

# Housing and Planning Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE

*[Supplementary to the Sixth Marshalled List]*

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Amendment  
No.

**Before Schedule 4**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

**82B★**

Insert the following new Schedule –

“SCHEDULE

COMMUNITY-LED HOUSING SCHEMES

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

**Before Schedule 4 - continued**

- (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.”

**After Clause 122**

## LORD YOUNG OF COOKHAM

**84BA★** Insert the following new Clause –

**“Administrative costs**

- (1) A tenant may make an application for an order that all or any of the costs incurred, or to be incurred, by the landlord in connection with proceedings before a court, residential property tribunal, leasehold valuation tribunal, or First-tier Tribunal or Upper Tribunal, or in connection with arbitration proceedings, are not to be regarded as costs to be taken into account in calculating the amount of any administration charge, within the meaning of paragraph 1(1)(d) of Schedule 11 to the Commonhold and Leasehold Reform Act 2002, payable by the tenant.
- (2) The application shall be made –
  - (a) in the case of court proceedings, to the court before which the proceedings are taking place, or, if the application is made after the proceedings are concluded, to a county court;
  - (b) in the case of proceedings before a residential property tribunal, to a leasehold valuation tribunal;
  - (c) in the case of proceedings before a leasehold valuation tribunal, to a tribunal before which the proceedings are taking place, or, if the application is made after the proceedings are concluded, to any leasehold valuation tribunal;
  - (d) in the case of proceedings before the First-tier Tribunal, to the tribunal;
  - (e) in the case of proceedings before the Upper Tribunal, to the tribunal;
  - (f) in the case of arbitration proceedings, to the arbitral tribunal, or, if the application is made after the proceedings are concluded, to a county court.
- (3) The court or tribunal to which the application is made may make such order on the application as it considers just and equitable in the circumstances.”

**Clause 130**

LORD SHIPLEY

- 89ZA★** Page 62, line 43, at end insert –  
“(6B) The powers outlined in subsection (6A) will not apply where a local planning authority has already complied with subsection (2).”

**Clause 131**

LORD SHIPLEY

- 89AZA★** Page 63, line 30, leave out subsection (4)
- 89AZB★** Page 63, leave out lines 44 and 45

**Clause 132**

LORD GREAVES

- 89AZC★** Page 64, leave out lines 25 and 26
- 89AZD★** Page 64, line 28, leave out from “document” to end of line 30

LORD SHIPLEY

- 89AZE★** Page 64, leave out lines 43 and 44

**After Clause 134**

BARONESS GREENGROSS

- 89LZC★** Insert the following new Clause –  
**“Planning permission: specialised housing for older people**  
In considering whether to grant planning permission for the development of specialised housing for older people with support or care needs, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the local need for such accommodation.

**Clause 136**

LORD GREAVES

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

**Clause 136 - continued**

## LORD SHIPLEY

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

## LORD GREAVES

- 93D★** Page 67, line 39, at end insert –
- “( ) A development order under this section may not grant permission in principle for the winning and working of materials in, on or under land (whether by surface or underground working), the depositing of mineral waste, or the carrying out of any activities specified in Schedule 1.
- ( ) A development order under this section may not grant permission in principle for the depositing, processing or management of waste in any way.”

- 94B★** Page 68, line 5, at end insert –
- “(aa) in subsection 2, omit “such an application” and insert “an application for planning permission or for permission in principle”.”

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

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

- 96ZC★** Page 68, line 26, at end insert –
- “( ) The granting of planning in principle for land is subject to any conditions imposed by the local planning authority following the submission and approval by the authority of a site specific flood risk assessment and where necessary –
- (a) a sustainable drainage scheme for the site, and
  - (b) details of any measures outside the site which are necessary to manage the quantity of water entering or potentially entering the site, and the consequences of development on the site for water management downstream.”

- 96ZD★** Page 68, line 26, at end insert –
- “( ) The granting of planning in principle for land is subject to any conditions imposed by the local planning authority following the submission and approval of a highways and access appraisal and where necessary –
- (a) a scheme for improvements to the highways network which has been agreed with the local highways authority and, where relevant, Highways England, and
  - (b) an assessment of public transport, cycling and walking links to the site and a scheme for improvements to those links.”

**Clause 136 - continued**

- 96ZE★** Page 68, line 26, at end insert –  
“() The granting of planning in principle for land is subject to any conditions imposed by the local planning authority following the submission of a survey of contamination of the site and a scheme for its remediation.”
- 96ZF★** Page 68, line 26, at end insert –  
“() Land on which planning in principle has been granted is subject to the Community Infrastructure Levy regime that has been applied by the local planning authority and may be subject to contributions under section 106, either as part of the granting of permission in principle, or of technical details consent.”

**Clause 137**

## LORD GREAVES

- 96B★** Page 68, leave out lines 37 and 38 and insert “is brownfield land”
- 96C★** Page 68, line 38, at end insert –  
“() A register of land under this section is a local development document.”
- 96D★** Page 68, line 38, at end insert –  
“() A register of land under this section is a development plan document.”
- 96E★** Page 68, line 42, at end insert –  
“() The reference in subsection (2) to “two or more parts” must include a part that identifies all the brownfield sites larger than 0.25 hectares, and one that identifies those which the local planning authority thinks are suitable for listing for housing development.”
- 96F★** Page 69, line 7, leave out “or authorise”
- 96G★** Page 69, line 12, leave out “, in prescribed circumstances,”
- 97C★** Page 69, leave out lines 22 to 29
- 97D★** Page 69, leave out lines 30 to 35
- 98A★** Page 69, line 38, at end insert –  
“(9) In this section “brownfield land” means land which –  
(a) has previously been developed;  
(b) is not in use or is being used in such a way that the local planning authority considers that a change of use would be appropriate;  
(c) is not of high environmental or amenity value;

**Clause 137 - continued**

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

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

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

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

**After Clause 137**

LORD TRUE

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

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

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

**After Clause 138**

LORD GREAVES

**100ZAZC★** Insert the following new Clause—**“Planning in principle: notifications and publicity**

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

“(1A) A development order which makes provision under subsection (1) must also provide that—

- (a) any requirements relating to applications for outline planning permission also apply to applications for planning in principle,
- (b) any requirements relating to applications for approval of reserved matters also apply to applications for technical details consent,
- (c) when compiling a register under section 14A of the Planning and Compulsory Purchase Act 2004 (register of land), a local planning authority must have regard to the requirements for notices, publicity and the issue of certificates that apply to applications for planning permission and carry out procedures to the same effect, and
- (d) a local planning authority that is proposing to make site allocations for use of land in a local development plan that would, if made, result in the granting of permission in principle, must carry out notifications and publicity equivalent to that which is required when an application is made for outline planning permission.”

**After Clause 139**

LORD LUCAS

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

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

**Clause 144**

LORD SHIPLEY

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

**Clause 145**

LORD SHIPLEY

**102E★** Page 74, line 37, at end insert—

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

**After Clause 145**

LORD GREAVES

**102F★** Insert the following new Clause—**“Review of the plan-making process**

- (1) Not less than six months after the coming into force of this section the Secretary of State must establish a comprehensive review of the procedures, costs, time-scales and efficiency of the plan-making processes under planning legislation (“the plan-making review”).
- (2) The plan-making review must invite evidence from planning authorities, users of the planning system, and any other persons.
- (3) The report of the plan-making review must be sent to the Secretary of State and the Secretary of State must arrange for it to be laid before each House of Parliament.”

**Clause 146**

LORD SHIPLEY

**102G★** Page 75, line 7, at end insert—

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



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*11 March 2016*

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