

Neighbourhood Planning Bill

REVISED
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Order of 21st February 2017, as follows –

Clauses 1 to 4	Clauses 10 to 13
Schedule 1	Schedule 3
Clauses 5 to 9	Clauses 14 to 44
Schedule 2	Title.

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Before Clause 1

BARONESS CUMBERLEGE
LORD SHIPLEY
LORD KENNEDY OF SOUTHWARK

1 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

2 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.”

Schedule 1

BARONESS CUMBERLEGE

3 Page 43, leave out lines 24 to line 8 on page 44 and insert –

12 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.”

4 Page 44, line 9, at end insert –

12A(1) Schedule 4B to the Town and Country Planning Act 1990 (process for making of neighbourhood development orders) is amended as follows.

(2) After paragraph 9(2)(a) insert –

Schedule 1 - continued

“(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 paragraph 10(3) insert—

“(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 7

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

5 Page 8, line 14, 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;
- (e) the provision of green spaces and public leisure areas; and
- (f) education, health and well-being needs of the population.”

After Clause 7

BARONESS CUMBERLEGE
LORD SHIPLEY

6 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 7 - continued

BARONESS PINNOCK
LORD SHIPLEY

6A★ Insert the following new Clause—

“Planning appeals: designation of land

Where an application for planning permission has been refused by the relevant local planning authority, the designation of the relevant land as green belt or urban green space shall carry no less weight than the need for housing supply during any subsequent appeal.”

Clause 9

LORD SHIPLEY
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

7 Leave out Clause 9

Schedule 2

LORD KENNEDY OF SOUTHWARK
LORD SHIPLEY

8 Page 47, line 4, at end insert—

“(2) Before inviting the upper-tier county council's involvement in the development plan document under paragraph 7B(1)(a) the Secretary of State must first, in writing, advise the lower-tier planning authority, giving sufficient notice of their intention.

7BA Paragraph 7B will not apply where—

- (a) the lower-tier planning authority can demonstrate a clear timetable in connection to the preparation, revision or adoption of the development plan document, or
- (b) the lower-tier planning authority has invited or is in the process of inviting another planning authority or another external organisation to support the preparation, revision or adoption of the development plan document.”

LORD SHIPLEY
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

8A★ Leave out Schedule 2

After Clause 12

BARONESS GARDNER OF PARKES

9 Insert the following new Clause—

“Public consultations

- (1) A local planning authority must extend the length of any public consultations regarding a planning application if any public, or bank holidays fall within the consultation period by one day for each public or bank holiday.”

After Clause 12 - continued

10 Insert the following new Clause –

“Public consultations (No.2)

- (1) A local planning authority must extend the length of any public consultations regarding a planning application by a week where any of the traditional family holidays fall within the consultation period.
- (2) In this section, “traditional family holiday” means the week in which one of the following days fall –
 - (a) any day during the month of August,
 - (b) Christmas Day, or
 - (c) Boxing Day.”

LORD TAYLOR OF GOSS MOOR
LORD BEST
BARONESS WARWICK OF UNDERCLIFFE
LORD LUCAS

10A★ Insert the following new Clause –

“New town local planning authority powers

Where a new town development corporation is established by an order under section 1 of the New Towns Act 1981 (designation of areas), on request of the local planning authority the Secretary of State must delegate to the authority the powers to appoint the board and to approve expenditure in applying the compulsory purchase provisions and subsequent development of the new town and its administration.”

Clause 13

LORD KENNEDY OF SOUTHWARK
BARONESS PARMINTER

11 Page 13, leave out lines 26 to 33

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

12 Page 13, line 33, at end insert –

“(1A) Regulations made under subsection (1) must make provisions for local planning authorities to make exceptions to conditions relating to matters set out in paragraphs (a),(b) and (c) of subsection (1).”

LORD KENNEDY OF SOUTHWARK
BARONESS PARMINTER

13 Page 13, line 34, leave out from beginning to end of line 5 on page 14

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

14 Page 13, leave out lines 39 and 40

Clause 13 - continued

- 15 Page 14, line 5, at end insert “including in terms of sustainable development and public interest”

LORD BEECHAM

- 16 Page 14, line 5, at end insert –
 “(2A) Regulations under subsection (1) may not be made in respect of the granting of planning permission for Environmental Impact Assessment development.
 (2B) In subsection (2A) “Environmental Impact Assessment development” has the same meaning as “EIA development” in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.”

- 17 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.”

LORD STUNELL
 BARONESS PARMINTER

- 18 Page 14, line 5, at end insert –
 “(2A) No regulations shall be made under subsection (1) that would have the effect of preventing a local planning authority from requiring a condition that would otherwise be in conformity with the national planning policy framework.”

LORD KENNEDY OF SOUTHWARK
 BARONESS PARMINTER

- 19 Page 14, leave out lines 6 and 7

LORD KENNEDY OF SOUTHWARK
 LORD BEECHAM

- 20 Page 14, line 7, at end insert “which must include consultation with local authorities”

- 21 Page 14, line 7, at end insert –
 “() Regulations made under subsection (1) must make provision for an appeal process.”

LORD KENNEDY OF SOUTHWARK
 BARONESS PARMINTER

- 22 Page 14, leave out lines 8 and 9

Clause 13 - continued

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

23 Page 14, leave out lines 10 to 12

LORD KENNEDY OF SOUTHWARK

24 Page 14, leave out lines 10 to 12 and insert –

“(5) Before planning permission for the development of land is granted that will be subject to a pre-commencement condition, the relevant local planning authority must seek, where reasonably practicable, to get written agreement from the applicant to the terms of the condition.”

LORD STUNELL
BARONESS PARMINTER

25 Page 14, leave out lines 10 to 12 and insert –

“(5) Planning permission for the development of the land may be granted subject to a pre-commencement condition only where it is in conformity with the national planning policy framework, unless it is with the written agreement of the applicant to the terms of the condition.”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

26 Page 14, line 12, at end insert “, and where agreement cannot be reached a mediation system must be prescribed”

LORD KENNEDY OF SOUTHWARK
BARONESS PARMINTER

27 Page 14, line 12, at end insert –

“() Where an applicant has not responded within a default period, as prescribed, to pre-commencement conditions proposed by the local planning authority, agreement to those conditions will be deemed to be given.”

LORD KENNEDY OF SOUTHWARK
LORD STUNELL
BARONESS PARMINTER

28 Page 14, leave out lines 13 to 15

LORD BEECHAM

28A★ Page 14, line 15, at end insert “by regulations made by statutory instrument.

(6A) The Secretary of State must consult interested parties before making regulations under subsection (6).”

LORD BOURNE OF ABERYSTWYTH

29 Page 14, line 15, at end insert –

“(6A) Before making regulations under subsection (6) the Secretary of State must carry out a public consultation.”

Clause 13 - continued

30 [Retabled as Amendment 28A]

31 Page 14, line 29, at end insert –

“(8A) The Secretary of State must issue guidance to local planning authorities about the operation of this section and regulations made under it.

(8B) The Secretary of State may, from time to time, revise guidance issued under subsection (8A).

(8C) The Secretary of State must arrange for guidance issued or revised under this section to be published in such manner as the Secretary of State considers appropriate.”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

32 Page 14, line 36, at end insert –

“() Regulations under this section must be made by statutory instrument and may not be made unless a draft of the instrument containing the regulations has been laid before and approved by a resolution of each House of Parliament.”

LORD BOURNE OF ABERYSTWYTH

33 Page 14, line 36, at end insert –

“() In section 333 of the Town and Country Planning Act 1990 (regulations and orders) after subsection (3ZA) insert –

“(3ZAA) No regulations may be made under section 100ZA(1) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.””

LORD KENNEDY OF SOUTHWARK
BARONESS PARMINTER

34 Page 14, line 40, at end insert –

“() Section 100ZA may not take effect until an independent report has been undertaken and laid before each House of Parliament that provides a robust evidence base to support the introduction of the proposed measure outlined in the section.”

After Clause 13

LORD KENNEDY OF SOUTHWARK
BARONESS DEECH
LORD SHIPLEY

35 Insert the following new Clause –

“Change of use of drinking establishments

(1) In regulation 3 of the Town and Country Planning (Use Classes) Order 1987, after paragraph (6)(o) insert –

“(p) as a drinking establishment”.

After Clause 13 - continued

- (2) Before exercising his or her powers under section 41(1) of this Act, the Secretary of State must exercise the powers conferred by sections 59, 60, 61, 74 and 333(7) of the Town and Country Planning Act 1990 to remove permitted development rights relating to the change of use or demolition of “drinking establishments”.”

LORD BEECHAM
LORD KENNEDY OF SOUTHWARK

36 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.”

37 Insert the following new Clause –

“Review of sustainable drainage

Before exercising his or her powers under section 41(1), the Secretary of State must carry out a review of the impact on communities’ resilience to flooding of planning legislation, government planning policy and local planning policies concerning sustainable drainage in relation to the development of land in England.”

BARONESS GARDNER OF PARKES

38 Insert the following new Clause –

“Retrospective planning permission

- (1) Where there has been a breach of planning control, as defined under section 171A of the Town and Country Planning Act 1990 (“the 1990 Act”), the person or body who has caused the breach must make a retrospective planning application for planning permission under section 73A of the 1990 Act (planning permission for development already carried out).
- (2) In respect of a retrospective planning application, the person or body who has caused the breach of planning control is liable for the payment of fees or charges to the local planning authority in respect of the costs incurred in carrying out the functions connected with the retrospective planning application.

After Clause 13 - continued

- (3) The person or body who has caused the breach of planning control is liable for the payment of a significant additional charge, connected to the retrospective nature of the planning application, in addition to the fees and charges the person or body is liable for under subsection (2).
- (4) In carrying out the functions connected with a retrospective planning application, the local planning authority must consult the people residing in the local area to which the retrospective planning application relates.”

BARONESS YOUNG OF OLD SCONE

38A★ 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 identified as a strategic priority in the authority’s area under section 19 or 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.””

After Clause 14

LORD SHIPLEY
LORD SCRIVEN
LORD TOPE

39 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”.

BARONESS PARMINTER
LORD SHIPLEY

40 Insert the following new Clause –

“Planning decisions: involvement of neighbourhood planning bodies

For section 75ZB of the Town and Country Planning Act 1990 (information about neighbourhood development plans) substitute –

“75ZB Responsibilities of decision-makers in respect of neighbourhood development plans in the exercise of planning functions

- (1) In considering whether to grant planning permission or permission in principle for development which affects land all or part of which is included within the area covered by a made or emerging neighbourhood development plan, the local planning authority must –
 - (a) have special regard to the desirability of upholding the policies and proposals contained in the neighbourhood development plan;
 - (b) send a copy of the application to the relevant neighbourhood planning body;

After Clause 14 - continued

- (c) allow the relevant neighbourhood planning body a period of 21 days from receipt of the application to make recommendations about how the application should be determined; and
 - (d) take into account any recommendations made under paragraph (c).
- (2) Where a neighbourhood planning body recommends that planning permission should not be granted in respect of the application and the following conditions are met, the local planning authority may not approve the application without first consulting the Secretary of State.
- (3) The conditions mentioned in subsection (2) are that—
- (a) the development is not classed as a householder development; and
 - (b) the development is not on a site identified for the proposed development in the relevant neighbourhood development plan.
- (4) Consultations with the Secretary of State under subsection (2) must follow the procedures set out in provisions 10 to 12 of the Town and Country Planning (Consultation) (England) Direction 2009.
- (5) In this section—
- “emerging neighbourhood development plan” means a neighbourhood development plan that has been examined, having met the public consultation requirements necessary to proceed to this stage;
 - “householder development” means proposals to alter or enlarge a single house, including works within the curtilage of the house;
 - “neighbourhood planning body” means a town or parish council or neighbourhood forum, as defined in section 61F.”

Clause 16

LORD BOURNE OF ABERYSTWYTH

41

Page 16, line 30, leave out subsection (2) and insert—

- “(2) The temporary possession of the land must be authorised by the type of instrument (the “authorising instrument”) that would be required if the acquiring authority proposed to acquire that land compulsorily for the purposes for which it proposes to take temporary possession of that land.”

Clause 16 - continued

42 Page 16, line 41, at end insert –

“(3A) But in so far as an authorising instrument authorises the temporary possession of land, the instrument is not to be subject to special parliamentary procedure by virtue of any enactment applying that procedure to an instrument authorising the compulsory acquisition of land, unless the land which is proposed to be subject to temporary possession is held by the National Trust inalienably.

(3B) For the purposes of subsection (3A) –

- (a) “the National Trust” means the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907, and
- (b) land is held by the National Trust “inalienably” if it is inalienable under section 21 of the National Trust Act 1907 or section 8 of the National Trust Act 1939.”

43 Page 16, line 41, at end insert –

“() For the purposes of subsection (3)(c), the reference to compulsory acquisition does not include the compulsory acquisition of a right over land by creation unless section 15(2) applies in relation to the acquiring authority by virtue only of a power or authorisation to acquire a right over land by creation.”

Clause 17

LORD BOURNE OF ABERYSTWYTH

44 Page 17, line 11, leave out from “who” to “so” and insert –

- “(a) has an interest in or a right to occupy the land,
- (b) owns land to which is annexed a relevant right or interest which adversely affects the land to be subject to temporary possession, or
- (c) owns land which benefits from a restriction as to the user of the land to be subject to temporary possession where the restriction arises by virtue of a contract to which the person is a party,”

45 Page 17, line 26, at end insert –

“() Where the authorising instrument mentioned in section 16 is a compulsory purchase order, a notice of entry under this section may not be served after the end of the period of three years beginning with the day on which the authorising instrument becomes operative.

() In any other case, a notice of entry under this section may not be served after the end of the period of five years beginning with the day on which the authorising instrument becomes operative.”

Clause 17 - continued

46 Page 17, line 26, at end insert –

“(8) In this Chapter “relevant right or interest” means any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land (including any natural right to support).”

Clause 20

LORD BOURNE OF ABERYSTWYTH

47 Page 18, line 44, at end insert –

“() A person (a “beneficial claimant”) is entitled to receive compensation from the authority for any loss or injury the beneficial claimant sustains as a result of the authority –

- (a) interfering with a relevant right or interest annexed to land belonging to the beneficial claimant, or
- (b) breaching a restriction as to the user of land arising by virtue of a contract where –
 - (i) the beneficial claimant is a party to the contract, or
 - (ii) the restriction benefits land which belongs to the beneficial claimant.”

48 Page 19, line 1, leave out subsection (3)

49 Page 19, line 5, leave out subsection (4)

50 Page 19, line 21, leave out “subsection (2)” and insert “this section”

Clause 24

LORD BOURNE OF ABERYSTWYTH

51 Page 22, line 27, at end insert –

“() The acquiring authority may use land as described in subsection (1) even if this involves –

- (a) interfering with a relevant right or interest, or
- (b) breaching a restriction as to the user of land arising by virtue of a contract.”

52 Page 22, line 30, at end insert –

“(4) Nothing in this section authorises an interference with –

- (a) a right of way on, under or over land that is a protected right, or
- (b) a right of laying down, erecting, continuing or maintaining apparatus on, under or over land if it is a protected right.

(5) Nothing in this section authorises –

Clause 24 - continued

- (a) an interference with a relevant right or interest annexed to land belonging to the National Trust which is held by the National Trust inalienably, or
 - (b) a breach of a restriction as to the user of land which does not belong to the National Trust—
 - (i) arising by virtue of a contract to which the National Trust is a party, or
 - (ii) benefiting land which does belong to the National Trust.
- (6) For the purposes of subsection (5)–
- (a) “the National Trust” means the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907, and
 - (b) land is held by the National Trust “inalienably” if it is inalienable under section 21 of the National Trust Act 1907 or section 8 of the National Trust Act 1939.
- (7) In this section–
- “protected right” means–
- (a) a right vested in, or belonging to, a statutory undertaker for the purpose of carrying on its statutory undertaking, or
 - (b) a right conferred by, or in accordance with, the electronic communications code on the operator of an electronic communications code network (and expressions used in this paragraph have the meaning given by paragraph 1(1) of Schedule 17 to the Communications Act 2003);
- “statutory undertaker” means a person who is, or who is deemed to be, a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990;
- “statutory undertaking” is to be read in accordance with section 262 of the Town and Country Planning Act 1990 (meaning of “statutory undertakers”).”

Clause 26

LORD BOURNE OF ABERYSTWYTH

53

Page 23, line 16, at end insert –

- “(A1) The appropriate national authority must by regulations make provision about–
- (a) the reinstatement of land subject to a period of temporary possession, and
 - (b) the resolution by an independent person of disputes about reinstatement.”

54

Page 23, line 16, at end insert –

- “(A2) The Secretary of State may by regulations exclude the application of any provision of this Chapter in relation to a person who is an acquiring authority as a result of an authorisation by virtue of –

Clause 26 - continued

- (a) section 11, 12 or 12A of the Pipe-lines Act 1962 (compulsory purchase of land or rights over land in connection with pipe-lines),
- (b) section 12 or 13 of the Gas Act 1965 (compulsory purchase of rights in relation to storage of gas etc),
- (c) paragraph 1 of Schedule 3 to the Gas Act 1986 (compulsory purchase of land by gas transporter), or
- (d) paragraph 1 of Schedule 3 to the Electricity Act 1989 (compulsory purchase of land by licence holder)."

55 Page 23, line 25, leave out paragraph (a)

56 Page 23, line 29, at end insert "including by modifying that provision so that it is effective in relation to those cases or types of case,"

57 Page 23, line 45, leave out paragraph (i)

58 Page 24, line 3, at end insert –

"() Before making regulations under this section the Secretary of State or the Welsh Ministers, as the case may be, must carry out a public consultation."

LORD BEECHAM

59 Page 24, line 3, at end insert –

"(2A) The Secretary of State and the Welsh Ministers must by regulations –

- (a) make provision for the reinstatement of land at the end of a period of temporary possession;
- (b) make provision for the resolution of disputes by an independent arbiter; and
- (c) consult interested parties before making regulations under this section."

60 Page 24, line 3, at end insert –

"() The Secretary of State must consult on the use of Development Consent Orders before making regulations under subsection (1)."

Clause 27**LORD BOURNE OF ABERYSTWYTH**

61 Page 24, line 16, at end insert –

"“relevant right or interest” has the meaning given by section 17(8)."

Clause 29**LORD BOURNE OF ABERYSTWYTH**

62 Page 25, line 17, leave out "there is to be no consideration of whether" and insert "it is to be assumed that no"

Clause 33

LORD BOURNE OF ABERYSTWYTH

63 Page 32, line 45, after “403A” insert “, 403B”

After Clause 38

LORD BOURNE OF ABERYSTWYTH

64 Insert the following new Clause –

“CHAPTER 3**CONSEQUENTIAL PROVISION****Consequential provision**

- (1) The Secretary of State may by regulations make provision in consequence of any provision of this Part.
- (2) Regulations under subsection (1) may amend, repeal or revoke any enactment.
- (3) In subsection (2) “enactment” includes –
 - (a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978, and
 - (b) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales.”

LORD KENNEDY OF SOUTHWARK

65 Insert the following new Clause –

“Amendment to TfL powers

In Schedule 11 of the Greater London Authority Act 1999 (miscellaneous powers of Transport for London) after paragraph 12 insert –

“12A Transport for London or any subsidiary of Transport for London may sell, exchange or lease its land for the purpose of providing housing of any description at such price, or for such consideration, or for such rent, as having regard to all the circumstances of the case is the best that can reasonably be obtained, notwithstanding that a higher price, consideration or rent might have been obtained if the land were sold, exchanged or leased for the purpose of providing housing of another description or for a purpose other than the provision of housing and for the purposes of paragraph 29 below Transport for London or any subsidiary of Transport for London shall not be required to act as if it were a company engaged in a commercial enterprise if undertaking any activities at paragraphs 15(2) or (3) below with a view to selling, exchanging or leasing its land under this paragraph.”

66 Insert the following new Clause -

“Amendment to GLA powers

- (1) Section 333ZC of the Greater London Authority Act 1999 (disposal etc of land held for housing or regeneration purposes) is amended as follows.
- (2) In subsection (1) at beginning insert “Subject to subsection (6)”.
- (3) After subsection (5) insert –

After Clause 38 - continued

“(6) The Authority or any subsidiary of the Authority may sell, exchange or lease land held by it for the purposes of housing or regeneration for the purpose of providing housing of any description at such price, or for such consideration, or for such rent, as having regard to all the circumstances of the case is the best that can reasonably be obtained, notwithstanding that a higher price, consideration or rent might have been obtained if the land were sold, exchanged or leased for the purpose of providing housing of another description or for a purpose other than the provision of housing and for the purposes of subsection (1) above the Authority or any subsidiary of the Authority shall not be required to obtain the consent of the Secretary of State to a disposal made in accordance with this subsection (6).”

Clause 40

LORD BEECHAM

67 Page 35, line 40, at end insert –

“() Before making regulations under this section, the Secretary of State must consult the Welsh Ministers.”

BARONESS CUMBERLEGE

LORD PANNICK

LORD JUDGE

LORD KENNEDY OF SOUTHWARK

LORD BOURNE OF ABERYSTWYTH

68 Leave out Clause 40

69 [*Withdrawn*]

Clause 41

LORD BOURNE OF ABERYSTWYTH

70 Page 36, line 12, leave out “26(1)” and insert “26(A1), (A2) or (1)”

LORD BEECHAM

71 Page 36, line 12, at end insert –

“() regulations made under section 26(2A);”

LORD BOURNE OF ABERYSTWYTH

72 Page 36, line 13, leave out “40(1)” and insert “(Consequential provision)(1)”

73 Page 36, line 16, leave out “26(1)” and insert “26(A1), (A2) or (1)”

74 Page 36, line 23, leave out “40(1)” and insert “(Consequential provision)(1)”

Clause 41 - continued

LORD BEECHAM

75 Page 36, line 34, at end insert—

“() The Secretary of State must consult interested parties on draft regulations under section 26(1) before laying them before either House of Parliament.”

Clause 42

LORD BOURNE OF ABERYSTWYTH

76 Page 36, line 40, leave out “This Part extends” and insert “Section (*Consequential provision*) and this Part extend”

Clause 43

LORD BOURNE OF ABERYSTWYTH

77 Page 37, line 13, at end insert—

“() section (*Consequential provision*);”

Neighbourhood Planning Bill

REVISED
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

22 February 2017
