

# Neighbourhood Planning Bill

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## MARSHALLED LIST OF MOTIONS TO BE MOVED ON CONSIDERATION OF COMMONS REASON AND AMENDMENTS

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[The page and line references are to HL Bill 86, the bill as first printed for the Lords.]

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### MOTION A

#### LORDS AMENDMENT 12

##### Clause 12

**12** Page 11, line 3, at end insert—

“( ) 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.”

#### COMMONS REASON

*The Commons disagree to Lords Amendment 12 for the following reason —*

**12A** *Because section 100ZA already has the effect that the regulations must be consistent with the tests for planning conditions in the National Planning Policy Framework.*

**A** **Lord Bourne of Aberystwyth to move, That this House do not insist on its Amendment 12 to which the Commons have disagreed for their Reason 12A.**

## MOTION B

### LORDS AMENDMENT 22

#### After Clause 12

**22** 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”.
- (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”.

#### COMMONS AMENDMENTS IN LIEU

*The Commons disagree to Lords Amendment 22 but propose Amendments 22A and 22B in lieu –*

**22A** Page 11, line 40, at end insert –

#### **“Permitted development rights relating to drinking establishments**

- (1) As soon as reasonably practicable after the coming into force of this section, the Secretary of State must make a development order under the Town and Country Planning Act 1990 which –
  - (a) removes any planning permission which is granted by a development order for development consisting of a change in the use of any building or land in England from a use within Class A4 to a use of a kind specified in the order (subject to paragraph (c)),
  - (b) removes any planning permission which is granted by a development order for a building operation consisting of the demolition of a building in England which is used, or was last used, for a purpose within Class A4 or for a purpose including use within that class, and
  - (c) grants planning permission for development consisting of a change in the use of a building in England and any land within its curtilage from a use within Class A4 to a mixed use consisting of a use within that Class and a use within Class A3.
- (2) Subsection (1) does not require the development order to remove planning permission for development which has been carried out before the coming into force of the order.
- (3) Subsection (1) does not prevent –

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- (a) the inclusion of transitional, transitory or saving provision in the development order, or
  - (b) the subsequent exercise of the Secretary of State's powers by development order to grant, remove or otherwise make provision about planning permission for the development of buildings or land used, or last used, for a purpose within Class A4 or for a purpose including use within that class.
- (4) A reference in this section to Class A3 or Class A4 is to the class of use of that name listed in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (SI 1987/764).
- (5) Expressions used in this section that are defined in the Town and Country Planning Act 1990 have the same meaning as in that Act.”

**22B** Page 32, line 20, at end insert—

“( ) section (*Permitted development rights relating to drinking establishments*);”

**B** Lord Bourne of Aberystwyth to move, That this House do not insist on its Amendment 22 and do agree with the Commons in their Amendments 22A and 22B in lieu.

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*24th April 2017*

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