

Housing and Planning Bill

SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE

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

Clauses 54 to 61	Clauses 134 to 136
Clauses 1 to 11	Schedule 12
Clauses 62 to 90	Clauses 137 to 142
Schedule 4	Schedule 13
Clauses 91 to 97	Clauses 143 to 159
Schedule 5	Schedule 14
Clauses 98 to 110	Clauses 160 to 163
Schedule 6	Schedule 15
Clauses 111 to 113	Clauses 164 to 169
Schedule 7	Schedule 16
Clause 114	Clauses 170 to 176
Schedule 8	Schedules 17 and 18
Clauses 115 to 117	Clauses 177 to 182
Schedule 9	Schedule 19
Clauses 118 to 122	Clauses 183 to 186
Schedule 10	Schedule 20
Clauses 123 to 133	Clauses 187 to 193
Schedule 11	Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

After Clause 54

LORD FLIGHT
EARL CATHCART

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”;

After Clause 54 - continued

- (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.”

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).

After Clause 54 - continued

- (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.”

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.”

After Clause 54 - continued

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.
- (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.

After Clause 54 - continued

- (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.”

LORD GREAVES

33A Insert the following new Clause—

“Licensing of private landlords

- (1) A local housing authority may operate an accreditation and licensing scheme for private landlords.
- (2) Such a scheme—
 - (a) may require the payment of a fee for each house owned by a private landlord;
 - (b) may levy fees up to a level required to provide for the operation of the scheme;
 - (c) may apply to the whole of a local housing authority’s area or to a part or parts of that area; and
 - (d) must include the production of a database which is open to inspection by any person and which may be used for any of the authority’s functions.
- (3) A local housing authority making and operating such a scheme shall have regard to guidance issued by the Secretary of State.”

LORD BEST

LORD KENNEDY OF SOUTHWARK

33B Insert the following new Clause—

“National rent deposit guarantee

- (1) The Secretary of State shall have the power to underwrite a national tenancy deposit bond guarantee scheme which shall be available to organisations dedicated to supporting people who are homeless to access a dwelling or HMO in the private rented sector.
- (2) The Secretary of State may, after consultation with relevant organisations, by regulations determine quality standards that must be met to access the national tenancy deposit bond guarantee scheme.
- (3) In subsections (1) and (2) an “organisation” can be—
 - (a) a registered charity;
 - (b) a registered social landlord;
 - (c) a local authority; or
 - (d) a private registered provider of social housing.
- (4) In subsection (1)—

After Clause 54 - continued

- (a) “dwelling” has the meaning given by section 275 of the Housing and Regeneration Act 2008 (general),
- (b) “HMO” has the meaning given by section 254 of the Housing Act 2004 (meaning of “house in multiple occupation”), and
- (c) “homeless” has the meaning given by section 175 of the Housing Act 1996 (homelessness and threatened homelessness).”

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.

After Clause 61

LORD GREAVES

36A Insert the following new Clause—

“Review of effectiveness of empty dwelling management orders etc.

- (1) The Secretary of State must, within six months of the passing of this Act, commission a review of the operation and effectiveness of empty dwelling management orders and other provisions for bringing into use domestic properties that have been abandoned by their owners.
- (2) A report on the findings of the review must be published and laid before each House of Parliament.”

Clause 1

LORD TOPE

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

36B Page 1, line 6, after “promote” insert “home ownership and”

LORD KENNEDY OF SOUTHWARK

LORD BEECHAM

LORD SHIPLEY

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

LORD TOPE

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

37A Page 1, line 7, at end insert—

- “() “Home ownership” means the holding of a legal estate by a home owner in a home or in a share of a home.
- () “Home owner” means one or more individuals who holds or hold a legal estate—

Clause 1 - continued

- (a) in a home which is his, her or their only residence, or
- (b) in a share of a home which is his, her or their only residence.”

Clause 2

LORD SHIPLEY

37B Page 1, line 11, after “purchase” insert “via a mortgage”

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)”

LORD LANSLEY

39A Page 1, line 12, at end insert –

“() may be purchased through a rent-to-buy arrangement as well as by direct purchase,”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

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,”

LORD BEST
LORD KERSLAKE
LORD CAMERON OF DILLINGTON
LORD BEECHAM

41A Page 1, line 13, after “cap,” insert –

“() is subject to a restriction requiring repayment of the 20% discount, reduced by 1% for each year of occupation by the purchaser, for a period of 20 years,”

LORD SHIPLEY

41B Page 1, line 15, at end insert “, which shall include a requirement regarding the occupation of the dwelling by the first-time buyer as his or her principal residence.”

Clause 2 - continued

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).”

BARONESS WILLIAMS OF TRAFFORD

42A Page 2, line 4, leave out “has any other characteristics” and insert “meets any other criteria”

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.”

BARONESS WILLIAMS OF TRAFFORD

44A Page 2, line 16, after “regulations” insert “ –

(a) ”

44B Page 2, line 17, at end insert –

“(b) disapply the age requirement in subsection (3)(b) in relation to specified categories of people;

(c) specify circumstances in which a dwelling may still be a starter home even if it is available for purchase by joint purchasers not all of whom meet the age requirement.”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

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, ”

BARONESS WILLIAMS OF TRAFFORD

45A Page 2, line 21, at end insert –

“() Before making regulations under subsection (8) the Secretary of State must consult –

Clause 2 - continued

- (a) each local planning authority in England,
- (b) the Mayor of London, and
- (c) any other person the Secretary of State thinks appropriate.”

45B Page 2, line 21, at end insert –

“() Regulations under this section may amend this Chapter.”

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

LORD TOPE
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

46A Page 2, line 24, after “promoting” insert “home ownership and”

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 LANSLEY

47A Page 2, line 24, after “homes” insert “or alternative affordable home ownership products”

LORD BEST
LORD KERSLAKE
LORD KENNEDY OF SOUTHWARK
LORD STONEHAM OF DROXFORD

47B Page 2, line 24, after “homes” insert “, or alternative affordable home ownership products as approved by the Secretary of State,”

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 3 - continued

LORD BEST
LORD BEECHAM
LORD KERSLAKE
LORD STONEHAM OF DROXFORD

48A Page 2, line 24, at end insert –

- “() In carrying out its duty to promote the supply of starter homes, a local planning authority in England must take account of its assessment of housing need and local viability, in particular for –
- () those over pension age,
 - () those on below average incomes, and
 - () those to whom it owes a statutory housing duty.”

THE EARL OF LISTOWEL

48B Page 2, line 26, at end insert –

- “(2A) In addition to its duty under subsection (1) in relation to starter homes, an English planning authority must also ensure that there is an adequate supply of affordable homes in its area for –
- (a) key workers; and
 - (b) families requiring temporary accommodation from the local housing authority under Part VII of the Housing Act 1996.
- (2B) A local planning authority must consult with services which employ key workers about whether sufficient housing of the appropriate type is being provided in pursuance of its duty under subsection (2A).
- (2C) In this section –
- “affordable homes” means any dwelling for rent in England (whether new or otherwise) that is to be made available for people whose needs are not adequately served by the commercial housing market;
- “key worker” means a person in an occupation essential to the public good, as specified by the Secretary of State by regulations made by statutory instrument.”

Clause 4

LORD KERSLAKE
LORD BEST
LORD KENNEDY OF SOUTHWARK
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

48C Page 3, line 4, leave out “if the starter homes requirement is met” and insert “where it has regard to the starter homes provision based on an assessment of local housing need and viability”

LORD TOPE
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

48D Page 3, line 4, leave out “starter homes” and insert “home ownership scheme”

Clause 4 - continued

48E Page 3, line 8, at end insert—

“() “Home ownership scheme” means a scheme which provides opportunities for home ownership which are affordable to prospective home owners having regard to the local housing market and prevailing economic conditions, and which includes the provision of a certain number of starter homes.”

LORD BEST
LORD CAMERON OF DILLINGTON
LORD KERSLAKE
LORD BEECHAM

48F Page 3, line 9, leave out subsection (3) and insert—

“() An English planning authority, in carrying out its relevant planning functions, must identify the starter homes requirement for its area alongside other requirements for housing based on an assessment of local housing need and viability.”

LORD TOPE
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

48G Page 3, line 9, leave out “starter homes” and insert “home ownership scheme”

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”

LORD TOPE
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

49A Page 3, line 13, after “provide” insert “and implement a home ownership scheme including”

49B Page 3, line 14, leave out “for providing starter homes” and insert “to provide and implement a home ownership scheme including a certain number of starter homes”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

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;

Clause 4 - continued

- (d) contains refuge accommodation; or
- (e) contains specialist housing.”

LORD CAMERON OF DILLINGTON
LORD BEST
LORD KENNEDY OF SOUTHWARK
LORD STONEHAM OF DROXFORD

50A Page 3, line 16, at end insert –

- “() Through regulations the Secretary of State shall require that local planning authorities only allow starter homes on rural exception sites where these are subject to locally agreed “in perpetuity” arrangements and will contribute to delivering a significant increase in the supply of affordable homes to meet local needs, including those for rent.
- () Rural exception sites –
 - () are small sites in or adjoining rural settlements of less than 3,000 people;
 - () are used for affordable housing in perpetuity where sites would not normally be used for housing;
 - () are sites which seek to accommodate households who are either current residents or have an existing family or employment connection with the community where the development is occurring.
 - () Affordable rent is defined as a rent at or below 80% of open market rents in the locality of the development.”

LORD BEST
LORD CAMERON OF DILLINGTON
LORD BEECHAM
LORD STONEHAM OF DROXFORD

50B Page 3, line 16, at end insert –

- “() The regulations shall take account of the requirements for affordable housing for –
- () the purpose of renting;
 - () shared ownership;
 - () retirement housing;
 - () supported housing; and
 - () people with disabilities;
- as specified in the local authority’s local plan.”

LORD CAMERON OF DILLINGTON
LORD BEST
LORD KENNEDY OF SOUTHWARK
LORD STONEHAM OF DROXFORD

50C Page 3, line 16, at end insert –

- “() The regulations shall confer discretion on an English planning authority to exclude starter homes on rural exception sites.

Clause 4 - continued

- () Rural exception sites –
 - () are small sites in or adjoining rural settlements of less than 3,000 people;
 - () are sites which would not normally be used for housing;
 - () are sites which seek to accommodate households who are either current residents or have an existing family or employment connection with the community where the development is occurring.”

LORD BEST
BARONESS ANDREWS
LORD STONEHAM OF DROXFORD

50D Page 3, line 16, at end insert –

- “() Age-restricted housing schemes for older persons will be exempt from any requirement to provide starter homes.”

LORD TOPE
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

50E Page 3, line 25, leave out “starter homes” and insert “home ownership scheme”

After Clause 4

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

50F Insert the following new Clause –

“Infrastructure requirement: provision of starter homes

- (1) Prior to the first occasion on which planning permission is granted for a site involving starter homes, the Secretary of State must produce an infrastructure plan to be implemented as part of the starter homes programme.
- (2) The plan must outline –
 - (a) which services (such as hospitals, doctors’ surgeries and schools) will be built alongside new housing developments involving starter homes, and
 - (b) where funding for the new infrastructure will come from.
- (3) The infrastructure plan must be laid before both Houses of Parliament.”

Clause 5

LORD TOPE
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

50G Page 3, line 28, after “to” insert “home ownership and”

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 –

Clause 5 - continued

- (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
LORD SHIPLEY

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 TOPE
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

53ZA Page 3, line 42, after first “to” insert “ home ownership and”

LORD LANSLEY

53A Page 3, line 42, after “homes” insert “and alternative affordable home ownership products”

LORD BEST
LORD KERSLAKE
LORD BEECHAM
LORD STONEHAM OF DROXFORD

53B Page 3, line 42, after “homes” insert “, or alternative affordable home ownership products as approved by the Secretary of State,”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM
LORD KERSLAKE
LORD BEST

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

Clause 7

LORD TOPE
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

53C Page 4, line 15, after first “to” insert “ home ownership and”

After Clause 7

THE EARL OF LISTOWEL

53D Insert the following new Clause –

“CHAPTER 1A**TEMPORARY ACCOMMODATION STRATEGY****Strategy for temporary accommodation**

- (1) The Secretary of State has a duty to publish a strategy which includes targets for reducing the number of children living in temporary accommodation with their families.
- (2) The Secretary of State must make a report to both Houses of Parliament annually on the strategy.
- (3) The report must set out –
 - (a) the targets that have been set,
 - (b) the steps that have been taken to reach those targets, and
 - (c) the progress that has been made towards reaching the targets.”

LORD KENNEDY OF SOUTHWARK

LORD BEECHAM

53E★ Insert the following new Clause –

“Sunset provision: sections 1 to 7

- (1) Subject to the following provisions of this section, sections 1 to 7 of this Act are repealed at the end of the period of three years beginning with the day on which this Act is passed.
- (2) The Secretary of State may by regulations made by statutory instrument provide that the provisions of sections 1 to 7 are not repealed in accordance with subsection (1) but instead continue in force indefinitely, or for a specified period of time.
- (3) 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.”

Clause 8

LORD KENNEDY OF SOUTHWARK

LORD BEECHAM

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

After Clause 11

BARONESS PARMINTER
 LORD KREBS
 LORD GREAVES
 BARONESS YOUNG OF OLD SCONE

54A Insert the following new Clause—

“Carbon compliance standard for new homes

- (1) The Secretary of State must within six months of the passing of this Act make regulations under section 1(1) of the Building Act 1984 (power to make building regulations) for the purpose of ensuring that all new homes in England built from 1 January 2018 achieve the carbon compliance standard.
- (2) For the purpose of subsection (1), “carbon compliance standard” means an improvement on the target carbon dioxide emission rate, as set out in the Building Regulations 2006, of—
 - (a) 60% in the case of detached houses;
 - (b) 56% in the case of attached houses; and
 - (c) 44% in the case of flats.”

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;
- (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
 THE LORD BISHOP OF ST ALBANS
 BARONESS BAKEWELL

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;

Clause 62 - continued

- (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.”

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
LORD TOPE

56A Page 28, line 8, at end insert “, with the exclusion of dwellings owned by a Community Land Trust.

- () In exceptional circumstances, as defined in regulations made by the Secretary of State, grant will be paid subject to the proceeds from the sale by a Community Land Trust being re-invested on a like for like basis by that Community Land Trust.
- () “Community Land Trust” has the meaning given in section 79(2) to (5) of the Housing and Regeneration Act 2008.”

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

BARONESS ROYALL OF BLAISDON
BARONESS BAKEWELL

57A Page 28, line 10, at end insert –

- “(2A) In rural areas a grant must be paid subject to the proceeds from sale being reinvested 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.
- (2B) In subsection (2A), 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.”

LORD CAMERON OF DILLINGTON
LORD BEST
LORD KENNEDY OF SOUTHWARK
LORD STONEHAM OF DROXFORD

57B Page 28, line 10, at end insert –

- “() In rural areas, a grant may be paid subject to the proceeds from sale being re-invested in the parish or adjoining rural area where the sale has occurred, and the Secretary of State must, by regulations made by statutory instrument, define the process for re-investing the proceeds from sale in a rural area.
- () “Rural areas” are defined as –
- () any settlement with a population of less than 3,000 people at the most recent national census, or
 - () any settlement with a population of between 3,000 and 10,000 people at the most recent national census, which has been designated by the Secretary of State following representations from the relevant local authority.”

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
LORD TOPE

57C Page 28, line 10, at end insert –

- “() Where a sale is of a property owned by a Community Land Trust, a grant will be paid subject to the proceeds from the sale being re-invested by that Community Land Trust.
- () The Secretary of State must by regulations define the process for the Community Land Trust to re-invest the proceeds from any sale under this section.
- () “Community Land Trust” has the meaning given in section 79(2) to (5) of the Housing and Regeneration Act 2008.”

Clause 62 - continued

LORD BEST
LORD CAMERON OF DILLINGTON
LORD BEECHAM

57D Page 28, line 10, at end insert –

- “() A grant may be paid subject to the proceeds from sale being reinvested in the parish or adjoining rural area where the sale has occurred, where –
- (a) a 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;
 - (b) the dwelling is in a national park or an area with a level of protection equal to that of a national park; or
 - (c) 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.”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

58 Page 28, line 13, at end insert –

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

59 *Amendment 59 has been retabled as Amendment 57A.*

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

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

59A Page 28, line 32, at end insert –

“() In carrying out the duty to monitor compliance under subsection (1), the Regulator must make a report where a community-led housing provider, as defined in Schedule (*Community-led housing schemes*), or a tenant management organisation, as defined in section (*Tenant management organisations*), has used grants made by the Secretary of State to facilitate or meet a right to buy discount.”

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.

After Clause 64

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

59B Insert the following new Clause –

“Tenant management organisations

All industrial and provident societies and housing associations registered with the Homes and Communities Agency as tenant management organisations shall –

- (a) be exempt from implementing, or facilitating the implementation of, right to buy discounts, and
- (b) not accept grants made by the Secretary of State in respect of right to buy discounts.”

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.”

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.”

Clause 67 - continued

LORD KERSLAKE
LORD KENNEDY OF SOUTHWARK
LORD STONEHAM OF DROXFORD

- 62A** Page 29, line 33, at end insert “including—
- (i) the cost of replacing every high value property sold within the same local authority area;
 - (ii) the repayment of capital debt on the high value property sold; and
 - (iii) all associated transaction costs.”

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.”
- 66A** Page 30, line 11, at end insert —
- “(10) The Secretary of State may not appoint a day for the coming into force of subsections (1) to (7) in accordance with section 192 of this Act until the Secretary of State has by regulations made by statutory instrument specified the formula provided for in subsection (6).
- (11) A statutory instrument containing regulations under subsection (10) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

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

After Clause 67

LORD KERSLAKE
LORD BEECHAM
BARONESS JANKE
LORD STUNELL

66B Insert the following new Clause—

“Additional homes

- (1) The Secretary of State must make a determination for the local housing authority to replace every property sold as a result of section 67.
- (2) A determination should provide for local housing authorities to replace any properties sold with housing of the same tenure, as far as is practical.
- (3) A determination must allow local housing authorities sufficient borrowing capacity and flexibility to provide replacement housing.”

Clause 68

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

66C Page 30, line 16, after “Account),” insert—

- “() it is not managed by an existing tenant management organisation, as defined by the Housing (Right to Manage) (England) Regulations 2012, and managing 1,500 or fewer local authority tenancies,”

LORD CAMERON OF DILLINGTON
LORD BEST

LORD KENNEDY OF SOUTHWARK
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

66D Page 30, line 17, at end insert—

- “() it is not in a rural area.
- () A rural area is defined as—
- () any settlement with a population of fewer than 3,000 people at the most recent national census, or
 - () 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 SHIPLEY

66E Page 30, line 17, at end insert—

- “() the local housing authority deems that there is no demand for it for rent.”

Clause 68 - continued

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 BEST
LORD CAMERON OF DILLINGTON
LORD BEECHAM
LORD STONEHAM OF DROXFORD

67A Page 30, line 17, at end insert –

- “() In making a determination under section 67, the Secretary of State must exclude housing in rural areas where the Secretary of State determines that it would not be reasonable to expect the local authority to ensure its replacement with at least one new affordable home in the same parish or adjoining parishes.”

LORD KERSLAKE
LORD BEST
LORD BEECHAM

67B Page 30, line 17, at end insert –

- “() Regulations must be made under subsection (2)(b) which exclude properties –
- (a) built since 2008;
 - (b) tied to a regeneration scheme;
 - (c) used as supported housing;
 - (d) exempt from local authority right to buy;
 - (e) vacant as part of adaption, maintenance or restoration work;
 - (f) vacant as a result of a tenancy transfer or exchange.”

LORD KERSLAKE
LORD KENNEDY OF SOUTHWARK
LORD STONEHAM OF DROXFORD

67C Page 30, line 18, leave out subsections (3) and (4)

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 BEST
LORD KERSLAKE
LORD BEECHAM
LORD STONEHAM OF DROXFORD

68A Page 30, line 25, at end insert –

- “() Regulations shall provide that housing shall be excluded where a vacancy has occurred as a result of the transfer of the former tenant to alternative accommodation in the social rented sector.
- () Accommodation in the social rented sector means any accommodation owned or let by a local authority or other registered provider of social housing.”

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 KERSLAKE
 LORD BEST
 LORD KENNEDY OF SOUTHWARK
 LORD STONEHAM OF DROXFORD

68B Page 31, line 42, at end insert –

“() Where the agreement is with a local authority outside Greater London, it must require the authority to ensure that at least one new affordable home is provided for each old dwelling.”

LORD KERSLAKE
 LORD BEST
 LORD BEECHAM
 LORD STONEHAM OF DROXFORD

68C Page 31, line 42, at end insert –

“() If a Combined Authority has agreed to ensure that a number of the new affordable homes are provided, that number is to be deducted from the number for which the local housing authority must be made responsible under subsection (4).”

LORD CAMERON OF DILLINGTON
 LORD BEST
 LORD KENNEDY OF SOUTHWARK
 LORD STONEHAM OF DROXFORD

68D Page 31, line 42, at end insert –

“() Where the agreement is with a local authority that includes a rural area, it must require the authority to ensure that at least one new affordable home is provided for each property sold in the parish or adjoining rural area where the dwelling has been sold.

- () 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.”

Clause 72 - continued

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
 LORD BEECHAM

69A Page 32, line 42, at end insert –

- “(5) Subject to the following provisions of this section, subsections (1) to (4) of this section are repealed at the end of the period of three years beginning with the day on which this Act is passed.
- (6) The Secretary of State may by regulations made by statutory instrument provide that the provisions of subsections (1) to (4) are not repealed in accordance with subsection (5) but instead continue in force indefinitely, or for a specified period of time.
- (7) A statutory instrument containing regulations under subsection (6) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

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.

After Clause 77

LORD BEST
 LORD KERSLAKE
 LORD CAMERON OF DILLINGTON
 LORD BEECHAM

69B Insert the following new Clause –

“Duty to support replacement of housing in rural areas

- (1) This section applies to an authority that is both a relevant authority and a local planning authority within the meaning of the Town and Country Planning Act 1990.
- (2) An authority to which this section applies must co-operate with registered providers holding housing stock in its rural areas to update, on an annual basis, its strategic housing land availability assessment to identify deliverable sites for replacement affordable homes in the parish or rural area adjoining the location of the housing stock.”

Clause 78

LORD KERSLAKE
 LORD BEST
 LORD KENNEDY OF SOUTHWARK
 LORD STONEHAM OF DROXFORD

69C Page 34, line 9, leave out “must” and insert “should”

Clause 78 - continued

LORD SHIPLEY
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

69D Page 34, line 9, leave out “must” and insert “may”

LORD KENNEDY OF SOUTHWARK
BARONESS LISTER OF BURTERSETT

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 BEST
LORD CAMERON OF DILLINGTON
LORD KERSLAKE
LORD KENNEDY OF SOUTHWARK

70A Page 34, line 10, at end insert –

“() These regulations shall not provide for an increase in rent chargeable to a tenant by a local authority greater than 5% per annum or the Consumer Price Index plus 2%, whichever is the lesser.”

LORD BEST
LORD KERSLAKE
LORD BEECHAM
LORD LOW OF DALSTON

70B Page 34, line 10, at end insert –

“() These new regulations shall become effective for new tenancies granted after April 2017.”

LORD BEST
LORD KERSLAKE
LORD KENNEDY OF SOUTHWARK
LORD LOW OF DALSTON

70C Page 34, line 10, at end insert –

“() Regulations may not affect the rent for an existing tenant following a mutual exchange or housing transfer.”

Clause 78 - continued

LORD KERSLAKE
LORD BEST
LORD BEECHAM
LORD STONEHAM OF DROXFORD

70D Page 34, line 11, after “particular,” insert “permit local housing authorities to”

LORD SHIPLEY
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

70E Page 34, line 11, leave out “require” and insert “enable”

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

LORD BEST
LORD KERSLAKE
LORD KENNEDY OF SOUTHWARK
LORD STONEHAM OF DROXFORD

75A Page 34, line 17, at end insert –
“() The regulations shall not apply if the Secretary of State determines that the cost for a local authority of assessing the incomes of its tenants would be disproportionate to the additional rental income achievable from this provision.”

Clause 78 - continued

LORD KERSLAKE
LORD BEECHAM
LORD STONEHAM OF DROXFORD

75B Page 34, line 17, at end insert –

“() The regulations shall apply in a number of pilot areas, as detailed by the Secretary of State, and consideration shall be given to extending the regulations to all local authorities subject to evaluation of the impact of the regulations on tenants and communities in the pilot areas.”

LORD KERSLAKE
LORD BEST
LORD KENNEDY OF SOUTHWARK
LORD STONEHAM OF DROXFORD

75C Page 34, line 18, leave out “require” and insert “encourage”

VISCOUNT HANWORTH

75D Page 34, line 20, at end insert –

“() The regulations must provide that extra rents charged to high income tenants must be fixed in proportion to the excess of the tenant’s income above a threshold level appropriate to local circumstances.”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

76 Page 34, line 22, at end insert –

“() 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.”

LORD SHIPLEY
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

76A Page 34, line 22, at end insert –

“() Any decision to change rent levels is at the discretion of the local housing 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 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),”

LORD CAMERON OF DILLINGTON

77A Page 34, line 27, at end insert –
“() take account of the variability of a household’s income.”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

78 Page 34, line 27, at end insert –
“(1A) The definition of “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, the definition of high income cannot be set at a level lower than median incomes.”

LORD SHIPLEY
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

79A Page 34, line 29, at end insert “, with a minimum threshold of £40,000 earned annually per household outside London or £60,000 in London”

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

LORD KERSLAKE
LORD BEECHAM
LORD STONEHAM OF DROXFORD
LORD LOW OF DALSTON

79B Page 35, line 6, leave out subsection (2)

LORD SHIPLEY
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

79C Page 35, line 6, leave out “require” and insert “enable”

Clause 80 - continued

LORD KERSLAKE
 LORD KENNEDY OF SOUTHWARK
 LORD STONEHAM OF DROXFORD
 LORD LOW OF DALSTON

79D Page 35, line 14, 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 80 stand part of the Bill.

Clause 81

LORD KENNEDY OF SOUTHWARK
 LORD BEECHAM

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

LORD SHIPLEY

80A Page 35, line 31, at end insert—

“() an arms-length management organisation, tenant management organisation or local housing company wholly owned by its local authority which is managing social housing”

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

VISCOUNT HANWORTH

80B Page 36, line 14, leave out “may” and insert “must”

80C Page 36, line 17, leave out “may” and insert “must”

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

VISCOUNT HANWORTH

- 80D** Page 36, line 32, leave out from “(2)” to “give” in line 34 and insert “–
 (a) must make provision about the review of decisions to increase rent;
 (b) may”

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”

LORD KERSLAKE
 LORD BEECHAM
 BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 81A** Page 36, line 41, at end insert “, minus the full administrative costs for the local housing authority.”

LORD KERSLAKE
 LORD KENNEDY OF SOUTHWARK

- 81B** Page 37, line 1, leave out “may” and insert “must”

LORD KENNEDY OF SOUTHWARK
 LORD BEECHAM

- 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 87

LORD LANSLEY

82A Page 37, line 30, at end insert—

“() If a private registered provider has a policy under subsection (1), the policy may not apply to tenants in a rent-to-buy scheme.”

Before Schedule 4

LORD KENNEDY OF SOUTHWARK
 LORD BEECHAM

82B

“SCHEDULE

COMMUNITY-LED HOUSING SCHEMES

- 1(1) A community-led housing scheme is a scheme provided by a community-led housing provider meeting the requirements of this Schedule.
- (2) A community-led housing provider is a body corporate (“a body”) which makes available, or intends to make available, dwellings in England and satisfies all of the conditions in sub-paragraph 4 and at least one of the conditions in sub-paragraph (5).
- (3) The following definitions apply in relation to the conditions in sub-paragraph (4)—
 - (a) “dwellings” means flats and houses for occupation by individuals as their only home;
 - (b) “local community” means the individuals who live or work, or want to live or work, in a specified area or are part of a specified community;
 - (c) “own” and “owned” means ownership of a freehold interest or a leasehold interest;
 - (d) in sub-paragraph 3(b) “specified area” means the locality or region referred to in a body’s constitution;
 - (e) in sub-paragraph 3(b) “specified community” means the individuals to whom the body seeks to provide a benefit as set out in its constitution.
- (4) The conditions that must be satisfied are that—
 - (a) the body includes within its constitution the purpose of providing accommodation to the local community or for the members of the body;
 - (b) the local community have the opportunity to become members of the body (whether or not others can also become members);
 - (c) the local community must provide the majority vote on resolutions at general meetings and decisions at management board meetings;

Before Schedule 4 - continued

- (d) any profits or surplus from its activities will be used to benefit the local community or other activities of the body as set out in its constitution (otherwise than being paid directly to members);
 - (e) the accommodation let to individuals is owned by the body; and
 - (f) the number of properties owned by the body does not exceed 1000.
- (5) One of the following conditions must also be satisfied –
- (a) the body’s objects include furthering the social, economic or environmental interests of a local community; or
 - (b) the body is owned in the majority by its members who are also the tenants of the body.”

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 BEST
 LORD BEECHAM
 LORD STONEHAM OF DROXFORD

82C Page 128, line 19, leave out “2” and insert “5”

LORD BEST
 LORD KENNEDY OF SOUTHWARK
 LORD STONEHAM OF DROXFORD

82D Page 128, line 20, leave out “5” and insert “10”

LORD KENNEDY OF SOUTHWARK
 LORD BEECHAM
 BARONESS LISTER OF BURTERSETT

82E Page 128, line 34, leave out from “tenancy” to end of line 35 and insert “, or an assured tenancy from a private registered provider of social housing, of some other dwelling-house,

- (b) the tenant has not made an application to move,
- (c) the tenant is a secure tenant or an assured tenant of a private registered provider of social housing and the new tenancy is the result of a transfer, or
- (d) the cessation of the tenancy of the other dwelling-house was as a result of the application of regulation B13 of the Housing Benefit Regulations 2006 (determination of a maximum rent (social sector)).”

Schedule 7 - continued

LORD BEST
LORD BEECHAM
LORD STONEHAM OF DROXFORD

82F Page 128, line 34, leave out from “dwelling-house,” to end of line 35

BARONESS LISTER OF BURTERSETT
BARONESS JONES OF MOULSECOOMB
BARONESS HUSSEIN-ECE

82G Page 128, line 35, at end insert “, or
() the cessation of the previous old-style secure tenancy was as a result of domestic violence.”

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 115

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
THE LORD BISHOP OF ST ALBANS
BARONESS WHITAKER

82H Page 53, line 1, leave out subsection (2)

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”

After Clause 118

BARONESS GARDNER OF PARKES

- 84A Insert the following new Clause –

“Overcrowding in shared residential buildings

- (1) Local authorities may set limits for the number of residents that may lawfully reside in each rented property in a shared residential building.
- (2) Local authorities may set limits under subsection (1) for each relevant rented property whenever the contract for renting the property changes at any point after the day on which this section is brought into effect.
- (3) If a complaint is made to a local authority about overcrowding in a rented property for which a limit has been set under subsection (1), the local authority may investigate whether the limit is being exceeded and, if so, order the landlord of the property to take action to end the overcrowding.
- (4) Where the local authority orders a landlord to take action under subsection (3), the local authority may charge the landlord a fee to cover the reasonable costs of the investigation and action undertaken by the local authority.”

- 84B Insert the following new Clause –

“Overcrowding and subletting in shared residential buildings

The head lessee, freeholder or members of the right to manage company in a shared residential block may investigate whether any leaseholder within that block is allowing overcrowding in his or her property, or is allowing any subletting contrary to the terms of the lease, or is permitting a continuing nuisance to be made or a risk to the security of the block to be posed by those residing in the property.”

After Clause 124

BARONESS HAYTER OF KENTISH TOWN
LORD KENNEDY OF SOUTHWARK
LORD PALMER OF CHILDS HILL

84C Insert the following new Clause –

“Client money protection for lettings agents

- (1) Subject to the provisions of this section, a person may not accept money from another person (“T”) in the course of lettings agency work unless there are in force authorised arrangements under which, in the event of his or her failing to account for that money to the person entitled to it, his or her liability will be made good by another.
- (2) In this section “T” is any person who seeks residential accommodation which is to let, or who has a tenancy of, or other right or permission to occupy, residential premises; and a “relevant payment” means any sum of money which is received from T in the circumstances described in subsection (1).
- (3) In this section “lettings agency work” has the same meaning as in section 83 of the Enterprise and Regulatory Reform Act 2013 (redress schemes: lettings agency work) and a “lettings agent” is a person who engages in lettings agency work.
- (4) The Secretary of State may by regulations made by statutory instrument –
 - (a) specify any persons or classes of persons to whom subsection (1) does not apply;
 - (b) specify arrangements which are authorised for the purposes of this section including arrangements to which an enforcement authority nominated for the purpose by the Secretary of State or any other person so nominated is a party;
 - (c) specify the terms and conditions upon which any payment is to be made under such arrangements and any circumstances in which the right to any such payment may be excluded or modified;
 - (d) provide that any limit on the amount of any such payment is to be not less than a specified amount; and
 - (e) require a person providing authorised arrangements covering any person carrying on lettings agency work to issue a certificate in a form specified in the regulations certifying that arrangements complying with the regulations have been made with respect to that person.
- (5) A statutory instrument containing regulations under subsection (4) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Every guarantee entered into by a person who provides authorised arrangements covering a lettings agent shall tenure for the benefit of every person from whom the lettings agent has received a relevant payment as if the guarantee were contained in a contract made by the insurer with every such person.”

After Clause 124 - continued

LORD BERKELEY

84D Insert the following new Clause –

“Duchy of Cornwall

- (1) Section 33(2)(c) of the Leasehold Reform Act 1967 (crown land) is repealed.
- (2) Section 94(11)(c) of the Leasehold Reform, Housing and Urban Development Act 1993 (crown land) is repealed.”

BARONESS GARDNER OF PARKES

84E Insert the following new Clause –

“Sinking funds for repairs: leaseholds

- (1) The buyer of a leasehold in a shared residential building with common parts is required to make periodic deposits of sums into a fund to be maintained and used for the purpose of making repairs to the building in which the leasehold property is situated.
- (2) The fund shall be held and administered by the person designated to fulfil that role by the leaseholders.
- (3) The sums to be deposited and the timetable for their deposit shall be determined by those holding rights in the shared building, and the collection of those sums may be incorporated into the building’s service charge arrangements.
- (4) The requirement provided for by subsection (1) applies to any buyer of a leasehold who completes the purchase of that leasehold at any point after the day on which this section is brought into effect.”

84F Insert the following new Clause –

“Changes to leases: qualifying threshold for right to manage

- (1) Where leaseholders in a shared building have the right to manage and a change is proposed to the terms of the leases held in that shared building, the change shall be agreed and made if a simple majority of the eligible leaseholders vote in favour of the proposal.
- (2) A change to the terms of the leases under subsection (1) may include leasehold enfranchisement.
- (3) If a leaseholder fails to participate in the vote held under subsection (1) and reasonable arrangements have been made to enable him or her to do so, he or she shall be deemed to have voted in favour of the proposal.”

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)”

Clause 125 - continued

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.
- (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 TRUE

87A Page 60, line 4, at end insert—

- “() the local planning authority does not have (or have in preparation, as part of the local plan and in accordance with the local plan) an established subsidiary framework of local community, neighbourhood or village plans, adopted, after public consultation, in supplementary planning or other appropriate documents,”

Clause 127 - continued

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.”

BARONESS PARMINTER

LORD SHIPLEY

88A Insert the following new Clause—

“Neighbourhood right of appeal

(1) After section 78 of the Town and Country Planning Act 1990 (“the 1990 Act”) insert—

“78ZA Neighbourhood right of appeal

(1) Where—

- (a) a planning authority grants an application for planning permission,
- (b) the application does not accord with policies in an emerging or made neighbourhood plan in which the land to which the application relates is situated, and
- (c) the neighbourhood plan in paragraph (b) contains proposals for the provision of housing development,

certain persons as specified in subsection (2) may by notice appeal to the Secretary of State.

(2) Persons who may by notice appeal to the Secretary of State against the approval of planning permission in the circumstances specified in subsection (1) are any parish council or neighbourhood forum, as defined in section 61F of the 1990 Act (authorisation to act in relation to neighbourhood areas), whose made or emerging neighbourhood plan includes all or part of the area of land to which the application relates, by two-thirds majority voting.

(3) In this section an “emerging” neighbourhood plan means a neighbourhood plan that—

- (a) has been examined,
- (b) is being examined, or

After Clause 128 - continued

- (c) is due to be examined, having met the public consultation requirements necessary to proceed to this stage.”
- (2) Section 79 of the 1990 Act is amended as follows –
- (a) in subsection (2), omit “either” and after “planning authority” insert “or the applicant (where different from the appellant)”;
 - (b) in subsection (6), after “the determination” insert “(except for appeals as defined in section 78ZA (as inserted by section (*Neighbourhood right of appeal*) of the Housing and Planning Act 2016) and where the appellant is as defined in subsection (2) of that section)”.

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.

After Clause 130

LORD SHIPLEY

89A Insert the following new Clause –

“Use class for affordable housing

- (1) Part C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 is amended as follows.
- (2) In Class C3 (dwellinghouses), at end insert “, but not for a use within Class C3A.”
- (3) After Class C3 insert –
“Class C3A. Affordable housing
Use for the provision of affordable housing.””

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 TRUE

- 89B** Page 152, line 24, leave out “, revision”
- 89C** Page 152, line 26, leave out “or revise”
- 89D** Page 152, line 28, leave out “or revise (as the case may be)”
- 89E** Page 152, line 31, leave out “or revised”
- 89F** Page 152, line 36, leave out “directions” and insert “advice”
- 89G** Page 152, line 39, leave out the first “approve” and insert “propose”
- 89H** Page 152, line 39, leave out “, or approve it subject to specified modifications,”
- 89J** Page 153, line 1, leave out “direct” and insert “invite”
- 89K** Page 153, leave out lines 12 to 18

LORD GREAVES

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

After Clause 134

LORD CAMPBELL-SAVOURS

- 89L** Insert the following new Clause –
- “Compulsory acquisition of land by local authority for housing development**
- (1) Section 226 of the Town and Country Planning Act 1990 (compulsory acquisition of land for development etc) is amended as follows.
 - (2) In subsection (1)(a), after “development,” insert “including housing development,”.
 - (3) After subsection (1) insert –

After Clause 134 - continued

“(1ZA) A local authority compulsorily purchasing land under subsection (1)(a) may purchase it at the price which would apply if the land were to continue to be used for agricultural purposes, not for housing development.””

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 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 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
BARONESS YOUNG OF OLD SCONE

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).”

Clause 136 - continued

LORD ROTHERWICK

92A Page 66, line 36, at end insert –

- “(4) Permission in principle may not be granted for development of land which is an important part of the national infrastructure, or is the subject of national policy or interest, as defined by subsection (5).
- (5) Areas for which permission in principle may not be granted by virtue of subsection (4) are –
- (a) ports,
 - (b) docks and harbours,
 - (c) railway stations,
 - (d) aerodromes,
 - (e) motorway service stations, and
 - (f) land of such description as the Secretary of State may by regulations specify.”

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.”

LORD BEST
BARONESS WHITAKER
BARONESS HODGSON OF ABINGER**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 KENNEDY OF SOUTHWARK
LORD BEECHAM**95** Page 68, line 7, at beginning insert “Unless any material considerations indicate otherwise, ”LORD BEST
BARONESS WHITAKER
BARONESS HODGSON OF ABINGER**95A** Page 68, line 9, at end insert “, including the provisions of any design requirements attached to the permission in principle”

Clause 136 - continued

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

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
BARONESS YOUNG OF OLD SCONE

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.”

LORD ROTHERWICK

97A Page 69, line 21, at end insert –

“(5A) Regulations made under subsection (1) must specify that land which is an important part of the national infrastructure, or is the subject of national policy or interest, is exempted from the register.

(5B) Areas which must be exempted from the register by virtue of subsection (5A) include –

- (a) ports,
- (b) docks and harbours,
- (c) railway stations,
- (d) aerodromes, and
- (e) motorway service stations.”

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.””

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.””

Clause 140

LORD GREAVES

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

Clause 141

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*]

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

- 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.

After Clause 141 - continued

- (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.”

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.”

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

The above-named Lords give notice of their 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—

“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

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.”

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—
 - (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—

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.””

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 restricted 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 restricted byway,
 - (b) the premises have been unlawfully extended to encompass the footpath, bridleway or restricted 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

After Clause 179 - continued

“restricted byway”
have the same meaning as in the Highways Act 1980.”

Clause 183

LORD TOPE

- 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

LORD TOPE

- 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,”
- 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);”

Clause 184 - continued

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

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);
 - (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.

After Clause 184 - continued

- (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);
 - (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

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

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
 - (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.

After Clause 185 - continued

- (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 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).”

Housing and Planning Bill

SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE

26 February 2016
