

# Housing and Planning Bill

---

AMENDMENTS  
TO BE MOVED  
IN COMMITTEE

*[Supplementary to the Sixth Marshalled List]*

---

Amendment  
No.

**Clause 115**

LORD BEECHAM  
LORD KENNEDY OF SOUTHWARK

Page 52, line 30, at end insert –

“(c) plots on which gypsies, travellers and travelling showpeople can have both residential accommodation and space for the storage of equipment.”

Page 52, line 33, at end insert –

““gypsies, travellers and travelling showpeople” are members of communities as defined in Planning policy for traveller sites.”

**Clause 140**

LORD GREAVES

Page 71, line 14, leave out “non-delegated”

Page 71, leave out lines 35 and 36

**After Clause 141**

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 against the decision 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.
- (4) In this section—
 

“local authority” means the local planning authority that determined the application;

“relevant local authority ward” means the ward or division in which the land is situated.”

**Clause 144**

## LORD GREAVES

Page 73, line 17, leave out “related” and insert “subsidiary”

Page 73, line 20, leave out “Related” and insert “Subsidiary”

Page 73, line 21, leave out “or includes”

Page 73, line 23, leave out “or close to”

Page 73, line 24, leave out from “(1)(a)” to end of line 25

Page 73, line 27, at end insert—

- “(e) is subsidiary to a development which is the subject of an application for development consent,
- (f) is associated with that development, and
- (g) does not use more than 10% of the area of that development.”

**Clause 144 - continued**

Page 73, line 33, at end insert –

“(4D) In this section “associated” means occupied by persons who are employed or will be employed in the infrastructure project which is the subject of the application for development consent.”

Page 73, line 34, leave out “related” and insert “subsidiary”

Page 73, line 38, leave out “related” and insert “subsidiary”

LORD CAMERON OF DILLINGTON  
THE EARL OF LYTTON

Page 73, line 40, at end insert –

“(7A) Guidance referred to in subsection (7) must include a requirement for the developer to pay development value for land that is compulsorily purchased for housing as part of any nationally significant infrastructure project.”

**Clause 145**

LORD GREAVES

Page 74, line 36, at end insert –

- “( ) The Secretary of State may not designate a person who –
- (a) provides services in a professional capacity to persons in connection with development proposals or applications for planning permission or is employed by or associated with a company which provides such services,
  - (b) is employed or remunerated, whether on a full-time or part-time basis, by persons or companies which undertake development, or
  - (c) has within the past five years been employed by a local planning authority in any capacity that involved dealing with planning applications.
- ( ) A designated person must –
- (a) provide information to applicants, statutory and other consultees, neighbours and members of the public in accordance with the policies for the provision of information and public consultation adopted by the local planning authority including on its website and at its offices;
  - (b) provide advice and assistance to applicants and other persons on a consistent basis;
  - (c) provide reports and all supporting information to the local planning authority before applications are determined;
  - (d) provide a copy of all reports and other documents relating to an application to the local planning authority after an application has been closed.”

**Clause 173**

LORD CAMERON OF DILLINGTON  
THE EARL OF LYTTON

Page 89, line 6, at end insert –

“( ) after subsection (10) insert –

“(10A) If an acquiring authority fails to make an advance payment of compensation and the landowner has fulfilled all of the requirements to facilitate a payment, the acquiring authority may not take possession of the relevant land without the written permissions of the landowner or until an advance payment has been made.””

**Clause 174**

LORD CAMERON OF DILLINGTON  
THE EARL OF LYTTON

Page 90, line 15, at end insert –

“(1A) The rate of interest on compensation due to be paid in advance of entry, but paid late, shall be set at 8% above the Bank of England base rate.

(1B) Interest on compensation that is paid after entry, but was not due in advance of entry, shall be paid at 4% above Bank of England base rate.”

Page 90, leave out lines 24 to 32

**Clause 175**

LORD CAMERON OF DILLINGTON  
THE EARL OF LYTTON

Insert the following new Clause –

**“Duty of Care**

- (1) The Secretary of State shall by 31 December 2016 make regulations establishing a duty of care upon acquiring authorities within the meaning of the Land Compensation Act 1973.
- (2) The duty of care established in regulations made under subsection (1) must include but not be limited to specifications regarding the treatment by acquiring authorities of those losing land or property to compulsory purchase.”

**Clause 192**

LORD KREBS  
BARONESS PARMINTER

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 regulations, which have come into force, requiring the housing developer to be liable for the full cost of flood damage to a new dwelling if such damage occurs within ten years of the property being first sold.”

# Housing and Planning Bill

---

AMENDMENTS  
TO BE MOVED  
IN COMMITTEE

---

*14 March 2016*

---