

Housing and Planning Bill

FOURTH
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 8 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
Clauses 134 to 136	

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

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 OF HARDINGTON MANDEVILLE

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 BERKELEY

56B Page 28, line 8, at end insert “, except in respect of housing on the Isles of Scilly.”

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 OF HARDINGTON MANDEVILLE

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, 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 –

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

59 [*Withdrawn*]

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.

After Clause 63

LORD KERSLAKE

59ZA Insert the following new Clause –**“Equity loan schemes**

- (1) The Secretary of State shall, in the exercise of the Secretary of State’s powers under section 47 of the Housing and Regeneration Act 2008 (directions by the Secretary of State), direct the Homes and Communities Agency to establish an equity loan scheme for the purpose of assisting tenants of private registered providers to purchase their homes under right to buy.
- (2) The Homes and Communities Agency may, in accordance with the scheme established under subsection (1), make funds available by way of equity loan to the tenants of private registered providers to enable them to finance the purchase of their homes.
- (3) Private registered providers may elect to sell such of their properties as they may determine under right to buy to their tenants on the basis of the scheme provided for in subsection (1).”

Clause 64LORD 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 64LORD 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

After Clause 64 - continued

- (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.”

BARONESS GRENDER

60A Insert the following new clause –

“Community right of appeal

- (1) If there is substantial local opposition to the sale under right to buy of a housing association property, or group of properties, the decision to sell the property or properties by the housing association may be appealed.
- (2) The right of appeal under subsection (1) includes, but is not limited to, homes on rural exception sites.”

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.”

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”

Clause 67 - continued

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.”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM
LORD KERSLAKE

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,”

Clause 68 - continued

LORD BERKELEY

- 66CA** Page 30, line 17, at end insert “, and
 () it is not in the Isles of Scilly.”

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.”

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.”

Clause 68 - continued

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 subsection (3) and subsection (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.
- (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.”

Clause 68 - continued

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
 LORD KERSLAKE

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
 LORD KERSLAKE

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
 LORD KERSLAKE

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
 LORD KERSLAKE

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.”

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

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
 LORD KERSLAKE

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

68E Page 32, line 34, leave out “become vacant” and insert “been vacant for more than six months”

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
 LORD KERSLAKE

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
LORD KERSLAKE

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
LORD KERSLAKE

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
LORD KERSLAKE

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 cooperate 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”

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; and
- (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.”

Clause 78 - continued

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.”

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.”

Clause 78 - continued

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.”

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.”

Clause 78 - continued

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

79 Page 34, line 27, at end insert –
 “() For the purposes of this Chapter, high income cannot be set at a level lower than median incomes.”

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”

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”

Clause 82 - continued

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 “subsection (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)

Clause 84 - continued

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
 LORD YOUNG OF COOKHAM

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).

Before Schedule 4 - continued

- (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;
 - (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.”

Schedule 4

BARONESS WILLIAMS OF TRAFFORD

82BZA Page 115, leave out line 3 and insert –

“31A The Housing and Regeneration Act 2008 is amended as follows.

32 Omit –”

82BZB Page 115, line 5, at end insert –

“32A(1) Section 181 (meaning of “publicly funded” for purposes of provisions about right to acquire) is amended as follows.

(2) After subsection (2) insert –

“(2A) Condition 2 is that –

Schedule 4 - continued

- (a) the dwelling was provided wholly or partly by a person using an amount for purposes for which the amount was required to be used by an HCA direction under section 32(4), and
 - (b) before giving the direction the HCA notified the person that any dwelling so provided would be regarded as publicly funded.”
- (3) In subsection (3), for “2” substitute “3”.
 - (4) After subsection (3) insert –
 - “(3A) In relation to a private registered provider, the reference in subsection (3) to its disposal proceeds fund is to its disposal proceeds fund before the abolition of that fund by Part 3 of Schedule 4 to the Housing and Planning Act 2016.”
 - (5) In subsections (4) and (5), for “3” substitute “4”.
 - (6) In subsection (6), for “4” substitute “5”.

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 KERSLAKE

82BA Page 128, line 16, leave out from beginning to end of line 5 on page 129 and insert –

“81A Flexibility in the grant of secure tenancies

- (1) A person may grant a secure tenancy of a dwelling-house in England for a fixed term that is –
 - (a) at least 2 years, and
 - (b) no more than 5 years.
- (2) A person shall consider in each case what is the most appropriate length of tenancy for the particular household, and in determining whether it is appropriate to offer a fixed-term tenancy or an old-style secure tenancy, shall have regard to the personal circumstances of the prospective tenant and his or her household and to such other factors as may be specified in regulations made by the Secretary of State.”

LORD BEST
LORD BEECHAM
LORD STONEHAM OF DROXFORD

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

Schedule 7 - continued

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)).”

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
THE LORD BISHOP OF ST ALBANS

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.”

BARONESS LISTER OF BURTERSETT

82GA Page 128, line 35, at end insert “, or

- (c) if—
 - (i) the tenant has a severe disability, mobility issues or has significant care needs, or
 - (ii) the tenant is a full-time carer.”

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

BARONESS LISTER OF BURTERSETT

82GB Page 142, line 35, at end insert “, or the person is the tenant’s full-time carer, and there is no spouse or common law partner.”

82GC Page 143, line 36, at end insert “, or the person is the tenant’s full-time carer, and there is no spouse or common law partner.”

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

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

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 124BARONESS 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.

After Clause 124 - continued

- (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.”

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.

After Clause 124 - continued

- (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)”

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.

After Clause 125 - continued

- (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;”

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.””

After Clause 128 - continued

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
 - (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
LORD TOPE

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—
 - “(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 TRUE

89LA Insert the following new Clause—

“Lee Valley Regional Park Authority

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

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

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

89M Insert the following new Clause—

“Land for use by housing co-operatives

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

Clause 136

LORD 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
BARONESS BAKEWELL

92 Page 66, line 36, at end insert—

“(4) Permission in principle may not be granted in respect of land of high environmental value, which is defined as such by dint of—
(a) containing priority habitat(s) listed under section 41 of the Natural Environment and Rural Communities Act 2006 (biodiversity lists and action (England));

Clause 136 - continued

- (b) holding a nature conservation designation such as ‘site of special scientific interest’; or
 - (c) having been selected as a local wildlife site.
- (5) Land of high environmental value is also exempt from the development order requirements provided for by section 59A (development orders: permission in principle).”

92A [Withdrawn]

LORD TOPE

92B Page 66, line 36, at end insert –

- “(4) A development order under subsection (1) shall be made in respect of land in Greater London by the Mayor of London and in respect of land in England outside of Greater London by the Secretary of State.
- (5) Section 59B (development orders made by the Mayor of London) shall apply to the making of a development order under subsection (1) by the Mayor of London.”

LORD ROTHERWICK

92C Page 66, line 36, at end insert –

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

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

LORD CLEMENT-JONES

94A Page 68, line 5, at end insert –

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

Clause 136 - continued

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
LORD CLEMENT-JONES

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

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.

After Clause 136

LORD TOPE

- 96A Insert the following new Clause –

“Development orders made by the Mayor of London

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

“59B Development orders made by the Mayor of London

- (1) Subsection (2) shall apply to a development order made by the Mayor of London under section 58A(1).
- (2) The Mayor of London may make a development order if –
 - (a) the Mayor of London has consulted the persons specified in subsection (3),
 - (b) the Mayor of London has had regard to any comments made in response by the consultees,
 - (c) in the event that those comments include comments made by the Secretary of State, the London Assembly or a consultee under subsection (3)(e) or (f) that are comments that the Mayor of London does not accept, the Mayor of London has published a statement giving the reasons for the non-acceptance,
 - (d) the Mayor of London has laid before the London Assembly, in accordance with standing orders of the Greater London Authority, a document that is a draft of the development order that the Mayor of London is proposing to make, and
 - (e) the consideration period for the document has expired without the London Assembly having rejected the proposal.

After Clause 136 - continued

- (3) The persons who must be consulted before a development order may be made by the Mayor of London are –
- (a) the Secretary of State,
 - (b) the London Assembly,
 - (c) each constituency member of the London Assembly,
 - (d) each Member of Parliament whose parliamentary constituency is in Greater London,
 - (e) each London borough council,
 - (f) the Common Council of the City of London,
 - (g) any other person whom the Mayor considers it appropriate to consult.
- (4) For the purposes of subsection (2)(e) –
- (a) the “consideration period” for a document is the 21 days beginning with the day the document is laid before the London Assembly in accordance with standing orders of the Greater London Authority, and
 - (b) the London Assembly rejects a proposal if it resolves to do so on a motion –
 - (i) considered at a meeting of the Assembly throughout which members of the public are entitled to be present, and
 - (ii) agreed to by at least two-thirds of the Assembly members voting.
- (5) If the Mayor of London makes a development order, he or she must –
- (a) publish a notice setting out the effect of the development order in the London Gazette and otherwise give the development order adequate publicity including on the Greater London Authority’s website,
 - (b) notify and send a copy of the development order to –
 - (i) the Secretary of State, and
 - (ii) every London local planning authority.””

Schedule 12

LORD GREAVES

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

Clause 137

BARONESS PARMINTER
LORD GREAVES
BARONESS YOUNG OF OLD SCONE
BARONESS BAKEWELL

97

Page 69, line 21, at end insert –

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

Clause 137 - continued

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

97A [Withdrawn]

LORD ROTHERWICK

97B Page 69, line 21, at end insert –

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

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

After Clause 138 - continued

100 Insert the following new Clause –

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

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

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

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

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.

After Clause 138 - continued

- (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 139

LORD TOPE

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

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

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

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

BARONESS GARDNER OF PARKES

100ZAC Page 72, line 1, at end insert –

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

LORD TRUE

100ZB Page 72, line 3, after “etc),” insert “ –
(a) after subsection (5) insert –

Clause 141 - continued

“(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.
- (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 –

After Clause 141 - continued

- (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.”

BARONESS WHITAKER
LORD CLEMENT-JONES

101BA Insert the following new Clause –

“Place-making

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

LORD DUBS

101BB Insert the following new Clause –

“Code of practice for subterranean development works

- (1) A local planning authority may promulgate a code of practice on the excavation and construction of a subterranean development with a view to lessening the adverse impact of the excavation and construction on adjacent properties and their owners and occupiers and on the wider neighbourhood.
- (2) The code may include, but need not be limited to, the provisions listed in Schedule (provisions in local authority code of practice for subterranean development).

After Clause 141 - continued

- (3) Local planning authorities shall take account of any guidance issued by the Secretary of State in drawing up such a code of practice.
- (4) If a local planning authority has promulgated such a code, it may make the granting of planning consent for a subterranean development conditional on the developer undertaking to abide by the code or specified elements of it.”

101BC Insert the following new Clause –

“Presumption against subterranean development

- (1) A local planning authority may not grant planning permission on an application to the authority under section 58 of the Town and Country Planning Act 1990 (granting of planning permission: general) in respect of subterranean development which is either –
 - (a) in a flood zone classified by the Environment Agency as subject to a high probability of flooding;
 - (b) within a terrace; or
 - (c) such that the local planning authority has reasonable grounds to believe that the subterranean development is likely to cause unreasonable interference to the use or enjoyment of the land of others either during its construction or after its completion;unless it can be demonstrated that the development will achieve substantial public benefits.
- (2) For the purposes of subsection (1)(b), a “terrace” means a row of adjoining buildings where each building has a wall built at the line of juncture between itself and the adjoining property which provides structural support to itself and a building on the adjoining property.”

101BD Insert the following new Clause –

“Notice to adjoining owners

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

After Clause 141 - continued

101BE Insert the following new Clause –

“Expenses and losses

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

101BF Insert the following new Clause –

“Other works taking place on the subterranean development site

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

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

101BG Insert the following new Clause –

“Subterranean development: definitions

For the purposes of this Act –

After Clause 141 - continued

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

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

Before Schedule 13

LORD DUBS

101BH★ Insert the following new Schedule—

“SCHEDULE

PROVISIONS IN LOCAL AUTHORITY CODE OF PRACTICE FOR SUBTERRANEAN
DEVELOPMENT

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

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

Clause 143

LORD SHIPLEY

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

101D Page 73, leave out lines 6 and 7

Clause 143 - continued

LORD GREAVES
BARONESS ROYALL OF BLAISDON

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

After Clause 143

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

102 Insert the following new Clause –

“Minimum space standards for new dwellings

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

“Internal Space Standards

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

102A Insert the following new Clause –

“Planning obligations for student housing

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

BARONESS ROYALL OF BLAISDON
BARONESS PARMINTER

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.

After Clause 143 - continued

- (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.”

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 BORWICK

LORD CARRINGTON OF FULHAM

102D

Page 74, line 21, at end insert—

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

LORD GREAVES

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—

After Clause 151 - continued

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

After Clause 179

LORD SKELMERSDALE

104 Insert the following new Clause—

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

- (1) Where a footpath, bridleway or byway passes through the curtilage of a residential dwelling, including the gardens and driveways of the premises, the council shall make, and the Secretary of State shall confirm, either—
- (a) a public path diversion order, or
 - (b) a public path extinguishment order,
- unless—
- (a) the Secretary of State or the Council are satisfied that the privacy, safety and security of the premises are not adversely affected by the existence or use of the footpath, bridleway or byway,
 - (b) the premises have been unlawfully extended to encompass the footpath, bridleway or byway,

After Clause 179 - continued

- (c) where a public path extinguishment order is considered, it would be possible instead to divert the footpath or bridleway or restricted byway such that the privacy, safety and security of the premises are not adversely affected by its use, or
- (d) where a public path extinguishment order is considered, the footpath or bridleway or restricted byway provides access to a vital local service or amenity not otherwise reasonably accessible.
- (2) In this section—
- “public path diversion order”,
- “public path extinguishment order”,
- “footpath”,
- “bridleway”, and
- “restricted byway”
- have the same meaning as in the Highways Act 1980.”

Clause 183

LORD TOPE
BARONESS VALENTINE

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

LORD GREAVES

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

Clause 184

BARONESS WILLIAMS OF TRAFFORD

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

LORD TOPE

BARONESS VALENTINE

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

- 111** Page 97, line 21, at end insert –
 ““mayoral combined authority” means a mayoral combined authority established under section 107A of the Local Democracy, Economic Development and Construction Act 2009 (power to provide for election of mayor);”

LORD GREAVES

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

After Clause 184

LORD TOPE

BARONESS VALENTINE

- 112** Insert the following new Clause –
“Disposing of surplus public land in the area of a mayoral combined authority
 (1) A relevant public body in the area of a mayoral combined authority shall not dispose of any surplus land (as defined in section 184(3), but subject to section 184(8)) without first giving the mayoral combined authority the opportunity, within a reasonable time-scale, to acquire or refuse to acquire the surplus land –
 (a) for a sum that has been assessed as equivalent to the best consideration that can reasonably be obtained, or
 (b) with the consent of the Secretary of State, for a sum that has been assessed as less than the sum referred to in paragraph (a).
 (2) Consent under subsection (1)(b) may be general or specific, and may be given unconditionally or subject to conditions.
 (3) If, having been given the opportunity to acquire or refuse to acquire any surplus land of a public body under subsection (1), the mayoral combined authority decides not to acquire that land, it must notify the public body of its decision in writing.

After Clause 184 - continued

- (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.
- (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.

After Clause 184 - continued

- (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
BARONESS VALENTINE

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

115 Page 97, line 33, at end insert—

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

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

LORD GREAVES

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

After Clause 185

LORD TOPE
BARONESS VALENTINE

117 Insert the following new Clause—

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

- (1) In discharging any duties or functions under this Part, a relevant public body in the area of a mayoral combined authority must co-operate with the mayoral combined authority in such circumstances, manner and form as may be prescribed in regulations.
- (2) The mayoral combined authority may in such circumstances, manner and form as may be prescribed in regulations issue guidance to relevant public bodies inside the area of the mayoral combined authority as to the discharge of their duties and functions under this Part.
- (3) Regulations made under this Part may make further provision about—
 - (a) the circumstances, manner and form in which a relevant public body in the area of a mayoral combined authority shall be required to co-operate with the mayoral combined authority under subsection (1); and
 - (b) the circumstances, manner and form in which the mayoral combined authority may issue guidance to public bodies under subsection (2).
- (4) In this section a “mayoral combined authority” means a mayoral combined authority established under section 107A of the Local Democracy, Economic Development and Construction Act 2009.”

118 Insert the following new Clause—

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

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

Clause 192

BARONESS WILLIAMS OF TRAFFORD

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

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

Clause 192 - continued

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

FOURTH
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE

4 March 2016
