

Neighbourhood Planning Bill

AMENDMENTS
TO BE MOVED
ON REPORT

Before Clause 1

BARONESS CUMBERLEGE
LORD SHIPLEY
LORD KENNEDY OF SOUTHWARK

Insert the following new Clause—

“Duty to uphold neighbourhood development plans

- (1) In exercising functions under the Town and Country Planning Act 1990 relating to development plans, development orders, planning applications and planning appeals, the Secretary of State, or any person appointed by him to exercise such functions on his behalf, must seek to uphold any relevant neighbourhood development plan, and in fulfilment of that duty must not override the provisions in such a plan except where the land is needed in connection with a national infrastructure proposal.
- (2) If it is deemed necessary to override a neighbourhood development plan and require the provision of additional housing or other development, the Secretary of State must have regard to the policies of the neighbourhood development plan, in particular, policies for employment opportunities.
- (3) If a neighbourhood development plan has been overridden in accordance with subsection (2) it is the responsibility of the local planning authority, 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 except where the land is needed in connection with a national infrastructure proposal.”

Clause 3

BARONESS CUMBERLEGE

Page 5, line 7, at end insert—

“(3C) A neighbourhood development plan may include a phasing condition on development which is agreed with the local planning authority.”

After Clause 6

BARONESS CUMBERLEGE

Insert the following new Clause—

“Assistance for qualifying body

In exercising the powers conferred by sections 61E, 61F, 61G, 61K, 61L, 61M and 71A of, and paragraphs 1, 4, 7, 8, 10, 11, 12 and 15 of Schedule 4B and paragraphs 3 and 11 of Schedule 4C to, the Town and Country Planning Act 1990, and sections 38A, 38B and 122(1) of the Planning and Compulsory Purchase Act 2004, the Secretary of State must—

- (a) require the local planning authority to provide the qualifying body with reasonable assistance to secure that, as far as possible, the development goals of that body can be drafted in terms that meet the basic conditions in paragraph 8(2) of Schedule 4B to the 1990 Act;
- (b) enable the qualifying body to brief an appointed examiner on the broad goals of the neighbourhood plan proposal, in order that the qualifying body may take into account any initial views of the examiner before submitting a final proposal to the local planning authority;
- (c) provide the qualifying body and the local planning authority with the opportunity to attend and contribute to any meeting called by the examiner;
- (d) require the examiner to—
 - (i) provide the local planning authority and qualifying body with a draft report and recommended modifications to the draft neighbourhood plan only if necessary to secure compliance with the four basic conditions;
 - (ii) consider any representations made by the neighbourhood plan body with a view to better achieving the goals of that body;
 - (iii) provide a final report, taking account of the responses of the local planning authority and neighbourhood plan body to the draft report, and giving clear reasons for any points which the examiner is not minded to accept.”

Insert the following new Clause—

“Duty on Examiner in making recommendations

- (1) Schedule 4B to the Town and Country Planning Act 1990 (Process for making of Neighbourhood Development Orders) is amended as follows—
- (2) After subparagraph 9(2)(a) insert—
 - “(aa) in any case where the examiner recommends deletion or amendment of a policy or provision proposing housing or economic development to meet the needs of the local community, he must require agreement with the qualifying body and the local planning authority as to the locations it will be most appropriate to provide for additional housing or employment uses, including the number and types of housing required,”
- (3) After subparagraph 10(3) insert—

After Clause 6 - continued

- “(3A) In recommending modifications in the form of deletions from a draft neighbourhood plan, to take account of national policies and advice contained in guidance issued by the Secretary of State or for other reasons, the examiner must seek to find alternative wording that would achieve the goal of the qualifying body.”

Clause 13

LORD BEECHAM

Page 14, line 5, at end insert –

- “(2C) Regulations under subsection (1) may not be made in respect of the granting of planning permission for minerals or waste development.
- (2D) In subsection (2C) the terms “minerals”, “waste” and “development” have the same meaning as in sections 55 and 336 of the Town and Country Planning Act 1990.”

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20 February 2017
