

# Housing and Planning Bill

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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 12 to 22	Schedule 10
Schedule 1	Clauses 123 to 133
Clauses 23 and 24	Schedule 11
Schedule 2	Clauses 134 to 136
Clause 25	Schedule 12
Schedule 3	Clauses 137 to 142
Clauses 26 to 61	Schedule 13
Clauses 1 to 11	Clauses 143 to 159
Clauses 62 to 90	Schedule 14
Schedule 4	Clauses 160 to 163
Clauses 91 to 97	Schedule 15
Schedule 5	Clauses 164 to 169
Clauses 98 to 110	Schedule 16
Schedule 6	Clauses 170 to 176
Clauses 111 to 113	Schedules 17 and 18
Schedule 7	Clauses 177 to 182
Clause 114	Schedule 19
Schedule 8	Clauses 183 to 186
Clauses 115 to 117	Schedule 20
Schedule 9	Clauses 187 to 193
Clauses 118 to 122	Title

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

**Amendment  
No.**

**Clause 13**

BARONESS GARDNER OF PARKES

**1 ★** Page 9, line 10, at end insert –

“( ) This section shall not come into force until at least one year after the publication of a draft of regulations to be made under subsection (3).”

**Clause 16**

BARONESS GRENDER

2 Page 10, line 12, at end insert –

- “( ) A banning order must specify how many tenants are thought to be affected by the banning order and what arrangements will be put in place to mitigate against those tenants becoming homeless.
- ( ) A banning order must specify that a local authority has given due consideration to issuing a management order to ensure existing tenancies are continued, wherever possible.”

**Clause 20**

BARONESS WILLIAMS OF TRAFFORD

3 Page 11, line 23, leave out “this section” and insert “subsection (1)”

4 Page 11, line 27, at end insert –

- “(3A) Where a person is convicted under subsection (1) of breaching a banning order and the breach continues after conviction, the person commits a further offence and is liable on summary conviction to a fine not exceeding one-tenth of level 2 on the standard scale for each day or part of a day on which the breach continues.
- (3B) In proceedings for an offence under subsection (3A) it is a defence to show that the person had a reasonable excuse for the continued breach.”

**Clause 22**

BARONESS WILLIAMS OF TRAFFORD

5 Page 12, line 4, leave out “20” and insert “20(1)”

6 Page 12, line 9, at end insert “, unless subsection (3A) allows another penalty to be imposed.

- (3A) If a breach continues for more than 6 months, a financial penalty may be imposed for each additional 6 month period for the whole or part of which the breach continues.”

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD PALMER OF CHILDS HILL

7 ★ Page 12, line 11, at end insert –

- “( ) The financial penalty imposed under this section is to be retained by the authority imposing it.”

BARONESS WILLIAMS OF TRAFFORD

8 Page 12, line 13, leave out “20” and insert “20(1)”

**Clause 31**

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

9 ★ Page 15, line 29, at end insert –

“( ) An appeal under this section must be heard within 28 days.”

**Clause 37**

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD TOPE

10 Page 18, line 4, at end insert –

“(2) A local housing authority is required to give access to the database to a tenant or a person seeking a tenancy.”

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

11 Page 18, line 4, at end insert –

“(2) Tenants and prospective tenants may establish whether an individual is listed on the database through their local housing authority.”

**Clause 38**

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD TOPE

12 Page 18, line 9, leave out “if the information is disclosed in an anonymised form”

13 Page 18, line 10, leave out subsection (3)

14 Page 18, line 21, at end insert –

“(f) for the protection of tenants.”

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

15 Page 18, line 21, at end insert –

“(f) in order to ascertain that due to being on the database, a landlord may not be granted an HMO licence.”

BARONESS WILLIAMS OF TRAFFORD

16 Page 18, line 21, at end insert –

“(5) For the purposes of paragraph 17 of Schedule 23 to the Finance Act 2011 (which relates to HMRC data-gathering powers), the database is to be treated as being maintained by the Secretary of State.”

**After Clause 51**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

17 Insert the following new Clause—

**“Extension of the Housing Ombudsman to cover the private rented sector**

- (1) The Secretary of State shall by regulations introduce a scheme to extend the Housing Ombudsman Scheme, as set out in section 51 of and Schedule 2 to the Housing Act 1996, to cover disputes between tenants and private landlords relating to properties within the area covered by the Greater London Authority.
- (2) The scheme under subsection (1) shall—
  - (a) come into effect within 6 months of the passing of this Act; and
  - (b) last at least one year and no longer than two years.
- (3) The Secretary of State shall, within three months of the closing date of the scheme, lay before each House of Parliament a report on the scheme under subsection (1), alongside any statement he thinks appropriate about the extension of the Housing Ombudsman Scheme to the private rented sector.
- (4) The Secretary of State may by regulations extend the powers of the Housing Ombudsman Scheme as set out in section 51 of and Schedule 2 to the Housing Act 1996, to cover disputes between tenants and private landlords throughout England.”

**After Clause 54**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

18 Insert the following new Clause—

**“Accreditation and licensing for private landlords**

Local authorities shall be required to operate an accreditation and licensing scheme for private landlords.”

19 Insert the following new Clause—

**“Description of Houses in Multiple Occupation (HMOs)**

Article 3 of the Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006 is amended as follows—

- (a) omit paragraph (2)(a); and
- (b) omit paragraph (3).”

**After Clause 54 - continued**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM  
BARONESS GRENDER  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

20 Insert the following new Clause—

**“Implied term of fitness for human habitation in residential lettings**

- (1) Section 8 of the Landlord and Tenant Act 1985 (implied terms as to fitness for human habitation) is amended as follows.
- (2) For subsection (3) substitute—
  - “(3) Subject to subsection (7), this section applies to any tenancy or licence under which a dwelling house is let wholly or mainly for human habitation.”
- (3) After subsection (3) insert—
  - “(3ZA) Subsection (1) does not apply where the condition of the dwelling-house or common parts is due to—
    - (a) a breach by the tenant of the duty to use the dwelling-house in a tenant-like manner, or other express term of the tenancy to the same effect; or
    - (b) damage by fire, flood, tempest or other natural cause or inevitable accident.
  - (3ZB) Subsection (1) shall not require the landlord or licensor of the dwelling house to carry out works—
    - (a) which would contravene any statutory obligation or restriction; or
    - (b) which require the consent of a superior landlord, provided that such consent has been refused and the landlord or licensor has no right of action on the basis that such refusal of consent is unreasonable.
  - (3ZC) Any provision of or relating to a tenancy or licence is void insofar as it purports—
    - (a) to exclude or limit the obligations of the landlord or licensor under this section; or
    - (b) to permit any forfeiture or impose on the tenant or licensee any penalty or disadvantage in the event of his seeking to enforce the obligation under subsection (1).
  - (3ZD) Regulations may make provision for the exclusion of certain classes of letting from subsection (1).
  - (3ZE) In this section “house” has the same meaning as “dwelling house” and includes—
    - (a) a part of a house, and
    - (b) any yard, garden, outhouses and appurtenances belonging to the house or usually enjoyed with it.”
- (4) Omit subsections (4) to (6).

**After Clause 54 - continued**

- (5) In section 10 of the Landlord and Tenant Act 1985 (fitness for human habitation), after “waste water” insert “any other matter or thing that may amount, singly or cumulatively, to a Category 1 hazard within the meaning of section 2 of the Housing Act 2004.”
- (6) Regulations may make provision for guidance as to the operation of the matters set out in section 10 of the Landlord and Tenant Act 1985 which are relevant to the assessment of fitness for human habitation.
- (7) This section shall come into force—
  - (a) in England at the end of the period of three months from the date on which this Act is passed and shall apply to all tenancies licences and agreements for letting made on or after that date; and
  - (b) in Wales on a date to be appointed by the Welsh Ministers.”

## LORD FLIGHT

**21** Insert the following new Clause—

**“Provision of tenure information when collecting council tax information**

- (1) The Local Government Finance Act 1992 is amended as follows.
- (2) After section 27 (information about properties) insert—

**“27A Information about tenure**

- (1) Whenever a billing authority requests council tax information from the resident, owner or managing agent of any dwelling, the authority must request the provision by that person of tenure information in respect of the dwelling unless—
  - (a) that person has already given that information to the authority, or
  - (b) the authority already holds that information.
- (2) “Tenure information” means current information regarding—
  - (a) the category into which the dwelling falls; and
  - (b) if the dwelling is privately rented (but not otherwise), the name and address of the owner of the dwelling, or, if that information is not known, the name and address of—
    - (i) the managing agent, if any, or
    - (ii) the recipient of the rent payable.
- (3) A person who is subject to a request under subsection (1) must provide the information to the billing authority in such manner as the authority may request as soon as is practicable, and in any event within 21 days of the making of the request; but only insofar as the information is in the person’s possession or under the person’s control.
- (4) A request to a person to provide the tenure information may be made by the billing authority by such means as the authority considers appropriate, including a verbal request made by or on behalf of the authority.

**After Clause 54 - continued**

- (5) The billing authority must retain any tenure information which it holds in relation to any dwelling, however it was obtained, but the authority may destroy or delete that information after the expiry of 12 months from the date when that information is known to have ceased to be current.
  - (6) A request under subsection (1) must be accompanied by a warning that failure to comply may result in the imposition of a financial penalty.
  - (7) A request for the provision of tenure information may be made, and must be complied with, even though the authority requests the provision of that information for other purposes, including but not limited to housing purposes.
  - (8) A local authority may use tenure information supplied under this Act for any reasonable and lawful purpose within its duties and responsibilities.
  - (9) A person may be requested by a billing authority to supply information under any provision included in regulations under paragraphs 2, 3, 9 or 10(2) of Schedule 2 to this Act, even though such a request is made for housing purposes.”
- (3) In paragraph 1(1) of Schedule 3 (penalties), after first “provision” insert “in section 27A or”.
  - (4) In paragraph 1(2) of Schedule 3 (penalties), after first “provision” insert “in section 27A or”.
  - (5) In paragraph 1(1) of Schedule 4 (enforcement), after “provision” insert “in section 27A or”.
  - (6) In section 237(1)(a) of the Housing Act 2004 (use of information obtained for certain other statutory purposes), after first “premises” insert “, or for any other function which is exercisable by a housing authority”.
  - (7) No duty of confidentiality, contractual obligation, or any provision of the Data Protection Act 1998 shall prevent the supply of tenure information under this section.”

BARONESS HAYTER OF KENTISH TOWN  
LORD TOPE  
LORD KENNEDY OF SOUTHWARK

**22** Insert the following new Clause—

**“Requirement to carry out electrical safety checks**

- (1) The landlord of a rental property shall ensure that the following are maintained in a safe condition so as to prevent the risk of injury to any person in lawful occupation of relevant premises—
  - (a) any electrical installations; and
  - (b) any electrical appliances supplied by the landlord.
- (2) Without prejudice to the generality of subsection (1), a landlord shall—

**After Clause 54 - continued**

- (a) ensure that the electrical installation and any electrical appliances supplied by the landlord are checked for safety within 12 months of initial leasing and thereafter at intervals of not more than five years since they were last checked for safety, regardless of whether the check was made pursuant to this Act;
  - (b) in the case of a lease which commences after the coming into force of this Act, ensure that the electrical installation and each electrical appliance to which the duty extends is checked for safety either within a period of 12 months before the lease commences or within 12 months of any electrical installation or electrical appliances being installed; and
  - (c) ensure that a record of any check for safety in respect of an electrical installation or electrical appliance is made and retained for a period of six years from the date of that check, which record shall include—
    - (i) the date on which the electrical installation or electrical appliance was checked;
    - (ii) the address of the premises at which the electrical installation or electrical appliance is installed;
    - (iii) the name and address of the landlord of the premises at which the electrical installation or electrical appliance is installed (or, where appropriate, the landlord's agent);
    - (iv) a description of, and the location of, the electrical installation or electrical appliance that was checked;
    - (v) any defect identified;
    - (vi) any remedial action taken;
    - (vii) the name and signature of the individual carrying out the check; and
    - (viii) the registration number with which that individual's firm is registered with a Part P competent persons scheme approved by the Department for Communities and Local Government and certified as being competent in periodic inspection and testing.
- (3) The landlord shall ensure that any work in relation to a relevant electrical installation or electrical appliance carried out pursuant to subsection (1) or (2) is carried out by a firm registered with a Part P competent persons scheme approved for the time being by the Department for Communities and Local Government.
- (4) The record referred to in subsection (2)(c), or a copy thereof, shall be made available upon request and upon reasonable notice for the inspection of any person in lawful occupation of relevant premises who may be affected by the use or operation of any electrical installation or electrical appliance to which the record relates.
- (5) Notwithstanding subsection (4), the landlord shall ensure that—
- (a) a copy of the record made pursuant to the requirements of subsection (2)(c) is given to each existing tenant of premises to which the record relates within 28 days of the date of the check; and

**After Clause 54 - continued**

- (b) a copy of the last record made in respect of each electrical installation or electrical appliance is given to any new tenant of a premises to which the record relates before that tenant occupies the premises save that, in respect of a tenant whose right to occupy those premises is for a period not exceeding 28 days, a copy of the record may instead be prominently displayed within those premises.
- (6) A landlord who fails to comply with this section commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.”

BARONESS MEACHER  
BARONESS HOLLINS  
LORD JUDD

23 Insert the following new Clause –

**“Rent arrears**

The Secretary of State shall lay a report before Parliament annually about the impact of rent arrears on the health and wellbeing of men, women and children.”

LORD FLIGHT

24 Insert the following new Clause –

**“Requirements relating to tenancy deposits: relevant persons**

- (1) The Housing Act 2004 is amended as follows.
- (2) In section 213 (requirements relating to tenancy deposits) –
- (a) in subsection (5) omit “and any relevant person”;
  - (b) in subsection (6) omit “and any relevant person”;
  - (c) in subsection (10) omit all the words after the second “property” to the end of the subsection.
- (3) In section 214 (proceedings relating to tenancy deposits), in subsection (1) omit “or any relevant person (as defined by section 213(10))”.”

25 Insert the following new Clause –

**“Requirements relating to tenancy deposits: serving information electronically**

In section 213 of the Housing Act 2004 (requirements relating to tenancy deposits), after subsection (10) insert –

- “(11) Where information is required to be given by the landlord as a result of this section, such information can be given by email where the tenant has notified the landlord, or a person acting on the landlord’s behalf, of an email address at which the tenant is content to accept information connected with the tenancy deposit.
- (12) Any requirement to serve information in connection with subsection (4) or (5) which requires a signature will be deemed satisfied in the case of service authorised by subsection (11) by the typing of the name of the landlord or a person acting for the landlord in the space left for such a signature.””

**After Clause 54 - continued**

EARL CATHCART

26 Insert the following new Clause—

**“Custodial schemes: termination of tenancies**

- (1) Paragraph 4 of Schedule 10 to the Housing Act 2004 is amended as follows.
- (2) After sub-paragraph (4A) insert—
  - “(4B) Sub-paragraph (5A) applies where the tenant fails to notify the scheme administrator that the tenant agrees or does not agree with the landlord’s notification under sub-paragraph (1).
  - (4C) Sub-paragraph (5B) applies where the landlord fails to notify the scheme administrator that the landlord agrees or does not agree with the tenant’s notification under sub-paragraph (1).”
- (3) After sub-paragraph (5) insert—
  - “(5A) If, having notified the tenant of the landlord’s proposal under sub-paragraph (1), the scheme administrator is satisfied that the tenant has not responded to the notification within 30 days it must arrange for the landlord’s proposed share of the relevant amount to be paid to the tenant within the period of 10 days beginning with the date 30 days after the date the scheme administrator notified the tenant of the landlord’s proposal under sub-paragraph (1).
  - (5B) If, having notified the landlord of the tenant’s proposal under sub-paragraph (1), the scheme administrator is satisfied that the landlord has not responded to the notification within 30 days it must arrange for the whole of the relevant amount to be paid to the tenant within the period of 10 days of beginning with the date 30 days after the date the scheme administrator notified the landlord of the tenant’s proposal under sub-paragraph (1).”

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

27 Insert the following new Clause—

**“Mandatory register of all private landlords**

- (1) All private landlords must sign up to a register holding details of private landlords and privately rented properties.
- (2) The register shall be held and maintained by a local authority, with registration to be free of charge.
- (3) The register may be used by local authorities to inform landlords—
  - (a) about regulatory matters;
  - (b) of their duties under the Housing Act 2004 and sections 20 to 37 of the Immigration Act 2014 (residential tenancies);
  - (c) of any other useful information.”

**After Clause 54 - continued**

28 Insert the following new Clause—

**“Review of deposit protection**

Upon commencement of this Act, the Secretary of State must undertake a review of tenancy deposit schemes, as introduced under sections 212 to 215 of the Housing Act 2004 (tenancy deposit schemes), in order to ensure that tenants are treated fairly at the end of their tenancy.”

29 Insert the following new Clause—

**“Security of tenure**

(1) After section 19A of the Housing Act 1988 (assured shorthold tenancies) insert—

**“19B Minimum length of certain assured shorthold tenancies**

Any assured shorthold tenancy (other than one where the landlord is a private registered provider of social housing) granted on or after 1 April 2018 must be for a fixed term of at least thirty-six months, and it is an implied term of such a tenancy that the tenant may terminate the tenancy by giving two months’ written notice to the landlord.”

(2) In section 21 of the Housing Act 1988 (recovery of possession on expiry or termination of assured shorthold tenancy), after subsection (4) insert—

“(4ZZA) In the case of a dwelling house in England, no notice under subsection (4) may be given before the end of the period of thirty-six months beginning with the first day of the tenancy.””

30 Insert the following new Clause—

**“Standards for guardianship schemes**

Terms as to fitness for human habitation and repairing obligations set out in sections 8 to 17 of the Landlord and Tenant Act 1985 for tenants of private landlords must also apply to guardianship scheme contracts.”

EARL CATHCART

31 Insert the following new Clause—

**“Custodial schemes: termination of tenancies—absent or un-cooperative landlord or tenant**

In Schedule 10 to the Housing Act 2004 (provisions relating to tenancy deposit schemes), omit paragraphs 4A, 4B and 4C.”

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

32 ★ Insert the following new Clause—

**“Review of privately owned housing use**

(1) The Secretary of State must undertake a report into the types of tenure of privately owned housing in each local authority.

**After Clause 54 - continued**

- (2) The review must look into the number of –
  - (a) owner occupied houses;
  - (b) privately rented houses; and
  - (c) houses rented for short-term holiday lets.
- (3) The report must –
  - (a) examine any change of usage over the last ten years; and
  - (b) provide an assessment of the number of properties being let as short-term holiday lettings and the extent to which legislation relating to the condition of rented properties applies to short-term holiday lettings.
- (4) The report must be laid before both Houses of Parliament no later than six months after the passing of this Act.”

**33 ★** Insert the following new Clause –

**“Regard for residential use of waterways**

- (1) Social landlords must have regard to the residential use of waterways and the needs of hard-to-reach households residing on waterways.
- (2) A local authority must treat hard-to-reach households residing on any waterways for which the local authority is the landlord in an equivalent way to the way in which they treat social tenants on land with regard to –
  - (a) consultation;
  - (b) the provision of reasonable services (including services peculiar to residential users of waterways); and
  - (c) periods of tenure.
- (2) “Households residing on waterways” means households identified as living aboard, and enjoying a connection to the surrounding area through –
  - (a) working in the locality on a long-term basis;
  - (b) being in education in the locality, or having children placed in education in the locality; or
  - (c) having had residential use of the waterway in question for over five years.”

**Clause 55**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

**34** Page 25, line 29, at end insert –

- “(e) the local housing authority responds to a request by the landlord confirming that they suspect the property to be abandoned.”

BARONESS GRENDER

*Baroness Grender gives notice of her intention to oppose the Question that Clause 55 stand part of the Bill.*

**Clause 56**

BARONESS GRENDER

*Baroness Grender gives notice of her intention to oppose the Question that Clause 56 stand part of the Bill.*

**Clause 57**LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

**35** Page 26, line 15, leave out “8” and insert “12”

**36** Page 26, line 21, leave out “two weeks, and no more than 4” and insert “4 weeks, and no more than 8”

BARONESS GRENDER

*Baroness Grender gives notice of her intention to oppose the Question that Clause 57 stand part of the Bill.*

**Clause 58**

BARONESS GRENDER

*Baroness Grender gives notice of her intention to oppose the Question that Clause 58 stand part of the Bill.*

**Clause 59**

BARONESS GRENDER

*Baroness Grender gives notice of her intention to oppose the Question that Clause 59 stand part of the Bill.*

**Clause 60**

BARONESS GRENDER

*Baroness Grender gives notice of her intention to oppose the Question that Clause 60 stand part of the Bill.*

**Clause 61**

BARONESS GRENDER

*Baroness Grender gives notice of her intention to oppose the Question that Clause 61 stand part of the Bill.*

**Clause 1**LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

**37** Page 1, line 6, after second “of” insert “new homes across all tenures, including”

## Clause 2

LORD KENNEDY OF SOUTHWARK

LORD BEECHAM

- 38** Page 1, line 12, leave out from “a” to end and insert “price no higher than is affordable to a household receiving the median local household income, with affordability to be determined by the relevant local authority,”
- 39** Page 1, line 12, at end insert “(and in respect of which the discount remains in perpetuity)”
- 40** Page 1, line 13, after “cap,” insert –  
     “( ) is not to be sold to buy-to-let investors,”
- 41** Page 1, line 13, after “cap,” insert –  
     “( ) is built on under-used or unviable brownfield sites not currently identified for housing on public and private land, as determined by the local authority,”

BARONESS DOOCEY

LORD KERSLAKE

- 42** Page 1, line 15, at end insert –  
     “( ) References to a starter home shall not include any dwelling which forms part of a housing regeneration scheme.  
     ( ) “Housing regeneration scheme” means a programme of regeneration or development of an area which includes the provision or improvement of housing for which finance may be available under section 126 of the Housing Grants, Construction and Regeneration Act 1996 (power of Secretary of State to give financial assistance for regeneration and development).”

LORD KENNEDY OF SOUTHWARK

LORD BEECHAM

- 43** Page 2, line 6, at end insert –  
     “(d) lives or works locally.”
- 44** Page 2, line 6, at end insert –  
     “( ) The meaning of “locally” in subsection (3) shall be defined by the relevant local authority or the Greater London Authority.”
- 45** Page 2, line 18, after “State” insert “, after consultation with the relevant local authority or local authorities, or the Mayor of London, as appropriate, ”

**Clause 2 - continued**

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD SHIPLEY

46 Page 2, line 21, at end insert –

“( ) Regulations shall provide that the discount specified in subsection (1)(c) shall continue to be applied to the sale price of the relevant starter home on every subsequent sale of that dwelling (including, but not limited to, any sale of the property after the initial five year period).”

**Clause 3**

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD SHIPLEY  
LORD GREAVES  
BARONESS PINNOCK

47 Page 2, line 24, after “homes” insert “and other types of social and affordable housing”

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

48 Page 2, line 24, at end insert “, except where the local authority considers that providing starter homes would prevent other types of affordable housing being built”

**Clause 4**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

49 Page 3, line 10, at end insert “, and which has been subject to a full assessment as to the need for starter homes in the relevant local authority area”

50 Page 3, line 15, at end insert –

“( ) The regulations may provide that sites are exempted from the requirement to promote starter homes where a site has a scheme that –

- (a) is a “build to rent” scheme;
- (b) contains supported housing for –
  - (i) younger people;
  - (ii) older people;
  - (iii) people with special needs; or
  - (iv) people with disabilities;
- (c) contains a homeless hostel;
- (d) contains refuge accommodation; or
- (e) contains specialist housing.”

**Clause 5**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

51 Page 3, line 28, at end insert –

- “( ) The information provided for by subsection (1) must be displayed on the authority’s website and updated annually and must set out –
- (a) information on all types of affordable housing, and
  - (b) that starter homes will be sold at 20% below market value.”

52 Page 3, line 37, at end insert “, and to contain information which demonstrates that the land in question is not needed for employment, retail, leisure, industrial or distribution use”

BARONESS GRENDER

53 Page 3, line 38, at end insert –

- “(5) The Secretary of State shall prepare a report on an annual basis containing information on the construction and sale of starter homes in the area of each local housing authority.
- (6) A report under subsection (5) shall include information about the household composition and incomes of persons who have purchased starter homes in each area during the relevant period.”

**Clause 6**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

*The above-named Lords give notice of their intention to oppose the Question that Clause 6 stand part of the Bill.*

**Clause 8**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

54 Page 5, line 29, at end insert “, and without unreasonable cost”

**Clause 62**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

55 Page 28, line 8, at end insert “with the exclusion of –

- (a) supported housing for older people;
- (b) supported housing units (including self-contained homes where floating support is provided for vulnerable people);
- (c) key worker housing (which includes self-contained flats subject to nomination agreements with third-parties);
- (d) units that form part of major regeneration schemes planned or already under way;

**Clause 62 - continued**

- (e) rural settlements;
- (f) homes built for charitable purposes without government grant and homes provided through s.106 agreements (agreements under section 106 of the Town and Country Planning Act 1990 (planning obligations)) requiring stock to be kept as social housing in perpetuity;
- (g) cooperative housing;
- (h) ALMOS (arms length management organisations); and
- (i) alms houses.”

## BARONESS ROYALL OF BLAISDON

56 Page 28, line 8, at end insert “, with the exclusion of dwellings owned by a registered social landlord where—

- (a) the dwelling is in a rural area;
  - (b) planning permission for the dwelling was granted wholly or partly on the basis of a policy for the provision of housing on rural exception sites;
  - (c) the dwelling is in a National Park or in the Broads; or
  - (d) the dwelling 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.
- (1A) In exceptional cases, as set out in regulations made by the Secretary of State, a grant will be paid subject to the proceeds from sale in a rural area being re-invested on a like-for-like basis in the parish where the sale has occurred or in an immediately adjoining rural area.
- (1B) In this section, “rural area” means—
- (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.”

## LORD KENNEDY OF SOUTHWARK

## LORD BEECHAM

57 Page 28, line 10, at end insert—

- “( ) A grant made under subsection (2) must include a condition that, if the dwelling to which the grant is applied is sold under the right to buy, money equivalent to the market value (disregarding any discount) of the dwelling is spent by the private registered provider on the provision of affordable housing in the same local authority area or London, including at least one new home replacing that sold which is—
- (a) of the same tenure, and
  - (b) located in the same local authority area or London borough,
- in accordance with assessed local housing need.”

**Clause 62 - continued**

58 Page 28, line 13, at end insert –

“(4) Grants must not be payable on properties bought and turned into buy to let dwellings within ten years.”

BARONESS ROYALL OF BLAISDON

59 Page 28, line 13, at end insert –

“(4) In rural areas a grant must be paid subject to the proceeds from sale being re-invested in the parish where the sale has occurred, and the Secretary of State must, by regulations, define the process for re-investing the proceeds from sale in a rural area.

(5) In subsection (4), a “rural area” means –

- (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.”

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

LORD SHIPLEY

LORD GREAVES

BARONESS PINNOCK

*The above-named Lords give notice of their intention to oppose the Question that Clause 62 stand part of the Bill.*

**Clause 63**

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

LORD SHIPLEY

LORD GREAVES

BARONESS PINNOCK

*The above-named Lords give notice of their intention to oppose the Question that Clause 63 stand part of the Bill.*

**Clause 64**

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

LORD SHIPLEY

LORD GREAVES

BARONESS PINNOCK

*The above-named Lords give notice of their intention to oppose the Question that Clause 64 stand part of the Bill.*

**Clause 65**

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD SHIPLEY  
LORD GREAVES  
BARONESS PINNOCK

*The above-named Lords give notice of their intention to oppose the Question that Clause 65 stand part of the Bill.*

**After Clause 65**

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD SHIPLEY  
LORD GREAVES  
BARONESS PINNOCK

60 Insert the following new Clause –

**“Right to buy: replacement dwellings**

A dwelling must not be sold under the right to buy without the housing association having first –

- (a) identified the dwelling that will become the replacement for the dwelling sold, where –
  - (i) the replacement dwelling may be an existing dwelling or a planned new-build,
  - (ii) the tenure of the replacement property is presumed to be the same as that of the dwelling sold under the right to buy, unless a different tenure can be justified on the basis of local needs, and
  - (iii) the location of the replacement dwelling should be in the same local authority area as the dwelling sold; and
- (b) communicated the replacement plan to the Regulator.”

**Clause 66**

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD SHIPLEY  
LORD GREAVES  
BARONESS PINNOCK

*The above-named Lords give notice of their intention to oppose the Question that Clause 66 stand part of the Bill.*

**Clause 67**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

61 Page 29, line 33, at end insert “which shall include –

- (i) the repayment of capital debt on any high value properties sold; and
- (ii) the cost of replacing any high value properties sold on a one-for-one basis within the same local authority area.”

**Clause 67 - continued**

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 62** Page 29, line 33, at end insert “, such deductions to include the cost of replacing the high value properties in the same area with affordable homes (as defined in the National Planning Policy Framework up until May 2015) on a one-for-one basis.”

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

- 63** Page 29, line 33, at end insert –  
“( ) The total payment required from all affected local authorities in any financial year shall not exceed the total grant paid in that year to private registered providers in respect of right to buy discounts.”
- 64** Page 30, line 8, leave out “define “high value”” and insert “require a local housing authority in England to define “high value” in its area”
- 65** Page 30, line 9, at end insert “and this definition may not apply to more than 10% of the total authority properties in the local housing authority area”
- 66** Page 30, line 11, at end insert –  
“(10) Regulations under subsection (8) may not define a dwelling as “high value” if its sale value is less than the cost of rebuilding it and providing a replacement dwelling with the same number of bedrooms in the same local authority area.”

*The above-named Lords give notice of their intention to oppose the Question that Clause 67 stand part of the Bill.*

**Clause 68**

BARONESS GRENDER  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 67** Page 30, line 17, at end insert –  
“(2A) Regulations shall provide that housing which has been newly constructed or substantially renovated within the period of two years before a determination shall be excluded from being taken into account under section 67(2).  
(2B) For the purposes of subsection (2A), the relevant period in respect of a dwelling shall run from the date of the completion certificate relating to the construction of or works done on that dwelling.”

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

- 68** Page 30, line 25, at end insert –  
“(5) Regulations shall provide that housing shall be excluded where it forms part of a housing regeneration scheme or consists of specialist housing or recently improved housing.

**Clause 68 - continued**

- (6) In subsection (5), a “housing regeneration scheme” means a programme of regeneration or development of an area which includes the provision or improvement of housing and for which finance may be available under section 126 of the Housing Grants, Construction and Regeneration Act 1996 (regeneration and development: terms on which assistance is given).
- (7) In subsection (5), “specialist housing” means any housing designed for or intended for occupation by older persons or persons needing care or support, or persons with mental health problems or learning disabilities; or which has features which are designed to make it suitable for occupation by a physically disabled person; or which it is the practice of the landlord to let for occupation by persons with special needs.
- (8) In subsection (5), housing shall be considered to have been recently improved if substantial works of repair or improvement have been carried out on the relevant dwelling or group of dwellings within the previous two years.”

LORD KENNEDY OF SOUTHWARK  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD SHIPLEY

*The above-named Lords give notice of their intention to oppose the Question that Clause 68 stand part of the Bill.*

**Clause 69**

LORD KENNEDY OF SOUTHWARK  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD SHIPLEY

*The above-named Lords give notice of their intention to oppose the Question that Clause 69 stand part of the Bill.*

**Clause 70**

LORD KENNEDY OF SOUTHWARK  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD SHIPLEY

*The above-named Lords give notice of their intention to oppose the Question that Clause 70 stand part of the Bill.*

**Clause 71**

LORD KENNEDY OF SOUTHWARK  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD SHIPLEY

*The above-named Lords give notice of their intention to oppose the Question that Clause 71 stand part of the Bill.*

**Clause 72**

LORD KENNEDY OF SOUTHWARK  
 BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
 LORD SHIPLEY

*The above-named Lords give notice of their intention to oppose the Question that Clause 72 stand part of the Bill.*

**Clause 73**

LORD KENNEDY OF SOUTHWARK  
 BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
 LORD SHIPLEY

*The above-named Lords give notice of their intention to oppose the Question that Clause 73 stand part of the Bill.*

**Clause 74**

BARONESS GRENDER  
 BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

69 Page 32, line 40, at end insert –

“(3A) Regulations shall provide that housing which has been newly constructed or substantially renovated within the period of two years before a determination shall be excluded from the duty in subsection (1).

(3B) For the purposes of subsection (3A), the relevant period in respect of a dwelling shall run from the date of the completion certificate relating to the construction of or works done on that dwelling.”

LORD KENNEDY OF SOUTHWARK  
 BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
 LORD SHIPLEY

*The above-named Lords give notice of their intention to oppose the Question that Clause 74 stand part of the Bill.*

**Clause 75**

LORD KENNEDY OF SOUTHWARK  
 BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
 LORD SHIPLEY

*The above-named Lords give notice of their intention to oppose the Question that Clause 75 stand part of the Bill.*

**Clause 76**

LORD KENNEDY OF SOUTHWARK  
 BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
 LORD SHIPLEY

*The above-named Lords give notice of their intention to oppose the Question that Clause 76 stand part of the Bill.*

**Clause 77**

LORD KENNEDY OF SOUTHWARK  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD SHIPLEY

*The above-named Lords give notice of their intention to oppose the Question that Clause 77 stand part of the Bill.*

**Clause 78**

LORD KENNEDY OF SOUTHWARK

70 Page 34, line 10, at end insert –

“(1A) Any regulations made by the Secretary of State shall not apply –

- (a) to people aged over 65;
- (b) to people who have a registered disability;
- (c) to people on zero hours contracts;
- (d) to people with seasonal contracts of employment;
- (e) to households where one or more members is in receipt of employment and support allowance (ESA);
- (f) where a household member is in receipt of care;
- (g) where a member of the household is a carer for another household member;
- (h) to those living in supported housing;
- (i) to households in receipt of housing benefit.”

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

71 Page 34, line 14, at end insert –

“( ) to take into account local affordability”

72 Page 34, line 14, at end insert –

“( ) to take into account the need to promote socially cohesive and mixed communities”

73 Page 34, line 14, at end insert –

“( ) to be increased on a tapered system relating to income and level of rent charged”

74 Page 34, line 17, at end insert –

“( ) The Secretary of State must make regulations to provide for the external valuation of high income rents.”

75 Page 34, line 17, at end insert –

“( ) Any regulations made by the Secretary of State under this section must include provisions for –

- (a) a notice period of one year before the new rent becomes payable; and

**Clause 78 - continued**

(b) transitional protection and arrangements as the tenant moves to the higher rent.”

76 Page 34, line 22, at end insert –

“(6) All provisions in this section shall only apply to new tenancies commenced after 30 April 2017 and where the tenant has been provided with a new tenancy agreement.”

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD SHIPLEY  
LORD GREAVES  
BARONESS PINNOCK

*The above-named Lords give notice of their intention to oppose the Question that Clause 78 stand part of the Bill.*

**Clause 79**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

77 Page 34, line 25, at beginning insert “subject to subsection (1A),”

78 Page 34, line 27, at end insert –

“(1A) “High income” must be set with reference to average incomes in the area, with high incomes being defined as income falling within the top quartile of incomes in that area.”

79 Page 34, line 27, at end insert –

“( ) For the purposes of this Chapter, high income cannot be set at a level lower than median incomes.”

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD SHIPLEY  
LORD GREAVES  
BARONESS PINNOCK

*The above-named Lords give notice of their intention to oppose the Question that Clause 79 stand part of the Bill.*

**Clause 80**

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD SHIPLEY  
LORD GREAVES  
BARONESS PINNOCK

*The above-named Lords give notice of their intention to oppose the Question that Clause 80 stand part of the Bill.*

**Clause 81**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

80 Page 35, line 27, leave out paragraph (c)

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD SHIPLEY  
LORD GREAVES  
BARONESS PINNOCK

*The above-named Lords give notice of their intention to oppose the Question that Clause 81 stand part of the Bill.*

**Clause 82**

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD SHIPLEY  
LORD GREAVES  
BARONESS PINNOCK

*The above-named Lords give notice of their intention to oppose the Question that Clause 82 stand part of the Bill.*

**Clause 83**

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD SHIPLEY  
LORD GREAVES  
BARONESS PINNOCK

*The above-named Lords give notice of their intention to oppose the Question that Clause 83 stand part of the Bill.*

**Clause 84**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

81 Page 36, line 40, leave out “estimated”

82 Page 37, line 5, leave out subsection (5)

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD SHIPLEY  
LORD GREAVES  
BARONESS PINNOCK

*The above-named Lords give notice of their intention to oppose the Question that Clause 84 stand part of the Bill.*

**Clause 85**

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD SHIPLEY  
LORD GREAVES  
BARONESS PINNOCK

*The above-named Lords give notice of their intention to oppose the Question that Clause 85 stand part of the Bill.*

**Clause 86**

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD SHIPLEY  
LORD GREAVES  
BARONESS PINNOCK

*The above-named Lords give notice of their intention to oppose the Question that Clause 86 stand part of the Bill.*

**Clause 113**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD SHIPLEY

*The above-named Lords give notice of their intention to oppose the Question that Clause 113 stand part of the Bill.*

**Schedule 7**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD SHIPLEY

*The above-named Lords give notice of their intention to oppose the Question that Schedule 7 be the Seventh Schedule to the Bill.*

**Clause 114**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD SHIPLEY

*The above-named Lords give notice of their intention to oppose the Question that Clause 114 stand part of the Bill.*

### Schedule 8

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD SHIPLEY

*The above-named Lords give notice of their intention to oppose the Question that Schedule 8 be the Eighth Schedule to the Bill.*

#### Clause 116

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

- 83 Page 53, line 19, at end insert—  
“(c) has a current entry on the database of rogue landlords and property agents as set out in Part 2 of the Housing and Planning Act 2016”

#### Clause 117

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

- 84 Page 54, line 18, leave out “as an alternative” and insert “in addition”

#### Clause 125

LORD GREAVES

- 85 Page 59, line 12, leave out “Regulations under subsection (11) may provide that”  
86 Page 59, line 14, leave out “prescribed criteria” and insert “criteria prescribed under subsection (11)”

*Lord Greaves gives notice of his intention to oppose the Question that Clause 125 stand part of the Bill.*

#### After Clause 125

LORD GREAVES

- 87 Insert the following new Clause—  
**“Promotion of neighbourhood planning in unparished areas**  
(1) A local planning authority which includes unparished areas which have not been designated as neighbourhood areas must, from time to time and by such means as it considers appropriate, take active steps to bring to the attention of persons living or working in those areas the opportunities for neighbourhood planning (a “neighbourhood planning promotion”).  
(2) A neighbourhood planning promotion must include appropriate means to promote and explain neighbourhood planning on a range of local media, including the authority’s website.

**After Clause 125 - continued**

- (3) The authority must carry out a neighbourhood planning promotion if it has not done so within the previous three years.
- (4) In addition to the steps required by subsections (1) to (3), the authority must maintain at all times a section on its website explaining neighbourhood planning and in particular how to identify or set up a relevant body in order to make an application for the designation of a neighbourhood area.
- (5) In this section “unparished area” has the same meaning as in section 87(3) of the Local Government and Public Involvement in Health Act 2007 (constitution of new parish).”

**Clause 126**

LORD GREAVES

*Lord Greaves gives notice of his intention to oppose the Question that Clause 126 stand part of the Bill.*

**Clause 127**

LORD GREAVES

*Lord Greaves gives notice of his intention to oppose the Question that Clause 127 stand part of the Bill.*

**After Clause 128**

LORD GREAVES

88 Insert the following new Clause—

**“Planning functions of neighbourhood forums**

After section 61F of the Town and Country Planning Act 1990, insert—

**“61FA Planning functions of neighbourhood forums**

A neighbourhood forum designated under section 61F may recommend to the principal council within the meaning of the Local Government and Public Involvement in Health Act 2007 that its planning functions should be undertaken by a parish council for the area covered by the neighbourhood forum.””

**Before Clause 129**

LORD KENNEDY OF SOUTHWARK

LORD BEECHAM

89 Insert the following new Clause—

**“Power to direct**

The Secretary of State shall by regulations define powers for local planning authorities to direct the use of underused, un-used or otherwise available publicly owned land in a local area to support redevelopment or regeneration as outlined in a local development plan.”

**Clause 130**

LORD GREAVES

*Lord Greaves gives notice of his intention to oppose the Question that Clause 130 stand part of the Bill.*

**Clause 131**

LORD GREAVES

*Lord Greaves gives notice of his intention to oppose the Question that Clause 131 stand part of the Bill.*

**Clause 132**

LORD GREAVES

*Lord Greaves gives notice of his intention to oppose the Question that Clause 132 stand part of the Bill.*

**Clause 133**

LORD GREAVES

*Lord Greaves gives notice of his intention to oppose the Question that Clause 133 stand part of the Bill.*

**Schedule 11**

LORD GREAVES

*Lord Greaves gives notice of his intention to oppose the Question that Schedule 11 be the Eleventh Schedule to the Bill.*

**Clause 136**LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

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

**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

**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));

**Clause 136 - continued**

- (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).”

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

- 93 Page 67, line 29, leave out “not”
- 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.”
- 95 Page 68, line 7, at beginning insert “Unless any material considerations indicate otherwise, ”
- 96 Page 68, line 22, after “period” insert “and in any event no longer than five years”

LORD GREAVES

*Lord Greaves gives notice of his intention to oppose the Question that Clause 136 stand part of the Bill.*

**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**

BARONESS PARMINTER  
LORD GREAVES

- 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.”

**Clause 137 - continued**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

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

LORD GREAVES

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

**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 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 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.

**After Clause 138 - continued**

- (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.””

**Clause 140**

LORD GREAVES

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

**After Clause 141**LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

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.”

**Clause 143**

LORD GREAVES

*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 2010 (access to and use of buildings), after requirement M4 insert—

**After Clause 143 - continued**

**“Internal space standards**

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

**Clause 145**

LORD GREAVES

*Lord Greaves gives notice of his intention to oppose the Question that Clause 145 stand part of the Bill.*

**Clause 146**

LORD GREAVES

*Lord Greaves gives notice of his intention to oppose the Question that Clause 146 stand part of the Bill.*

**Clause 147**

LORD GREAVES

*Lord Greaves gives notice of his intention to oppose the Question that Clause 147 stand part of the Bill.*

**Clause 148**

LORD GREAVES

*Lord Greaves gives notice of his 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—

**After Clause 151 - continued**

- (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.”
- (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.””

**Clause 183**

LORD GREAVES

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

**Clause 184**

LORD GREAVES

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

**Clause 185**

LORD GREAVES

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

# Housing and Planning Bill

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE

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*05 February 2016*

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