

# Neighbourhood Planning Bill

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AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

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**Clause 1**

LORD BOURNE OF ABERYSTWYTH

Page 1, line 13, after “(2)(aza)” and insert “(but subject to subsections (3BB) and (3BC))”

Page 1, line 22, at end insert –

- “(c) an examiner has recommended under paragraph 13(2)(a) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (examination of modified plan) that a local planning authority should make the draft plan, or
- (d) an examiner has recommended under paragraph 13(2)(b) of that Schedule that a local planning authority should make the draft plan with modifications.

(3BA) In the application of subsection (2)(aza) in relation to a post-examination draft neighbourhood development plan within subsection (3B)(d), the local planning authority must take the plan into account as it would be if modified in accordance with the recommendations.”

Page 1, line 22, at end insert –

- “(3BB) A draft neighbourhood development plan within subsection (3B)(a) or (b) ceases to be a post-examination draft neighbourhood development plan for the purposes of subsection (2)(aza) if –
- (a) section 38A(4)(a)(duty to make plan) or (6)(cases in which duty does not apply) of the Planning and Compulsory Purchase Act 2004 applies in relation to the plan,
  - (b) section 38A(5)(power to make plan) of that Act applies in relation to the plan and the plan is made by the local planning authority,
  - (c) section 38A(5) of that Act applies in relation to the plan and the local planning authority decide not to make the plan,
  - (d) a single referendum is held on the plan and half or fewer of those voting in the referendum vote in favour of the plan, or

**Clause 1 - continued**

- (e) two referendums are held on the plan and half or fewer of those voting in each of the referendums vote in favour of the plan.
- (3BC) A draft neighbourhood development plan within subsection (3B)(c) or (d) ceases to be a post-examination draft neighbourhood development plan for the purposes of subsection (2)(aza) if –
  - (a) the local planning authority make the draft plan (with or without modifications), or
  - (b) the local planning authority decide not to make the draft plan.”

**After Clause 1**

## LORD BOURNE OF ABERYSTWYTH

Insert the following new Clause –

**“Notification of applications to neighbourhood planning bodies**

- (1) Schedule 1 to the Town and Country Planning Act 1990 (local planning authorities: distribution of functions) is amended as follows.
- (2) Paragraph 8 (duty to notify parish council of planning application etc) is amended in accordance with subsections (3) to (5).
- (3) After sub-paragraph (3) insert –
  - “(3A) Sub-paragraph (3B) applies to a local planning authority who have the function of determining applications for planning permission or permission in principle if –
    - (a) there is a relevant neighbourhood development plan for a neighbourhood area all or part of which falls within the authority’s area, and
    - (b) a parish council are authorised to act in relation to the neighbourhood area as a result of section 61F.
  - (3B) The local planning authority must notify the parish council of –
    - (a) any relevant planning application, and
    - (b) any alteration to that application accepted by the authority.
  - (3C) Sub-paragraph (3B) does not apply if the parish council have notified the local planning authority in writing that they do not wish to be notified of any such application.
  - (3D) If the parish council have notified the local planning authority in writing that they only wish to be notified under sub-paragraph (3B) of applications of a particular description, that sub-paragraph only requires the authority to notify the council of applications of that description.
  - (3E) For the purposes of sub-paragraphs (3A) to (3D) –
    - “neighbourhood area” means an area designated as such under section 61G;
    - “relevant neighbourhood development plan” means –
      - (a) a post-examination draft neighbourhood development plan as defined by section 70(3B) to (3C), or

**After Clause 1 - continued**

- (b) a neighbourhood development plan which forms part of a development plan by virtue of section 38(3) or (3A) of the Planning and Compulsory Purchase Act 2004 (plans which have been made or approved in a referendum);  
 “relevant planning application” means an application which relates to land in the neighbourhood area and is an application for –
- (a) planning permission or permission in principle, or
  - (b) approval of a matter reserved under an outline planning permission within the meaning of section 92.”
- (4) In the opening words of sub-paragraph (4) for “the duty” substitute “a duty under this paragraph”.
- (5) In the opening words of sub-paragraph (5) for “their duty” substitute “a duty under this paragraph”.
- (6) Paragraph 8A (duty to notify neighbourhood forums) is amended in accordance with subsections (7) to (9).
- (7) After sub-paragraph (1) insert –
- “(1A) Sub-paragraph (1B) applies to a local planning authority who have the function of determining applications for planning permission or permission in principle if –
- (a) there is a relevant neighbourhood development plan for a neighbourhood area all or part of which falls within the authority’s area, and
  - (b) a neighbourhood forum are authorised to act in relation to the neighbourhood area as a result of section 61F.
- (1B) The local planning authority must notify the neighbourhood forum of –
- (a) any relevant planning application, and
  - (b) any alteration to that application accepted by the authority.
- (1C) Sub-paragraph (1B) does not apply if the neighbourhood forum has notified the local planning authority in writing that it does not wish to be notified of any such application.
- (1D) If the neighbourhood forum has notified the local planning authority in writing that it only wishes to be notified under sub- paragraph (1B) of applications of a particular description, that sub-paragraph only requires the authority to notify the forum of applications of that description.”
- (8) In sub-paragraph (2) –
- (a) before the definition of “neighbourhood forum” insert –  
 ““neighbourhood area” means an area designated as such under section 61G;”, and
  - (b) after the definition of “neighbourhood forum” insert –  
 ““relevant neighbourhood development plan” means –
    - (a) a post-examination draft neighbourhood development plan as defined by section 70(3B) to (3C), or

**After Clause 1 - continued**

- (b) a neighbourhood development plan which forms part of a development plan by virtue of section 38(3) or (3A) of the Planning and Compulsory Purchase Act 2004 (development plans which have been approved in a referendum or made)."
- (9) In sub-paragraph (3) for "(3) to (6)" substitute "(3) and (4) to (6)".
- (10) Section 62C of the Town and Country Planning Act 1990 (notification of parish councils of applications made to Secretary of State) is amended in accordance with subsections (11) and (12).
- (11) In subsection (2) after "paragraph 8(1)" insert "or (3B)".
- (12) In subsection (3) after "Schedule 1" insert "or notifications received by the authority under paragraph 8(3C) or (3D) of that Schedule."

**Clause 6**

LORD BEECHAM  
LORD KENNEDY OF SOUTHWARK

Page 5, line 27, at end insert –

- "(1CA) The development plan documents must contain references to –
- (a) a threshold for social and affordable housing in the area;
  - (b) the impact of the proposals in the documents on energy efficiency in dwellings and infrastructure in the local area;
  - (c) flood protection for the local area;
  - (d) the impact of the proposals in the documents on air quality in the area; and
  - (e) the provision of green spaces and public leisure areas."

LORD BOURNE OF ABERYSTWYTH

Page 5, line 39, at end insert –

- "( ) In section 34 of that Act (guidance) –
- (a) the existing words become subsection (1), and
  - (b) after that subsection insert –
    - "(2) The Secretary of State must issue guidance for local planning authorities on how their local development documents (taken as a whole) should address housing needs that result from old age or disability."

**Clause 11**

LORD BOURNE OF ABERYSTWYTH

Page 10, line 17, at end insert –

- "( ) Section 18 of the Planning and Compulsory Purchase Act 2004 (statement of community involvement) is amended as follows."

Page 10, line 18, leave out from "In" to "after" in line 19 and insert "subsection (2)"

**Clause 11 - continued**

Page 10, line 19, at end insert –

“( ) After subsection (3A) insert –

“(3B) The Secretary of State may by regulations prescribe matters to be addressed by a statement of community involvement in addition to the matters mentioned in subsection (2).”

**Clause 12**

LORD BOURNE OF ABERYSTWYTH

Page 10, line 27, after “a” insert “relevant”

Page 10, line 35, after “a” insert “relevant”

Page 11, line 6, after “a” insert “relevant”

Page 11, line 23, leave out “, or by virtue of,”

Page 11, line 24, after second “a” insert “relevant”

Page 11, line 27, leave out from “(b)” to end of line

Page 11, line 30, after “a” insert “relevant”

Page 11, line 31, leave out from “permission” to end of line 32 and insert “to develop land which is granted on an application made under this Part;”

**After Clause 12**

LORD PORTER OF SPALDING

Insert the following new Clause –

**“Permitted development: cumulative impact assessments**

- (1) A local planning authority may undertake a cumulative impact assessment to assess the impact that developments taking place under permitted development rights (including change of use) are having on the sustainability of the provision of particular services in the area.
- (2) Where a cumulative impact assessment demonstrates that such developments are having an adverse impact on the sustainability of the provision of particular services in the area, the local planning authority may suspend the relevant permitted development rights, with immediate effect.
- (3) Where a local planning authority suspends permitted development rights under subsection (2), it may review that assessment from time to time, to consider whether it remains of the opinion stated in the assessment.”

**After Clause 13**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

Insert the following new Clause

**“Funding for local authority functions**

- (1) The Secretary of State must consult local planning authorities prior to the commencement of any new statutory duties in respect of planning to ensure that they have –
  - (a) adequate resources, and
  - (b) adequate funding,
 to enable them to undertake the additional work required to fulfil the new duties.
- (2) In any instance where local authorities are found not to have adequate resources or funding, an independent review of the additional cost of the new statutory duties, setting out the level of resource required to allow planning authorities to fulfil the statutory duties, must be conducted .”

BARONESS PARMINTER

Insert the following new Clause –

**“Carbon compliance standard for new homes**

- (1) The Secretary of State must, within one year of the passing of this Act, make regulations which require a local planning authority to refuse planning permission for the building of any new home which would not achieve the carbon compliance standard.
- (2) For the purpose of subsection (1), “carbon compliance standard” means an improvement on the target carbon dioxide emission rate, as set out in the Building Regulations 2006, of –
  - (a) 60% in the case of detached houses;
  - (b) 46% in the case of attached houses; and
  - (c) 44% in the case of flats.”

**Clause 14**

LORD BEECHAM  
LORD KENNEDY OF SOUTHWARK

Page 13, line 20, at end insert –

- “( ) The power of temporary possession of leasehold interests may not be used if the interest would terminate within one year of the date on which the authority intends to hand back possession to the occupier.”

**Clause 17**

LORD BEECHAM  
LORD KENNEDY OF SOUTHWARK

Page 15, line 5, leave out “6” and insert “3”

### Clause 41

LORD BOURNE OF ABERYSTWYTH

Page 32, line 19, leave out “and 10” and insert “, 10 and 11 ”

Page 32, line 20, at end insert –

“( ) section (*Notification of applications to neighbourhood planning bodies*), for the purposes only of enabling the Secretary of State to make provision by development order under paragraph 8(6) of Schedule 1 to the Town and Country Planning Act 1990;”

### Schedule 3

LORD BOURNE OF ABERYSTWYTH

Page 43, line 37, leave out paragraphs 2 to 5

Page 44, line 34, at end insert –

“ In section 90(3)(effect of deemed planning permission) after “except” insert “section 100ZA and”.”

Page 44, line 35, leave out paragraphs 9 to 11

Page 45, line 17, leave out paragraph 13

Page 45, line 29, leave out “under or by virtue of” and insert “to develop land which is granted on an application made under”

Page 45, line 36, leave out “under or by virtue of” and insert “to develop land which is granted on an application made under”

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*24 January 2017*

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