, at end insert “, subject to subsection (3A).

- (3A) The Secretary of State may not make regulations appointing the days on which any provision of Part 1 or Part 6 of this Act comes into force unless he or she has first made provision bringing into force section 32 of the Flood and Water Management Act 2010 (sustainable drainage).”

**Clause 192 - continued**

LORD KREBS  
BARONESS PARMINTER

**120** Page 100, line 34, at end insert “, subject to subsection (3A).

(3A) The Secretary of State may not make regulations appointing the days on which any provision of Part 1 or Part 6 of this Act comes into force unless he or she has first made regulations, which have come into force, requiring the housing developer to be liable for the full cost of flood damage to a new dwelling if such damage occurs within ten years of the property being first sold.”

# Housing and Planning Bill

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EIGHTH  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE

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*17 March 2016*

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