

Housing and Planning Bill

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

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 68

LORD BERKELEY

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

Clause 68 - continued

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.”

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 –

Clause 68 - continued

- (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.”

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.”

Clause 68 - continued

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.”

Clause 72 - continued

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”

Clause 78 - continued

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.”

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

70C Page 34, line 10, at end insert –

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

Clause 78 - continued

LORD KERSLAKE
LORD BEST
LORD BEECHAM
LORD STONEHAM OF DROXFORD

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

LORD SHIPLEY
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

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

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

71 Page 34, line 14, at end insert –
“() to take into account local affordability”

72 Page 34, line 14, at end insert –
“() to take into account the need to promote socially cohesive and mixed communities”

73 Page 34, line 14, at end insert –
“() to be increased on a tapered system relating to income and level of rent charged”

74 Page 34, line 17, at end insert –
“() The Secretary of State must make regulations to provide for the external valuation of high income rents.”

75 Page 34, line 17, at end insert –
“() Any regulations made by the Secretary of State under this section must include provisions for –
(a) a notice period of one year before the new rent becomes payable; and
(b) transitional protection and arrangements as the tenant moves to the higher rent.”

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

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

Clause 78 - continued

LORD KERSLAKE
LORD BEECHAM
LORD STONEHAM OF DROXFORD

75B Page 34, line 17, at end insert –

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

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

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

VISCOUNT HANWORTH

75D Page 34, line 20, at end insert –

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

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

76 Page 34, line 22, at end insert –

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

LORD SHIPLEY
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

76A Page 34, line 22, at end insert –

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

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
LORD SHIPLEY
LORD GREAVES
BARONESS PINNOCK

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

Clause 79

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

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

LORD CAMERON OF DILLINGTON

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

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

78 Page 34, line 27, at end insert –
“(1A) “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”

Clause 80 - continued

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

79D Page 35, line 14, leave out subsection (5)

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
LORD SHIPLEY
LORD GREAVES
BARONESS PINNOCK

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

Clause 81

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

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

LORD SHIPLEY

80A Page 35, line 31, at end insert—

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

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
LORD SHIPLEY
LORD GREAVES
BARONESS PINNOCK

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

Clause 82

VISCOUNT HANWORTH

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

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

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
LORD SHIPLEY
LORD GREAVES
BARONESS PINNOCK

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

Clause 83

VISCOUNT HANWORTH

- 80D** Page 36, line 32, leave out from “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)

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.”

After Clause 89

LORD BASSAM OF BRIGHTON

82AA Insert the following new Clause –

“Community cohesion

- (1) Upon the coming into force of this Act, the Secretary of State must undertake a review into the effect that Chapters 3 and 6 of Part 4 will have on community cohesion within all local authority areas.
- (2) A report on the review must be published, and laid before each House of Parliament, no later than six months after the coming into force of this Act.”

Before Schedule 4

LORD KENNEDY OF SOUTHWARK
 LORD BEECHAM

82B

“SCHEDULE**COMMUNITY-LED HOUSING SCHEMES**

- 1 (1) A community-led housing scheme is a scheme provided by a community-led housing provider meeting the requirements of this Schedule.
- (2) A community-led housing provider is a body corporate (“a body”) which makes available, or intends to make available, dwellings in England and satisfies all of the conditions in sub-paragraph 4 and at least one of the conditions in sub-paragraph (5).
- (3) The following definitions apply in relation to the conditions in sub-paragraph (4) –
 - (a) “dwellings” means flats and houses for occupation by individuals as their only home;
 - (b) “local community” means the individuals who live or work, or want to live or work, in a specified area or are part of a specified community;

Before Schedule 4 - continued

- (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—

- (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—

Schedule 4 - continued

“(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 BASSAM OF BRIGHTON

82BB Page 128, leave out lines 19 and 20 and insert “12 years”

LORD BEST
LORD BEECHAM
LORD STONEHAM OF DROXFORD

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

LORD BEST
LORD KENNEDY OF SOUTHWARK
LORD STONEHAM OF DROXFORD

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

Schedule 7 - continued

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

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

82FA Page 128, line 34, leave out “and” and insert “;

- () the prospective tenant of the dwelling-house, or in the case of prospective joint tenants, at least one of the tenants, has attained pension credit age;
- () the dwelling-house has been or is to be adapted for the needs of a disabled member of the household or contains features which are designed to make it suitable for occupation by a disabled person; or”

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.”

Schedule 7 - continued

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

82GAA Page 131, line 24, at end insert –

- “(3A) A review under this section must be carried out in accordance with a clear and accessible policy that outlines –
- (a) the circumstances in which the landlord may and may not grant another tenancy,
 - (b) the advice and assistance the landlord will give to the tenant in the event they decide not to grant another tenancy,
 - (c) the way the landlord will address the needs of households who would be at risk of homelessness in the event they decide not to grant another tenancy, and
 - (d) the way the landlord will tailor advice and assistance to meet the needs of vulnerable groups.
- (3B) The Secretary of State shall be responsible for preparing, publishing and updating as necessary the policy under subsection (3A).”

LORD BASSAM OF BRIGHTON

82GAB Page 132, line 4, at end insert –

- “() consider the effect that a decision not to grant another tenancy would have on family life and community cohesion, and
- () consider whether a decision not to grant another tenancy would result in a child living as a current tenant having to change schools.”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

82GAC Page 132, line 4, at end insert –

- “() consider whether a decision not to grant another tenancy may result in homelessness and, where this is a possibility, provide advice and assistance on finding alternative accommodation.”

82GAD Page 132, line 4, at end insert –

- “(7) Where, having advised the tenant under subsection (6)(a), the landlord is satisfied that buying a suitable home is not a realistic option for the tenant, the landlord shall implement Option 1 or (subject to the other dwelling-house being suitable) Option 2.
- (8) In subsection (7), a property is a “suitable home” if it is reasonably suitable to the means and needs of the tenant and members of his or her family, including proximity to place of work, schools, amenities, medical facilities and sources of personal support.”

Schedule 7 - continued

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.

After Clause 114

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

82GAE Insert the following new Clause—

“Incidence and prevention of homelessness

- (1) Upon the coming into force of this Act, the Secretary of State must undertake a review of the incidence and prevention of homelessness and rough sleeping.
- (2) The review should include consideration of the effect that Chapters 3 and 6 of Part 4 will have on levels of homelessness and rough sleeping in each local authority area.
- (3) A report on the review must be published, and laid before each House of Parliament, no later than six months after the coming into force of this Act.”

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.”

After Clause 118 - continued

84B Insert the following new Clause –

“Overcrowding and subletting in shared residential buildings

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

After Clause 124

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

84C Insert the following new Clause –

“Client money protection for lettings agents

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

After Clause 124 - continued

- (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.
- (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.”

After Clause 124 - continued

LORD YOUNG OF COOKHAM

84G Insert the following new Clause—

“Rights of tenants with respect to information

- (1) A relevant person may by notice in writing require a landlord or superior landlord to supply him or her with the relevant information.
- (2) The landlord or superior landlord shall, within the period of 21 days beginning with the day on which he or she receives the notice, comply with it by supplying the relevant information to the relevant person.
- (3) For the purposes of this section—
 - “relevant person” means a person who is the registered long leasehold owner of a dwelling in the premises to which the request relates; and
 - “relevant information” means—
 - (a) the name of the registered owner of each long leasehold interest of a dwelling in the premises to which the request relates;
 - (b) the full postal address of that dwelling; and
 - (c) the electronic and/or postal address(es) to which service charge and ground rent demands are sent.
- (4) Any agreement or arrangement relating to the relevant information is void to the extent that it would, apart from this subsection, have effect to entitle the landlord or superior landlord to withhold the relevant information.
- (5) The right to information under subsection (1) may only be exercised in relation to the exercise of, or a proposal to exercise—
 - (a) the right to seek and/or maintain recognition of a tenants’ association under section 29 of the Landlord and Tenant Act 1985;
 - (b) the right of first refusal under Part 1 of the Landlord and Tenant Act 1987;
 - (c) the right to apply for the appointment of a manager under Part 2 of the Landlord and Tenant Act 1987; and
 - (d) the right to acquire the right to manage under Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002.
- (6) Subsections (7) to (9) apply where, at a time when a duty imposed on a landlord or superior landlord by virtue of any of subsections (1) to (5) remains to be discharged by him or her, the landlord or superior landlord disposes of the whole or part of his or her interest as landlord or superior landlord.
- (7) If the landlord or superior landlord is, despite the disposal, still in a position to discharge the duty to any extent, he or she remains responsible for discharging it to that extent.
- (8) If the person to whom the interest has been transferred is in a position to discharge the duty to any extent, he or she is responsible for discharging it to that extent.
- (9) Where the person to whom the interest has been transferred is responsible for discharging the duty to any extent (whether or not the landlord or superior landlord is also responsible for discharging it to that or any other extent)—

After Clause 124 - continued

- (a) references to the landlord or superior landlord in subsections (1) to (5) include the person to whom the interest has been transferred so far as is appropriate to reflect his or her responsibility for discharging the duty to that extent, but
 - (b) in connection with its discharge by that person, subsections (1) to (5) apply as if the reference to the day on which the landlord or superior landlord receives the notice were to the date of the disposal referred to in subsection (6).
- (10) The assignment of a tenancy does not affect any duty imposed by virtue of subsections (1) to (5), but a person is not required to comply with more than a reasonable number of requirements imposed by any one person.
- (11) Failure to comply with a notice requiring a landlord to supply the relevant information shall be enforceable by way of civil action.
- (12) In this section, “registered long leasehold owner” means the registered leasehold owner of a long lease within the meaning of section 7 of the Leasehold Reform, Housing and Urban Development Act 1993.”

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)”
- 86A Page 59, line 15, leave out “within a prescribed period,” and insert “within six months of the acceptance of the application following confirmation that it meets the requirements of this section and regulations made under subsection (11),”
- 86B Page 59, line 16, leave out “, except in prescribed cases or circumstances,”

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

After Clause 125LORD GREAVES
LORD SHIPLEY

- 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”).

After Clause 125 - continued

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

Clause 126

LORD GREAVES

87ZA Page 59, leave out lines 25 to 30 and insert –

- ““13A (1) The local planning authority must make a neighbourhood development order under paragraph 12 or make a decision under paragraph 13 within three months of receiving a report from an examiner under paragraph 10.
- (2) The authority must hold a referendum or referendums within three months of making a draft neighbourhood development order.””

87ZB Page 59, line 33, leave out “by such date as may be prescribed” and insert “within three months of the date of the referendum”

87ZC Page 59, line 37, leave out “by such date as may be prescribed” and insert “within three months of the date of the referendum”

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

87B★ Page 60, line 6, leave out “prescribed”

Clause 127 - continued

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

After Clause 128

LORD GREAVES
LORD SHIPLEY

88 Insert the following new Clause—

“Planning functions of neighbourhood forums

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

“61FA Planning functions of neighbourhood forums

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

BARONESS PARMINTER
LORD SHIPLEY

88A Insert the following new Clause—

“Neighbourhood right of appeal

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

“78ZA Neighbourhood right of appeal

(1) Where—

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

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

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

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

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

After Clause 128 - continued

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

LORD GREAVES

88B Insert the following new Clause –

“Duty to promote neighbourhood planning

The Secretary of State shall have a duty to promote and support neighbourhood planning, both in general and in particular by –

- (a) providing publicity for the benefits of neighbourhood planning at a national, regional and local level, including the provision of information relating to successful examples of such plans that have been made and practical advice and training, and
- (b) providing financial support for qualifying authorities which are engaged in the development and management of neighbourhood plans.”

Before Clause 129LORD 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

89AA★ Page 65, line 6, leave out “**or combined authority**”

89AB★ Page 65, line 8, leave out “or combined authority”

89AC★ Page 65, leave out lines 16 and 17

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)”

Schedule 11 - continued

- 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

- 89KA★ Page 153, line 19, leave out from beginning to end of line 29 on page 154
- 89KB★ Page 154, line 33, leave out from “London” to end of line 34
- 89KC★ Page 154, line 39, leave out “or the combined authority”
- 89KD★ Page 154, line 44, leave out “or the combined authority”
- 89KE★ Page 155, line 25, leave out “or the combined authority”
- 89KF★ Page 156, line 12, leave out “or the combined authority”
- 89KG★ Page 156, line 23, leave out “or the combined authority”
- 89KH★ Page 156, line 26, leave out “or the authority”
- 89KJ★ Page 156, line 29, leave out “or a combined authority”

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.”

After Clause 134 - continued

(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.””

BARONESS ANDREWS
LORD CLEMENT-JONES
LORD GREAVES

89LZA Insert the following new Clause—

“The purpose of planning

(1) Part 2 of the Planning and Compulsory Purchase Act 2004 is amended as follows.

(2) Before section 13 (survey of area) insert—

“12A The purpose of planning

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

(2) In this Act “sustainable development and place making” means managing the use, development and protection of land and natural resources in a way which enables people and communities to provide for their legitimate social, economic and cultural well-being while sustaining the potential of future generations to meet their own needs.

(3) In achieving sustainable development and place making the local planning authority should—

- (a) positively identify suitable land for development in line with the economic, social and environmental objectives so as to improve the quality of life, well-being and health of people and the community;
- (b) contribute to the sustainable economic development of the community;
- (c) contribute to the vibrant cultural and artistic development of the community;
- (d) protect and enhance the historic environment;
- (e) positively promote the enhancement and protection of biodiversity so as to achieve a net benefit for nature;
- (f) contribute to the mitigation of and adaptation to climate change in line with the objectives of the Climate Change Act 2008;
- (g) positively promote high quality and inclusive design that meets the needs of the maximum number of people, including disabled and older people;
- (h) ensure that decision-making is open, transparent, participative and accountable; and
- (i) ensure, whenever possible, that assets arising from the development process are managed for the long-term interest of the community.””

After Clause 134 - continued

BARONESS ANDREWS

89LZB Insert the following new Clause—

“Duty to deliver accessible housing

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

Clause 135LORD TRUE
LORD BEECHAM

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

After Clause 135

LORD TRUE

89LA Insert the following new Clause—

“Lee Valley Regional Park Authority

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

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

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

89M Insert the following new Clause—

“Land for use by housing co-operatives

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

Clause 136

LORD GREAVES

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

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

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

LORD GREAVES

90A★ Page 66, line 32, leave out “a prescribed period” and insert “three years”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

91 Page 66, line 36, at end insert –

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

BARONESS PARMINTER
LORD GREAVES
BARONESS YOUNG OF OLD SCONE
BARONESS BAKEWELL

92 Page 66, line 36, at end insert –

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

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

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

92A [*Withdrawn*]

LORD TOPE

92B Page 66, line 36, at end insert –

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

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

Clause 136 - continued

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 GREAVES
BARONESS FEATHERSTONE

92D Page 66, line 36, at end insert –

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

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

LORD GREAVES

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

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

Clause 136 - continued

- 92G★** Page 67, leave out lines 3 to 6
- 92H★** Page 67, leave out line 6 and insert “housing development”
- 92J★** Page 67, leave out line 8
- 92K★** Page 67, line 13, leave out “is of a prescribed description,” and insert “has been adopted by the local planning authority on a date not earlier than the date of commencement of this section,”
- 92L★** Page 67, line 14, leave out from “question” to end of line 15 and insert “is –
 (i) allocated for major housing development in the local development plan, or
 (ii) listed as being suitable for housing development on a register of brownfield land,”
- 92M★** Page 67, leave out lines 16 to 18
- 92N★** Page 67, leave out lines 19 to 23

LORD KENNEDY OF SOUTHWARK
 LORD BEECHAM
 LORD GREAVES
 BARONESS ANDREWS

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

LORD GREAVES

- 93A★** Page 67, line 31, at end insert –
 “(c) is not granted by any document which was adopted before the date on which section 58A and this section are commenced, unless the document or that part of it which would grant permission in principle has been readopted or revised at a later date.
 (4A) The procedure to be followed for the readoption or revision of a qualifying document in a way that affects the granting of permission in principle to any land is the same as that which applies to the original adoption of the document.”
- 93B★** Page 67, line 36, at end insert –
 “(5B) Permission in principle will cease to have effect in relation to land –
 (a) on which planning permission is given for a different use;
 (b) which is allocated for a different use or has the allocation for housing removed in the local development plan; or
 (c) which is removed from the list of land which is suitable for housing development in a register of brownfield land.”

Clause 136 - continued

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

“(6) An application for planning permission for development of land in respect of which permission in principle has been granted must be dealt with under the provisions of Part 3 of this Act as they relate to planning applications in general.

(6A) If a planning application is granted for land in respect of which permission in principle has been granted, that permission ceases to have effect for the period during which the planning permission is valid.”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

94 Page 67, line 42, at end insert –

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

LORD GREAVES

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

94ZB★ Page 68, leave out lines 1 to 5

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

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

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

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

94A Page 68, line 5, at end insert –

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

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

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

Clause 136 - continued

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”

BARONESS ANDREWS
 LORD BEECHAM

- 95B★ Page 68, line 9, after “principle” insert “, unless any material considerations indicate otherwise”

LORD KENNEDY OF SOUTHWARK
 LORD BEECHAM

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

BARONESS ANDREWS
 LORD REDESDALE

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

LORD GREAVES

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,

After Clause 136 - continued

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

- (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
BARONESS ANDREWS

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.”

100 Insert the following new Clause—

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

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

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

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

After Clause 138 - continued

LORD PALMER OF CHILDS HILL

LORD SHIPLEY

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

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

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

“58A Time limits for developing land

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

BARONESS THORNHILL

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

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

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

After Clause 138 - continued

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

100ZAZB★ Insert the following new Clause –

“Article 4 directions

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

Clause 139

LORD TOPE

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

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

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

LORD GREAVES

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

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–

“(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

LORD SHIPLEY

LORD FOSTER OF BATH

101 Insert the following new Clause–

“Local authorities and development control services

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

After Clause 141 - continued

LORD TRUE
LORD KENNEDY OF SOUTHWARK
LORD TOPE

101A Insert the following new Clause—

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

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

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.”

After Clause 141 - continued

BARONESS WHITAKER
LORD CLEMENT-JONES

101BA Insert the following new Clause –

“Place-making

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

LORD DUBS

101BB Insert the following new Clause –

“Code of practice for subterranean development works

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

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.

After Clause 141 - continued

- (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.”

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

After Clause 141 - continued

- (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 –

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

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

LORD GREAVES

101BGA Insert the following new Clause –

“Community right of appeal

- (1) The Town and Country Planning Act 1990 is amended as follows.
- (2) After section 78 (right to appeal against planning decisions and failure to take such decisions) insert –
 - “78ZA Right to appeal against granting of planning permission in certain cases**

After Clause 141 - continued

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

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;

Before Schedule 13 - continued

- (i) the protection of the subsoil environment including hydrological and hydrogeological conditions;
- (j) the adequacy of a contractor's third party liability insurance; and
- (k) the adequacy of standards of post-construction monitoring."

Clause 143

LORD SHIPLEY

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

101D Page 73, leave out lines 6 and 7

LORD GREAVES

BARONESS ROYALL OF BLAISDON

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

After Clause 143

LORD KENNEDY OF SOUTHWARK

LORD BEECHAM

102 Insert the following new Clause –

"Minimum space standards for new dwellings

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

"Internal Space Standards

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

102A Insert the following new Clause –

"Planning obligations for student housing

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

BARONESS ROYALL OF BLAISDON

BARONESS PARMINTER

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 –

After Clause 143 - continued

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

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
LORD YOUNG OF NORWOOD GREEN

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.

After Clause 151 - continued

- (2C) In achieving sustainable development and place making, development corporations should –
- (a) positively identify suitable land for development in line with the economic, social and environmental objectives so as to improve the quality of life, wellbeing and health of people and the community;
 - (b) contribute to the sustainable economic development of the community;
 - (c) contribute to the vibrant cultural and artistic development of the community;
 - (d) protect and enhance the natural and historic environment;
 - (e) contribute to mitigation and adaptation to climate change in line with the objectives of the Climate Change Act 2008;
 - (f) positively promote high quality and inclusive design;
 - (g) ensure that decision-making is open, transparent, participative and accountable; and
 - (h) ensure that assets are managed for long-term interest of the community.”
- (3) Section 4 of the New Towns Act 1981 (the objects and general powers of development corporations) is amended as follows.
- (4) For subsection (1) substitute –
- “(1) The objects of a development corporation established for the purpose of a new town or garden city shall be to secure the physical laying out of infrastructure and the long-term sustainable development and place making of the new community.
- (1A) Under this Act sustainable development and place making means managing the use, development and protection of land and natural resources in a way which enables people and communities to provide for their legitimate social, economic and cultural wellbeing while sustaining the potential of future generations to meet their own needs.
- (1B) In achieving sustainable development, development corporations should –
- (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 151 - continued

LORD TAYLOR OF GOSS MOOR
LORD BEST

103A Insert the following new Clause—

“Designation of new town development areas: procedure

- (1) Section 1 of the New Towns Act 1981 (designation of areas) is amended as follows.
- (2) For subsection (4) substitute—
 - “(4) Before making an order under subsection (1) in relation to land in England, the Secretary of State must consult—
 - (a) persons who appear to the Secretary of State to represent those living within, or in the vicinity of, the proposed new town development area;
 - (b) persons who appear to the Secretary of State to represent businesses with any premises within, or in the vicinity of, the proposed new town development area;
 - (c) each local authority for an area which falls wholly or partly within the proposed new town development area; and
 - (d) any other person whom the Secretary of State considers it appropriate to consult.
 - (4A) A statutory instrument containing an order made by the Secretary of State under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.”

103B Insert the following new Clause—

“Designation of new town development corporations: procedure

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

After Clause 151 - continued

BARONESS ANDREWS
LORD BEECHAM

103BA★ Insert the following new Clause –

“The plan-led system

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

Before Clause 171

LORD BEECHAM
BARONESS ANDREWS

103BB★ Insert the following new Clause –

“Acquisition of land by development corporations: compensation

Where the land of a private landowner is compulsorily purchased under section 10 of the New Towns Act 1981 (acquisition of land by development corporations) the Secretary of State may, by order, set out the formula for determining fair compensation to the landowner.”

Clause 179

BARONESS ANDREWS

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

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

After Clause 179

LORD SKELMERSDALE

104 Insert the following new Clause –

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

- (1) Where a footpath, bridleway or byway passes through the curtilage of a residential dwelling, including the gardens and driveways of the premises, the council shall make, and the Secretary of State shall confirm, either –
 - (a) a public path diversion order, or
 - (b) a public path extinguishment order,

After Clause 179 - continued

unless—

- (a) the Secretary of State or the Council are satisfied that the privacy, safety and security of the premises are not adversely affected by the existence or use of the footpath, bridleway or byway,
- (b) the premises have been unlawfully extended to encompass the footpath, bridleway or byway,
- (c) where a public path extinguishment order is considered, it would be possible instead to divert the footpath or bridleway or restricted byway such that the privacy, safety and security of the premises are not adversely affected by its use, or
- (d) where a public path extinguishment order is considered, the footpath or bridleway or restricted byway provides access to a vital local service or amenity not otherwise reasonably accessible.

(2) In this section—

- “public path diversion order”,
- “public path extinguishment order”,
- “footpath”,
- “bridleway”, and
- “restricted byway”

have the same meaning as in the Highways Act 1980.”

Clause 183

LORD TOPE
BARONESS VALENTINE

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

Clause 183 - continued

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

After Clause 184 - continued

- (b) with the consent of the Secretary of State, for a sum that has been assessed as less than the sum referred to in paragraph (a).
- (2) Consent under subsection (1)(b) may be general or specific, and may be given unconditionally or subject to conditions.
- (3) If, having been given the opportunity to acquire or refuse to acquire any surplus land of a public body under subsection (1), the mayoral combined authority decides not to acquire that land, it must notify the public body of its decision in writing.
- (4) Upon receiving written notice given by the mayoral combined authority under subsection (3), the public body may dispose of the surplus land to which that notice relates to a person or body other than the mayoral combined authority, but only in accordance with a plan for disposing of the surplus land which has been approved by the mayoral combined authority.
- (5) A plan under subsection (4) must contain the public body's proposals for disposing of the surplus land to which it relates and, in preparing and producing the plan, the public body must consult the mayoral combined authority and such other bodies as the mayoral combined authority may direct.
- (6) Regulations made under this Part may make further provision about –
- (a) what constitutes a “disposal” under subsection (1);
 - (b) the process and means by which any surplus land may be assessed as equivalent to or less than the best consideration that can reasonably be obtained under subsection (1);
 - (c) the process by and terms on which a mayoral combined authority shall be given the opportunity to acquire or refuse to acquire surplus land under subsection (1); and
 - (d) the contents, nature, form and requirements of any plan for disposing of surplus land referred to in subsection (4), and the process by which that plan is to be produced and approved.
- (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).

After Clause 184 - continued

- (2) Consent under subsection (1)(b) may be general or specific, and may be given unconditionally or subject to conditions.
- (3) If, having been given the opportunity to acquire or refuse to acquire any surplus land of a public body under subsection (1), the Mayor decides not to acquire that land, he or she must notify the public body of his or her decision in writing.
- (4) Upon receiving written notice given by the Mayor of London under subsection (3), the public body may dispose of the surplus land to which that notice relates to a person or body other than the Mayor of London, but only in accordance with a plan for disposing of the surplus land which has been approved by the Mayor of London.
- (5) A plan under subsection (4) must contain the public body's proposals for disposing of the surplus land to which it relates and, in preparing and producing the plan, the public body must consult the Mayor of London and such other bodies as the Mayor may direct.
- (6) Regulations made under this Part may make further provision about—
 - (a) what constitutes a “disposal” under subsection (1);
 - (b) the process and means by which any surplus land may be assessed as equivalent to or less than the best consideration that can reasonably be obtained under subsection (1);
 - (c) the process by and terms on which the Mayor of London shall be given the opportunity to acquire or refuse to acquire surplus land under subsection (1); and
 - (d) the contents, nature, form and requirements of any plan for disposing of surplus land referred to in subsection (4), and the process by which that plan is to be produced and approved.
- (7) This section is without prejudice to section 185.”

Clause 185

LORD TOPE
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

SIXTH
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE

10 March 2016
