

Neighbourhood Planning Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

Clause 2

BARONESS CUMBERLEGE

Page 2, line 16, at end insert—

“() A neighbourhood development plan may include a phasing condition on development which is agreed with the local planning authority.”

Clause 3

BARONESS CUMBERLEGE

Page 3, line 22, at end insert—

“() The Secretary of State must, by regulations made within one month of the coming into force of Part 1, define “modification” for the purposes of this Act.”

After Clause 5

BARONESS CUMBERLEGE

Insert the following new Clause—

“Duty to uphold neighbourhood development plans

- (1) The Secretary of State has a duty to uphold neighbourhood development plans, and in fulfilment of that duty must not seek to override neighbourhood development plans except in exceptional circumstances of national importance.
- (2) The Secretary of State has a duty to ensure that local planning authorities have sufficient resources to enable them to own, implement and defend neighbourhood development plans.
- (3) If it is deemed necessary to override a neighbourhood development plan and require the provision of additional housing, the Secretary of State must—
 - (a) have regard to the policies of the neighbourhood development plan, in particular, policies on employment opportunities; and
 - (b) inform the local community of the number of houses and types of housing required.

After Clause 5 - continued

- (4) If a neighbourhood development plan has been overridden in accordance with subsection (3), it is the responsibility of neighbourhood planners, in consultation with the local community, to decide where it is most appropriate to provide the additional housing, and their decision must be accepted by the Secretary of State unless there are exceptional reasons not to do so.”

Clause 6

LORD BEECHAM
LORD KENNEDY OF SOUTHWARK

Page 5, line 27, at end insert –

- “() A development plan must contain a minimum number of dwellings.
() The minimum number of dwellings to be specified in a development plan must be consulted on and decided on locally.”

After Clause 6

BARONESS CUMBERLEGE

Insert the following new Clause –

“Planning appeals

Where an application for planning permission has been refused by the relevant local planning authority, on the grounds that it is not in accordance with adopted local development plan documents, including adopted neighbourhood plans, and the applicant appeals the planning decision, the Secretary of State must uphold the decision of the local planning authority unless it contravenes a development scheme of national importance.”

After Clause 11

BARONESS CUMBERLEGE

Insert the following new Clause –

“Community benefit from development

- (1) Local planning authorities must introduce the Community Infrastructure Levy within 12 months of the day on which this Act is passed.
(2) The level of Community Infrastructure Levy to be provided to neighbourhood planning bodies with an adopted neighbourhood plan in place shall be 35%.”

Clause 12

BARONESS PARMINTER

Page 11, line 12, leave out “in such” and insert “for the delivery of sustainable drainage, or such other”

After Clause 12

BARONESS YOUNG OF OLD SCONE
BARONESS PARMINTER

Insert the following new Clause –

“Planning: duty to have regard to the protection of ancient woodland and veteran and aged trees

In section 197 of the Town and Country Planning Act 1990 (planning permission to include appropriate provision for preservation and planting of trees), after paragraph (b) insert –

- “(c) to refuse permission for any development which may result in the loss or deterioration of ancient woodland, and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location are wholly exceptional;
 - (d) to refuse permission for a development in respect of which there is insufficient provision made for the preservation of woodland and planting of trees; and
 - (e) to impose any such conditions and make any such orders as are necessary to protect woodland and trees.
- (2) The local planning authority must –
- (a) ensure that all planning applications are compatible with the protection and enhancement of the environment; and
 - (b) ensure that the protection and enhancement of the environment is be identified as a strategic priority in the authority’s area under section 19 or section 35 of the Planning and Compulsory Purchase Act 2004.
- (3) In this section –
- (a) “ancient woodland” means an area that has been continuously wooded since the year 1600;
 - (b) “veteran and aged trees” means trees which because of their age, size or condition are of exceptional value culturally, in the landscape or to wildlife.”

LORD TOPE
LORD SHIPLEY

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 13

LORD SHIPLEY

Insert the following new Clause—

“Permitted development: use clauses and demolition of drinking establishments

- (1) The Town and Country Planning (Use Classes) Order 1987 (S.I. 1987/764) is amended as follows.
- (2) At the end of regulation 3(6) insert—
“*(p)* as a drinking establishment.”
- (3) In the Schedule, leave out the paragraph “Class A.4 Drinking Establishments”.
- (4) The Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) is amended as follows.
- (5) In Part 3 of Schedule 2 (permitted development)—
 - (a) in Class A: Permitted development, leave out “A.4 (drinking establishments)”;
 - (b) in Class AA: Permitted development, leave out “Class A.4 (drinking establishments)”;
 - (c) in Class C: Permitted development, leave out “Class A.4 (drinking establishments)”.
- (6) In Part 31 of Schedule 2 (demolition of buildings) under A.1 at the end insert—
“*()* the building subject to demolition is classed as a drinking establishment”.

Clause 14

LORD BOURNE OF ABERYSTWYTH

Page 13, line 14, leave out paragraphs (a) and (b) and insert “a person (an “acquiring authority”)—

- (a) has a power conferred by an Act to acquire land compulsorily (with or without authorisation from another person), or
- (b) is or has been, at any time, otherwise authorised to acquire land compulsorily.”

Page 13, line 18, leave out from “may” to end of line 20 and insert “, for purposes connected with the purposes for which it could acquire land compulsorily, take temporary possession of land—

- (a) by agreement, or
- (b) compulsorily, if authorised to do so in accordance with section 15 .”

Page 13, line 21, leave out “enactment” and insert “Act”

Page 13, line 24, leave out subsection (4)

Page 13, line 31, leave out subsection (6)

Clause 14 - continued

LORD BEECHAM

Page 13, line 31, at end insert –

“() This section may not come into force until the Secretary of State has consulted on and published guidance in relation to section 15(3)(a).”

Clause 15

LORD BOURNE OF ABERYSTWYTH

Page 13, line 35, leave out “same”

Page 13, line 36, leave out “as is or would be”

Page 13, line 37, leave out “for the purposes of the scheme”

Page 13, line 37, leave out “that section” and insert “section 14(1)”

Page 14, line 1, after “possession” insert “of land”

Page 14, line 2, after “acquisition” insert –

“() if it authorises the compulsory acquisition of land, may authorise temporary possession of the same or other land,”

Page 14, line 3, leave out “does so” and insert “makes provision relating to temporary possession”

Page 14, line 6, leave out subsection (4)

Page 14, line 11, leave out paragraph (c)

Page 14, line 13, leave out paragraph (d)

Page 14, line 18, leave out subsection (7)

Clause 19

LORD BOURNE OF ABERYSTWYTH

Page 16, line 29, leave out “claim” and insert “cause of action”

Page 16, line 30, leave out “in relation to” and insert “which, apart from this subsection, would accrue before or during”

Page 16, line 31, leave out “accrues” and insert “is to be treated as accruing”

Clause 19 - continued

Page 16, line 33, leave out from “section” to end of line 35 and insert “in relation to a particular head of loss or injury carries interest from the day after the last day on which that loss or injury occurs.”

After Clause 23

LORD BOURNE OF ABERYSTWYTH

Insert the following new Clause –

“Impact of temporary possession on tenancies etc

- (1) Subsection (2) applies where an acquiring authority takes temporary possession under section 14 (2) of land subject to a tenancy.
- (2) A person is not to be treated as being in breach of –
 - (a) any term of the tenancy, or
 - (b) any other obligation associated with the tenancy or the land subject to temporary possession,
 to the extent that the person cannot reasonably comply with the term or other obligation as a result of the temporary possession.
- (3) Subsection (2) does not affect terms or obligations about –
 - (a) the length of the tenancy, or
 - (b) the payment of rent.
- (4) Subsection (5) applies where –
 - (a) an acquiring authority takes temporary possession of land subject to a tenancy to which Part 2 of the Landlord and Tenant Act 1954 (security of tenure for business tenants) applies immediately before the period of temporary possession,
 - (b) the tenancy expires during the period of temporary possession, and
 - (c) prior to the period of temporary possession the tenant notifies in writing both the acquiring authority and the landlord that the tenant intends to resume occupation of the land after the period of temporary possession.
- (5) For the purposes of Part 2 of the Landlord and Tenant Act 1954 the tenant is to be deemed to continue to occupy the land in accordance with the tenancy mentioned in subsection (4)(b), and any tenancy which succeeds that tenancy, despite the period of temporary possession.
- (6) But if the tenant notifies in writing both the acquiring authority and the landlord that the tenant no longer intends to resume occupation of the land after the period of temporary possession subsection (5) ceases to apply.
- (7) In this section, “tenancy” includes a sub-tenancy.”

Clause 25

LORD BOURNE OF ABERYSTWYTH

Page 20, leave out line 43

Clause 25 - continued

Page 20, leave out lines 44 and 45

Clause 27

LORD BOURNE OF ABERYSTWYTH

Page 21, line 25, after “land” insert “, or by the prospect of that scheme,”

Page 21, line 40, leave out “if the scheme had not been commenced or” and insert “in the exercise of a statutory function or by the exercise of compulsory purchase powers”

Page 23, line 34, at end insert “facilitated or”

Page 23, line 38, leave out “which was”

Page 23, line 40, after “powers” insert “(regardless of whether it is carried out before, after or at the same time as the regeneration or redevelopment)”

Clause 31

LORD BOURNE OF ABERYSTWYTH

Page 27, line 27, leave out “section 333ZA and paragraph 19(1) of Schedule 11” and insert—

- “(a) section 333ZA of this Act, and
- (b) paragraph 19(1) of Schedule 11 to this Act or Part 12 of the Highways Act 1980,”

Page 27, line 33, after “Schedule 11” insert “to this Act or Part 12 of the Highways Act 1980”

Page 27, line 42, after “Schedule 11” insert “to this Act or Part 12 of the Highways Act 1980”

Page 28, line 13, at end insert—

“403B Acquisition of land by MDC and TfL for shared purposes

- (1) This section applies where a Mayoral development corporation and Transport for London agree that the purposes for which they may acquire land compulsorily under—
 - (a) section 207 of the Localism Act 2011, and
 - (b) paragraph 19(1) of Schedule 11 to this Act or Part 12 of the Highways Act 1980,would be advanced by one or both of them acquiring land for a joint project.

Clause 31 - continued

- (2) The purposes for which the Mayoral development corporation may acquire land compulsorily under section 207 of the Localism Act 2011 are to be read as if they included the purposes for which Transport for London may acquire land compulsorily.
- (3) The purposes for which Transport for London may acquire land compulsorily under paragraph 19(1) of Schedule 11 to this Act or Part 12 of the Highways Act 1980 are to be read as if they included the purposes for which the Mayoral development corporation may acquire land compulsorily.
- (4) The Mayoral development corporation and Transport for London may agree that one of them is to acquire land on behalf of the other.
- (5) Where subsection (4) applies, a compulsory acquisition is to proceed under—
 - (a) section 207 of the Localism Act 2011 if it is agreed that the Mayoral development corporation will acquire the land, or
 - (b) paragraph 19(1) of Schedule 11 to this Act or Part 12 of the Highways Act 1980 if it is agreed that Transport for London will acquire the land.
- (6) Subsection (7) applies where—
 - (a) the Mayoral development corporation and Transport for London both propose to acquire land compulsorily for a joint project, and
 - (b) the proposed compulsory acquisitions require authorisation by different confirming authorities.
- (7) The proposed compulsory acquisitions are to be treated as requiring the joint authorisation of the confirming authorities.
- (8) The Mayoral development corporation or Transport for London may acquire land by agreement for the same purposes as those for which that body may acquire land compulsorily by virtue of subsection (2) or (3).
- (9) The joint project mentioned in subsection (1) is to be treated as the scheme for the purposes of the no-scheme principle in section 6A of the Land Compensation Act 1961 (impact of scheme to be disregarded when assessing value of land for compulsory purchase).”

Schedule 1

BARONESS CUMBERLEGE

Page 38, line 24, leave out “general”

Page 38, line 26, leave out “written” and insert “oral”

Page 38, leave out lines 27 to 32

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26 January 2017
