# PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

## Public Bill Committee

# GROWTH AND INFRASTRUCTURE BILL

*Fifth Sitting*

*Thursday 22 November 2012*

*(Morning)*

CONTENTS



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**Monday 26 November 2012**

STRICT ADHERENCE TO THIS ARRANGEMENT WILL GREATLY FACILITATE THE PROMPT PUBLICATION OF THE BOUND VOLUMES OF PROCEEDINGS IN GENERAL COMMITTEES

**The Committee consisted of the following Members:**

*Chairs:* † Philip Davies, Mr George Howarth

† Birtwistle, Gordon *(Burnley)* (LD)
† Blackman, Bob *(Harrow East)* (Con)
† Blackman-Woods, Roberta *(City of Durham)* (Lab)
† Blomfield, Paul *(Sheffield Central)* (Lab)
† Boles, Nick *(Parliamentary Under-Secretary of State for Communities and Local Government)*
† Bradley, Karen *(Staffordshire Moorlands)* (Con)
† Coffey, Dr Thérèse *(Suffolk Coastal)* (Con)
† Dakin, Nic *(Scunthorpe)* (Lab)
Danczuk, Simon *(Rochdale)* (Lab)
† Fallon, Michael *(Minister of State, Department for Business, Innovation and Skills)*
† Glen, John *(Salisbury)* (Con)
† Glindon, Mrs Mary *(North Tyneside)* (Lab)
† Howell, John *(Henley)* (Con)
† Morris, James *(Halesowen and Rowley Regis)* (Con)
† Murray, Ian *(Edinburgh South)* (Lab)
† Raynsford, Mr Nick *(Greenwich and Woolwich)* (Lab)
Simpson, David *(Upper Bann)* (DUP)
† Smith, Henry *(Crawley)* (Con)
† Stunell, Andrew *(Hazel Grove)* (LD)

Steven Mark, John-Paul Flaherty, *Committee Clerks*

**† attended the Committee**

# Public Bill Committee

*Thursday 22 November 2012*

*(Morning)*

[Philip Davies *in the Chair*]

## Growth and Infrastructure Bill

## Written evidence to be reported to the House

GIB 26 Law Society of England and Wales

GIB 27 Bristol Parks Forum

GIB 28 British Property Federation

GIB 29 National Grid

GIB 31 The National Trust

GIB 32 The Loose Anti Opencast Network

GIB 33 Sylvia Mason

GIB 34 Confederation of British Industry

GIB 35 Highbury group on housing delivery

GIB 36 Barratt Developments PLC

11.30 am

**The Chair:** Before we begin our line-by-line consideration of the Bill, a brief explanation might be useful to those relatively new to Public Bill Committees. The selection list for today's sittings is available in the room for Members and shows how the amendments selected for debate have been brought together. Amendments grouped together are generally on the same or a similar issue. The Member whose name has been put to the leading amendment in a group is called first. Other Members are then free to catch my eye to speak on the amendments. A Member may speak more than once in a single debate. At the end of a debate on a group of amendments, I will call the Member who moved the lead amendment again. Before sitting down, that Member will need to indicate whether the amendment is to be withdrawn or a decision sought. If any Members wish to press to a vote any other amendment in a group, they need to let me know. I shall work on the assumption that the Government wish the Committee to reach a decision on all Government amendments.

Please note that decisions on amendments do not take place in the order that they are debated but in the order in which they appear on the amendment paper. I shall use my discretion to decide whether to allow a separate stand part debate on individual clauses and schedules following the debates on the relevant amendments. I hope that is helpful. We now begin our line-by-line consideration of the Bill.

### Clause 1

Option to make planning application directly to Secretary of State

**Roberta Blackman-Woods** (City of Durham) (Lab): I beg to move amendment 10, in clause 1, page 1, line 8, at end insert—

'(za) the local planning authority concerned had not adopted a local plan for any part of its area within a period of 20 years prior to the date on which it was designated by the Secretary of State;

(zb) the application does not relate to development affecting flood risk areas, World Heritage sites, National Parks, Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest and conservation areas;'.

**The Chair:** With this it will be convenient to discuss the following:

Amendment 11, in clause 1, page 1, line 14, leave out 'is of a description prescribed by the Secretary of State'

and insert

'involves a major application of a description to be set out in regulations following a period of consultation, which regulations shall be in the form of a statutory instrument and may only be made if a draft of them has been laid before and approved by both Houses of Parliament.'.

Amendment 19, in clause 1, page 2, line 46, at end insert—

'(e) local planning authorities with responsibility for all or part of a National Park, Area of Outstanding Natural Beauty, Site of Special Scientific Interest, World Heritage Site and/or a conservation area;'.

Amendment 22, in clause 1, page 3, line 7, at end insert—

'(9) This section will cease to have effect one year after it comes into force.

(10) Regulations under this section shall be in the form of a statutory instrument and shall not be made unless a draft of them has been laid before and approved by both Houses of Parliament.'.

**Roberta Blackman-Woods:** It is a pleasure to serve under your chairmanship again, Mr Davies. I have some general comments to make about clause 1, but I shall keep those for the stand part debate.

Amendment 10 stands in my name and that of my hon. Friend the Member for Edinburgh South. It can hardly have escaped Members' notice that the amendment would remove most of clause 1 from the Bill. In our deliberations, most of the witnesses who gave evidence to the Committee agreed that the clause was a bad idea and that it runs counter to the localism agenda that the Government claim to support. The arguments for the radical nature of the clause and its key centralising principle were absent from the Secretary of State's speech on Second Reading. He seemed to think that he is adding to democratic accountability by including the clause, rather than reducing it, which I find somewhat perplexing. As the shadow Secretary of State made clear, the Bill will completely change the basis on which planning applications are considered by local communities and local planning authorities. Certainly, it is a radical change from the system previously in place.

On clause 1, in written evidence to the Committee, the National Organisation of Residents Associations stated:

"This proposes to remove the power of decision on planning applications from Local Planning Authorities…This is totally in conflict with the concept of localism."

Similarly, the Town and Country Planning Association stated:

"The Bill has the affect of shifting powers to the centre of Government."

The TCPA also disputed the key premise underpinning the legislation: that the intention is to use the powers in "exceptional circumstances" only. It made a very important point: that the Secretary of State

"can already use the very extensive existing powers to call in both applications and plans."

The clause is therefore simply not necessary, hence our desire to remove it. Indeed, the Government, as is their forte these days, have produced little evidence in support of their many assertions about the poor performance of planning authorities necessitating a clause of this nature.

First, let us briefly look at the evidence base as outlined in the impact assessment. Much is made of timeliness issues, and only one academic is quoted. It is probably possible to find one academic in this country to say anything about anything—that does not mean it is a proper evidence base that is tested through the normal academic process of publishing and peer review.

Secondly, I would like to look at the evidence put forward by the Home Builders Federation, which we got a bit of an opportunity to test in the evidence sessions. Its evidence was actually the views of some—some—of its members. It was not backed up by evidence from particular cases.

Thirdly, we had evidence pointing to the number of applications that are actually determined, which is very high. It points to 435,000 applications being determined in 2011-12, most in a timely manner. Indeed, 85% of all minor applications were approved, and 93% of other applications fell within the correct time limits. That does not build up a picture of failing planning authorities across the country.

**Ian Murray** (Edinburgh South) (Lab): I am grateful to my hon. Friend for giving way at such an early stage in her dissection of this dreadful clause. She will be aware that the consultation on planning performance and the planning guarantee was released this morning. I managed to get a copy just 22 minutes ago. In question 7, it says:

"Do you agree that the threshold for designations should be set initially at 30% or fewer of major decisions made on time or more than 20% of major decisions overturned at appeal?"

Surely that would outlaw Hackney, because it performs far better than that.

**Roberta Blackman-Woods:** It would indeed, and probably any other Labour authority beginning with h and ending with y. I will come to that in a moment or two.

We can see from the impact assessment that the determination of major applications is slowing down, but any sensible Government would seek to find out why that is so before introducing legislation, never mind coming up with such a radical and ill-informed Bill. That point was admirably made by the Royal Town Planning Institute, which said that we need a clearer understanding of what is happening to major applications. In any case, this matter could be dealt with, at least in part, by clause 21. There is absolutely no need to designate planning authorities as failing in order for major applications to be called in or dealt with under clause 21.

Until 20 minutes ago, I was going to say that it simply is not acceptable in a modern democracy for us to be debating a clause about determining a local planning authority as failing, without having the criteria in front of us and without having a degree of knowledge about the specific authorities to be affected. I am not sure whether we have any information on the authorities to be affected, or a list, but, as my hon. Friend the Member for Edinburgh South said, the consultation popped up on the CLG website 20 minutes ago.

**Dr Thérèse Coffey** (Suffolk Coastal) (Con): As a courtesy, it was sent to all members of the Committee at 10.28 am. I appreciate that that is still rather recent, but it was an hour before the sitting started.

**Roberta Blackman-Woods:** I will take the correction, because as I will explain, the precise number of minutes is neither here nor there. We can argue about the precise moment when it popped into our inboxes, but my point is that the period of time was very short.

**Mr Nick Raynsford** (Greenwich and Woolwich) (Lab): We are debating measures of timeliness and efficiency. Does my hon. Friend believe the Government would clearly fail the test if it were applied to the timeliness with which the proposals were made available?

**Roberta Blackman-Woods:** My right hon. Friend makes a very good point.

I want to start by looking at how we got to this place and by addressing efficiency and timeliness. The Minister told the Select Committee on Communities and Local Government

"we are looking at only two measures: timeliness—whether they"

local authorities—

"are dealing with applications within the guide periods for different major and minor applications—and…the quality of their decisions."

Quality was later defined as the percentage of major applications overturned on appeal. He said at that point that the Government are looking at one year's measures, but we now know that that is not the case—I will say something about that in a minute or two. On Second Reading, the Secretary of State seemed to suggest that the criteria were anything that ended up with a Labour authority beginning in h and ending in y, because it was Hackney, later corrected to Haringey.

The impact assessment states that, for illustrative purposes, "timeliness" will be

"defined as the average number of major applications decided within 13 weeks as a percentage of all major decisions, assessed over a two year period."

That is not the one-year period previously indicated by the Minister. From my cursory glance at the consultation paper, I see that those are indeed the measures that are being consulted on. According to *Planning* magazine,

*[Roberta Blackman-Woods]*

that will bring six councils into designation. There may of course be planning performance agreements or other extenuating circumstances that lead to a problem with timeliness. Unfortunately for the Minister, not one of those six authorities that might be captured by the timeliness criterion actually fits into the second criterion, which is the percentage of major decisions overturned on appeal, whether that is set at 20% or 30%. That is important because it means that Ministers have been talking all along about criteria for designation when, in fact, we appear to be ending up with six authorities designated as failing on only one criterion: timeliness. Other authorities may be brought into applications overturned on appeal, but we know from the impact assessment that, at the moment, no authorities would be captured by the second criterion, even if it is set at 20%.

**Ian Murray:** We heard a lot of evidence this week and last week from planning professionals and organisations who told us that, although speed and quality are important, they are not necessarily mutually exclusive. Sometimes a bit of speed has to be given up to ensure that the decisions are right. That should be a conversation between the planning authority and the applicant, which is the right way to do it.

**Roberta Blackman-Woods:** My hon. Friend makes a good point that I hope we will return to several times in considering this clause, because the Government have not taken into consideration any mitigating circumstances that could lead to slower decision making. Such circumstances are often outwith the control of local planning authorities.

**Nic Dakin** (Scunthorpe) (Lab): We heard a lot of evidence from organisations such as the National Trust saying that it is difficult to be clear about the quality of decisions. In particular, fast decisions might determine poor decisions in the view of local people who, of course, do not have a right of appeal. Therefore, that is not measured in any way.

11.45 am

**Roberta Blackman-Woods:** Indeed. My hon. Friend makes a very good point.

The impact assessment is really interesting. It sets out clearly what the clause is about, in that it will put in place a threat to local authorities whereby, if they do not assess and, in fact, do not approve applications quickly enough, they will be designated. It states:

"In the first instance, no major applications would qualify for submission direct to the Planning Inspectorate as a consequence of authorities having a record of poor quality decisions, as currently no authority has more than 20% of its major decisions overturned at appeal. Nonetheless the mere existence of the measure—and the 20% threshold—will have an indirect benefit, as it will act as a disincentive to poor decision-making by authorities."

The impact assessment is telling local authorities that, if they reject too many applications that are overturned subsequently on appeal, they will be caught by that metric. As I have said, we are not dreaming that up; it is noted in the impact assessment. Furthermore, no mention is made in the assessment of how local authorities become undesignated. That is also absent from statements that have been made by Ministers, and it is something to which I shall return later.

In his evidence to the Committee, the Minister said that he was not able to say exactly what the measures or the criteria would be, but that he would

publish them shortly—definitely before the Committee discusses the clause".—[*Official Report, Growth and Infrastructure Public Bill Committee,* 13 November 2012; c. 9, Q6.]

Technically, he has met what he said, but that is not the spirit of the way in which the consultations should be made or how good policy is produced. With the best will in the world, none of us has had the opportunity to look in detail at a consultation document that emerged some minutes ago.

**Paul Blomfield** (Sheffield Central) (Lab): I refer to the specific point of the consultation document and what my hon. Friend said about the route to cease to be designated. I read the document quickly and might have missed it, but does she not find it extraordinary that there seems to be nothing, even in the consultation, about how authorities can be become undesignated. Are we not in an incredible position, given that we are considering a Bill that might take local authorities down a route from which there is no return?

**Roberta Blackman-Woods:** Indeed. My hon. Friend makes an excellent point. If the Government were proposing such a radical change to the way in which some planning decisions were made—decisions that hugely affect local communities—surely they would at least have thought about either time limits or clear procedures that would enable local authorities to get out of the designation period. I hope that he will allow me to leave matters there, because we have tabled later amendments that would deal with such an important issue, but he is absolutely right to raise it.

My reason for going through the process in such detail is to concur with the view of several witnesses. It is taking a sledgehammer of a clause—and probably a Bill—to crack a very small nut. The Royal Town Planning Institute made it very clear in its evidence to the Committee—as, indeed, did the TCPA and others—that procedures are already in place through the Department for Communities and Local Government to unblock sites where development has stalled and that the non-determination of major sites can already be referred to the Secretary of State, so there is simply no rational basis for the clause to exist.

As I said, I think that we must consider—it must be transparent to everyone—why the Government have produced the Bill and specifically the clause. First, I think we have to assume that it is a panic measure, one of a number dreamed up on 6 September to show that the Government are doing something about growth when they are actually doing nothing. Secondly, it centralises decision making with the Secretary of State without producing any evidence. Thirdly, my hon. Friend the Member for Hammersmith (Mr Slaughter) said on Second Reading that it was blackmailing councils into agreeing to developments. I am not sure that I would go as far as that, but I have already pointed out my concerns—this is clearly in the impact assessment—that this will push local authorities into making decisions and approving applications that they consider are not in the best interests of their communities.

**Nic Dakin:** We also heard compelling evidence from Councillor Jones that the proposal may, indeed, have the opposite effect, by creating uncertainty and a lack of growth. Councillor Jones, who welcomed the Localism Act 2011 and says that it needs time to settle down but feels that it is going in the right direction, went on to say:

"This Bill, in our view, starts to create uncertainty again and starts to bring in centralised targets that restrict local government from getting on and making things happen."—[*Official Report, Growth and Infrastructure Public Bill Committee,* 13 November 2012; c. 18, Q34.]

**Roberta Blackman-Woods:** Absolutely, and as my hon. Friend will know, we have heard again and again from developers that what often slows down applications is uncertainty, which often leads to developers withdrawing applications or not moving forward with sites. That does not seem to have been taken on board by the Government at all. In fact, we have also heard that, in failing to let the national planning policy framework settle down before proposing yet more legislation, more uncertainty has been put into the system, particularly with clause 5, and I hope that we will look further at that.

**Bob Blackman** (Harrow East) (Con): The hon. Lady makes a key point on the clause, but does she not accept that sensible developers and planning authorities engage in pre-application discussions to resolve many of the issues that she has raised before making a planning application that can then be established and decided upon by the planning authority within the time frame?

**Roberta Blackman-Woods:** The hon. Gentleman makes a very good point. Of course we support planning performance agreements or discussions taking place at a pre-application stage, but issues can still emerge in the formal process that slow down the determination of applications and that are outwith the local authority's control. If the Bill was really about tackling poor performance in local authorities—I accept that some local authorities are a bit tardy on some applications—there are other ways to address that problem than simply putting them into the category of failing authorities and allowing developers and those seeking planning permission to go straight to the Secretary of State for determination.

As we know that a very small number of authorities will be hit by the timing of this criterion, it seems a rather extreme measure to tackle what is a very small problem, even on the Government's own criteria. If authorities are to be designated as failing—as I have just explained, I do not think that they should be—the Committee heard evidence that, as I have just been telling the hon. Gentleman, perhaps this issue could be dealt with in other ways. Dr Ellis from the TCPA said that it should be

"about focusing resources through organisations such as ATLAS and the Planning Advisory Service"—[*Official Report, Growth and Infrastructure Public Bill Committee,* 20 November 2012; c. 92.]

It should be about supporting local authorities, investing in their skills, changing the culture and looking at performance. Crucially, it should also be about training for counsellors.

Interestingly, in all the statements that have been made from the Government's side about the measures contained in the Bill, not once have we heard anything about what might happen to encourage and support a local authority to become a better planning authority. All we have is the designation. Yet organisations like the RTPI and the TCPA, which have been working with planning departments for many decades, have shown that we know what helps local planning authorities to improve. Indeed, the RTPI made that point very strongly in our evidence sessions. We have done it in the past: there was huge improvement in the 1990s and the decade after that. Surely, that is where the Government should have concentrated their efforts: on supporting local planning authorities to make their decisions more quickly and in line with their local plans. However, the intention was not to get planning decisions; it was simply to try to ensure, because of this panic measure about growth, that applications that might have been turned down previously are, in fact, approved.

**Mrs Mary Glindon** (North Tyneside) (Lab): The Local Government Association has expressed concern about whether an authority designated as failing because it is no longer able to deal with major planning applications would ever be able to demonstrate improvement in performance to get out of the designation. Should there be a way to get out of it?

**Roberta Blackman-Woods:** My hon. Friend makes a very good point indeed. I hope that the Minister will make it clear how authorities will be undesignated.

**Andrew Stunell** (Hazel Grove) (LD): I wonder what the hon. Lady made of the comment by the chief executive of the Royal Town Planning Institute in her evidence to us, when she said something rather to the contrary of what the hon. Lady said:

"I think the Government are adopting a consistent approach. The Government's clear objective here is to try to persuade people to do things before they introduce a punitive measure."—[*Official Report, Growth and Infrastructure Public Bill Committee,* 20 November 2012; c. 101.]

**Roberta Blackman-Woods:** I am not exactly sure what the chief executive was referring to, because the Government will do nothing before designating local authorities apart from threatening them with designation, but perhaps we could explore that matter further. As I have explained, I am very unhappy about local authorities being designated at all. However, I would have thought that if the Government really want to do this, they might consider measures that fit with their localism agenda, rather than simply trying to take powers away from the local authority.

12 noon

**Paul Blomfield:** Does my hon. Friend share my concern that the Government are focusing on the wrong thing? They are trying to demonise local authorities as being at fault, and to blame them for the lack of growth, whereas there are many other factors at play, such as access to finance. We know that gross mortgage lending was 61% lower in 2011 than in 2007, and the number of mortgages fell by 50% over that period. The failure of

*[Paul Blomfield]*

the Government's economic policies is to blame for the lack of growth, and in their attempt to blame local authorities they are just seeking to find a scapegoat.

**Roberta Blackman-Woods:** Absolutely. My hon. Friend makes an excellent point. As I said, that is why there have been a number of panic measures that probably will not take us far on the growth agenda.

**Ian Murray:** I should like to follow up on the intervention of my hon. Friend the Member for Sheffield Central. We have a problem. Local government funding has been disproportionately cut. Rather than trying to support planning departments and elected members by making sure that planning departments are efficient and work well, which would generate economic growth and get planning through, the Government are going to designate authorities as failing and bring them into the centre, without any mechanism in place to support them and give them back the decisions. It is a strange scenario. Local authorities are having money taken away from them. Councillors are having to make difficult decisions about whether to continue to fund planning authorities in the way they require, rather than making other social decisions. They are left in a no-win situation.

**Roberta Blackman-Woods:** Absolutely. A number of measures in the Bill are extremely unfair to local authorities, and I suspect will make their lives more difficult than they are already being made under the Government's cuts. I hope we can explore that issue in more detail later.

I hope the Government look at the criteria in more detail and consider at least a localist measure. In the criteria we have tabled, a local authority must not have produced a local plan for any part of its area for at least 20 years. That is important because it should at least press local authorities to get a plan in place, and, of course, local communities can be involved in drawing up that plan. It would also help inform planning decisions and enable decisions to be made without in any way affecting the democratic rights of local people or councillors, which the clause, as it stands, does.

Sub-paragraph (zb) of amendment 10 would ensure that designation does not apply to flood risk areas, world heritage sites, national parks, areas of outstanding natural beauty or conservation areas. The reasons for that sub-paragraph have been given by a number of Members—those areas have particularly complex issues to deal with. Therefore, the timeliness issue may need to be looked at in a bit more depth.

It is clear that clause 1 could lead to authorities having inappropriate development, even where there are strong heritage principles at stake. I could not have put it better than Mr Sharp, who gave evidence to the Committee on Tuesday. He hoped that authorities would not have to agree to more applications. He said:

"We are already approving 89% or 90% of all applications, and trust me, you would not want the other 10%".—[*Official Report, Growth and Infrastructure Public Bill Committee,* 20 November 2012; c. 100, Q239.]

Quite. We certainly do not want those inappropriate applications in conservation areas or areas of outstanding natural beauty. I could go on.

It is extremely important that the Government take on board the points we are making with the amendment, and at least consider them as more appropriate criteria than those they have set out.

**Nic Dakin:** I thank my hon. Friend for giving way; she is being most generous. In that same sitting, Dr Ellis warned us of perverse outcomes if we get this wrong. Indeed, that is what my hon. Friend was saying. Ms Elliott pointed to the complexity of quality measures and the fact that all the other Departments that do quality measures have some form of inspection, as well as simpler measures.

**Roberta Blackman-Woods:** Absolutely. My hon. Friend makes a good point. Further on in the Committee's deliberations, we will return to the question of what might be a sensible process to have in place for assessing local authorities that might have difficulties. We should put in place measures to help them, rather than ones that will simply lead to them making inappropriate decisions, which is the current situation.

I want quickly to deal with the other amendments in the group. Hon. Members will already know from my comments on amendment 10 that I am concerned about the megalomaniac tendencies of the Secretary of State. Rather than simply allowing him to prescribe the applications that should be made directly to him—presumably on a whim, because we do not know what the criteria are—I hope they go beyond what we have seen, with the designation of a few Labour authorities. The criteria should be set out in regulations and consulted on. It should be transparent and, hopefully, consistent. We are making a real plea for proper and transparent processes to be in place before any applications are transferred from the local planning authority to the Secretary of State.

Amendment 19 draws on the points I made on amendment 10. It would ensure that areas of outstanding natural beauty, conservation areas and local authorities that cover world heritage sites are protected from being designated and therefore from the devastation that could be inflicted on them by development arising from clause 1. One can only wonder at how areas such as AONBs and national parks could be included under designation. There must be proper oversight of these bodies and they should not be included. They should be added to the list under subsection (7) of new section 62A.

I intend to listen carefully to what the Minister has to say about this issue because of the importance of our natural environment and our heritage. In any case, we all appreciate that, but these areas are important to growing tourism. If planning applications that would negatively impact on our natural environment or on our important historic cities are allowed to go through, that could negatively impact on tourism and on growth. What protection will be put in place to ensure that all development in these areas will be sensitive and appropriate and will not damage them?

We have to remember what we are discussing. Planning is important, because it ushers in development that lasts for a long time. It is hard to undo mistakes. We must tread carefully when we are playing with our natural heritage and our built heritage. I definitely want to hear something from the Minister that will protect these areas. We have heard nothing at all about what will

happen to protect our world heritage sites. I feel very strongly about this because, as I suspect everyone knows, in my constituency I have the absolutely wonderful world heritage site of Durham cathedral and castle. Over the years, I have had to tackle a number of applications that certainly would have detracted from the beauty of the area. Luckily, at the moment, it does not look like my local authority would be designated under these criteria.

**Ian Murray:** My hon. Friend is talking about the wonders of her constituency, the City of Durham. She is right to highlight the difficulties of having a plethora of designations across a local authority, be they world heritage sites, conservation areas or areas of natural beauty. Will local authorities across the country not have different pressures that they must consider in planning applications? A simple threshold of designation may not work for the City of Durham, but it may for other parts of the country that do not have those designations.

**Roberta Blackman-Woods:** Absolutely. My hon. Friend makes an excellent point that I was just about to come to. The Minister has indicated, and the consultation document seemed to suggest—in so far as I was able to glance over it—that one mitigating factor that would be taken into consideration is the existence of planning performance agreements, but the document does not examine all the other circumstances that should be taken into consideration. Indeed, in coming up with this list, I thought of other mitigating circumstances, such as a local authority having to deal with major flooding issues, or having to cope with the aftermath of rioting or other, natural hazards. Such circumstances are not alluded to in any way, so we need to hear something about them from the Minister.

There is no mention of something that is actually very typical in planning: the need for an archaeological assessment. To take up my hon. Friend's point, sometimes, the need for an archaeological assessment does not emerge until the planning application has been submitted to the local authority, because it may not have been brought to anybody's attention, or all the information may not have been available. There is simply nothing that deals with mitigating circumstances. That is what amendment 19 seeks to address, but it also serves to point out to the Committee that planning is a much more complex process than the broad-brush assertions of Government Members suggest.

Amendment 22 should be self-explanatory. This is a bad Bill that takes unprecedented powers to the centre, and, worst of all, takes away people's important right to make their voice known and heard on planning applications. It contains a series of measures that undermine local democracy, and as the TCPA and others point out, it runs the serious risk of breaking trust in the planning system. In most authorities, local people have a right to turn up to planning committee meetings and make their views known. Their elected representatives can do the same. It will be much more difficult to do that when the decision will be made by the Planning Inspectorate. For that reason alone, never mind the lost opportunity to support growth and good development, the provisions of clause 1 should be limited to one year only. Of course, we would prefer the clause not to be there at all, but if it has to be, the measures in it should be severely time-limited. This legislation is putting huge curbs on local people's democratic right to influence what happens in their area, and we should tread very carefully. I hope the Minister will look seriously at altering clause 1 and at taking on board a number of our comments.

That concludes my comments on this group of amendments. I have made it clear that I think clause 1 is badly written and inappropriate, and a rushed, panic measure that does not contain adequate consultation. I will return to some of these issues later.

12.15 pm

**Andrew Stunell:** I shall be as succinct as I can. Over the past 33 years I have served on three different local authorities and sat on the planning committees of all of them, as well as serving, as the Committee will know, for two years in the Department for Communities and Local Government, so I bring a certain amount of baggage to this subject, for which I apologise. One thing I do not bring with me is a copy of the consultation document—I am 28 minutes behind the hon. Member for City of Durham—but I am grateful to her for explaining what it contains. I understood her to say that when one looks at the criteria in the consultation document, one finds that only six authorities might be caught under the first criterion—I will not read it as I speak, if that is okay—and all of those will be excluded under the second criterion. As I understood it, the import of the hon. Lady's criticism is that, in fact, no local authority will be caught at all.

I congratulate the Minister on producing, albeit a little later than some of us would have appreciated, a set of criteria that brilliantly encapsulate the views of the chief executive of the Royal Town Planning Institute, which I put to the Committee by way of intervention earlier, stated in response to a question from me. I drew attention to the evidence that the RTPI had put in when the debate on the national planning policy framework was at its height. Of course, the institute believed at that time that the requirement for local plans by local authorities would lead to the end of civilisation as we know it, that every green field in the country would promptly be swamped and overtaken—in fact, it was such a world of devastation that one might have thought that world war three was a likely consequence. The interesting thing, as the chief executive freely admitted in her evidence to the Committee, is that it has not turned out like that: what has actually happened is that local authorities all around the country are buckling down to a job which, frankly, they should have done 10 or 15 years ago, and the "impossible" targets we were told about have all been met by local authorities.

Local authorities have the resilience and the capacity to achieve things that sometimes even central Government do not believe are possible. If it is true—I am relying on the hon. Lady's interpretation of a Government document, which is always dangerous—that the consultation document conclusively demonstrates that no local authority will be caught anyway, it seems to me that this does exactly what it should do, which is encourage local authorities to do what they should be doing anyway.

**Henry Smith** (Crawley) (Con): Does my right hon. Friend believe that this should allay the fears of organisations such as the Local Government Association

*[Henry Smith]*

that the measure goes against localism? Is not the reality, in a pragmatic sense, that it does nothing of the kind and is only an extreme measure for extreme circumstances, which is perfectly reasonable?

**Andrew Stunell:** It is quite analogous with what has been done with the national planning policy framework, which is to say that if you do the job well at the local level, there is no problem, but if you have not got a local plan, there will be a problem because you will be judged on national criteria.

The hon. Lady accepted the case that very few local authorities would be caught, but then advanced a rather strange argument that, in that case, there should not be any rules. It occurred to me that very few people commit murder, but that does not mean that we do not need rules and regulations about not committing murder. That was not her strongest argument in her presentation.

**Roberta Blackman-Woods:** If the right hon. Gentleman had listened to my whole argument, he would have heard that I was suggesting that, as relatively few authorities could be deemed to be failing under the criteria set out in the consultation paper, and as we have a huge bank of knowledge about how to make a failing planning authority successful by supporting it, our time and that of local authorities might be better spent looking at what measures actually improve performance, rather than simply designating them as failing and taking away their powers to determine applications, which is all that the Bill will do.

**Andrew Stunell:** I thank the hon. Lady for that clarification. She is right to set about reshaping her argument because, as it was originally presented, it did not do the job at all.

Having said that, it would be helpful if the Minister referred to some matters in further detail, one of which is de-designation. The Opposition's argument is worth a careful explanation. We can see a process and that it will not happen often, and we can see that most local authorities will work effectively to make sure it does not happen often, but if a local authority finds itself designated and will no longer be responsible for the service that it failed on, it is reasonable to ask how it will establish that it is competent to take it back. It would be helpful to know the answer to that question.

I am trying to be helpful to the Minister but I will say that a local authority would find itself taken to a higher court if it did not have a local plan, because its applications have to be judged on the NPPF rather than local criteria. Can my hon. Friend make it clear that the determinations that are taken away from local authorities will always be carried out and determined by the Planning Inspectorate on the basis of the NPPF and any local plan for the area, and that the result will not be a series of completely arbitrary planning decisions, made simply to get a result? It will also help if my hon. Friend explains what coaching, guidance or assistance will be available to an authority that has been designated, so that there is a foreseeable route for recovering its local powers and local capacity to proceed.

I know that Opposition Members, and the Minister himself, hope that no local authority will fall foul of the provision. I go along with the view expressed by the Royal Town Planning Institute that the objective is to persuade people to do things before they hit punitive measures.

**Mr Raynsford:** Will the right hon. Gentleman give way?

**Andrew Stunell:** I am delighted to give way to the right hon. Gentleman.

**Mr Raynsford:** The right hon. Gentleman has made a great point of quoting the chief executive of the Royal Town Planning Institute, and he has quoted her selectively. I refer him to her evidence when she made it clear that she did not believe that the metrics were the right way in which to proceed and said,

"Our concern is that we might spend a lot of resource doing this, when there might be quicker and more elegant ways of getting performance up".—[*Official Report, Growth and Infrastructure Public Bill Committee,* 20 November 2012; c. 91, Q219.]

Does he agree?

**Andrew Stunell:** I cannot see what could be more elegant and quick than a set of criteria at which every local authority looks over its shoulder and says, "I am free from that, but I don't want to go back there." I think that that is exactly what needs to be put in place. The right hon. Gentleman will have heard me say that I am looking forward to the Minister explaining about the coaching and support that will be available, so that a local authority that finds itself, for whatever combination of reasons, in a difficult place knows that it is not a death sentence, but an opportunity to improve.

**Ian Murray:** The right hon. Gentleman is making an argument for efficient and speedy planning decisions for the benefit of everyone. What would he say to planning authorities that do not have the resources to make their planning departments conform to the kind of planning utopia that he seems to espouse?

**Andrew Stunell:** There is nothing like serving on three different local authority planning committees to know that planning utopia is some way away. What I would say is that, over the course of this Parliament, the introduction of the new homes bonus on the one hand, and the restoration of business rates growth to the local authority on the other, mean that every local authority has every incentive to ensure that it deals effectively and efficiently with all the applications that come to them. I am not arguing that that means the percentage of approvals has to go up, or the quality of those approvals has to go down; but it does mean that there are opportunities for them to be speeded up. If one has a good local plan, a good system of neighbourhood planning and a lively and growth-oriented local authority, all those things are achievable.

I have pointed out what I think are some of the gaps in support of the amendments that the hon. Member for City of Durham has tabled, which are, as she frankly admitted, essentially wrecking amendments.

However, I do believe there are some issues that it would be extremely helpful to hear the Minister explain in detail to the Committee.

**The Parliamentary Under-Secretary of State for Communities and Local Government (Nick Boles):** It is a pleasure to serve under your chairmanship again, Mr Davies. I put on the record my thanks to all the people who gave evidence to the Committee over the past two days. Their evidence was extremely important for us. Although I did not necessarily agree with all of it, of course, it is always interesting to hear other opinions and perspectives.

I thank the hon. Member for City of Durham for what I think we can all agree was a fulsome discussion of the clause and the amendments. I will start by clearing up any doubts and concerns about the publication of the consultation document. I am glad that I have been able to fulfil my commitment to publish it before the Committee's consideration, although I regret that such was the intensity of the interest of the Deputy Prime Minister in this subject that it took a little time for us to receive final clearance to publish. I know that the right hon. Member for Hazel Grove will be delighted that his party leader is so interested in this subject. The good news is that it is a simple document that sets out the simple criteria we are going to use, so there is no need to read all of it in order to understand the meat of what we propose.

**Roberta Blackman-Woods:** Will that be a point that comes up again and again in the Committee: that all the faults in the legislation lie with the Liberal Democrats?

**Nick Boles:** Fortunately, there are no faults in the legislation, so it is impossible that any faults result from my esteemed coalition colleagues, the Liberal Democrats.

We all enjoyed the rich irony of the hon. Lady setting out the commitment of the Labour party as the defender of localism and local government. Even those of us who were not in the House when the Labour Government were in office remember the regional strategies that they imposed, without any democratic accountability, on local authorities.

12.30 pm

**Henry Smith:** I was a local authority leader during that time and I distinctly remember the undemocratic regional assemblies that sought to force planning decisions on elected local governments, which I am glad this Government have swept away.

**Nick Boles:** I entirely concur with my hon. Friend. The regional assemblies were stuffed full of the placemen and placewomen of the said—now localist—Labour party. We also remember the national Infrastructure Planning Commission that was going to make decisions about major infrastructure projects without any accountability to any elected representative of the British people. We remember the attempts to force local authorities to become unitary authorities—effectively to dissolve themselves and merge with their neighbours and other tier authorities, without any reference to local people. In another area, we remember their attempt to force police forces, which were traditionally based on metropolitan or county boundaries, reflecting local communities, also to merge.

**Mr Raynsford:** The Minister is clearly going rather wide of the amendment. Can I bring him back to planning matters and ask him if he recognises that, under the regime of the previous Government that he has so denounced, 71% of planning applications were dealt with within the statutory 13-week period and that under his Government, that has fallen to a mere 57%. Why?

**Nick Boles:** I recognise that the right hon. Gentleman has a difficult account to give. When he was in government as a very distinguished and committed Local Government Minister, either he was a true localist who just got sat on by the noble Lord Prescott, his boss and anything but a localist; or he was not a localist and has become one since moving to the Opposition Benches. No doubt his biographer will reveal all in time.

I will move on to some of the specific points related to the clause and the amendments that the hon. Member for City of Durham tabled. First, it is important to note that the two—simply two—criteria that we are proposing to use, which were set out in the consultation document, will operate separately. There is a very important reason for that: a decision that is much delayed, even if it is a good decision, is still justice denied for both applicant and the community that it will affect.

**Roberta Blackman-Woods:** Will the Minister give way?

**Nick Boles:** I will give way to the hon. Lady, but she had 45 minutes of our time, so she will not mind if I elaborate a little longer.

A decision that is not in accordance with national policy or, just as important, not in accordance with the policies that the local authority itself has set out in its local plan, is a bad decision and one that fails the community it serves. We will operate these two criteria separately, but we have always made it clear—my right hon. Friend the Member for Hazel Grove made it clear—that we do not want to catch many authorities. In fact, our ideal outcome is that all authorities are able to improve their performance, as many have, sufficiently to avoid both criteria.

That is why we have set the criteria as proposed in the consultation document at a level where the timeliness criterion would catch a few authorities—a maximum of six, I believe, but that might change when we look at the planning performance agreements reached after the application had been submitted and other mitigating circumstances. Currently, the quality criterion would not catch any authority, and that is quite right too: if authorities are performing well, we are the last people to want to catch them.

**Paul Blomfield:** I think the Minister will recognise that the debate is about carrots and sticks. My hon. Friend the shadow Minister has spoken of our concerns about the lack of carrot and the emphasis on stick in the Government's approach. How effective will a stick be that the Minister is proudly proclaiming will affect nobody?

**Nick Boles:** My right hon. Friend the Member for Hazel Grove answered that much better than I did. The prospect of a life sentence for committing murder is a pretty good stick, in my view. Indeed, we would all hope that it was such a good stick that nobody would ever commit murder, but I do not think we would conclude from that that we should remove it from the statute book. Sticks are threats, but they do not have to be applied to individual districts.

**James Morris** (Halesowen and Rowley Regis) (Con): I feel as though the Minister has been traduced in relation to his consultation document. I recognise that it was published only this morning, but one of the advantages of being on a Bill Committee is that I have had the opportunity to read it while others were speaking. Page 17 of the consultation document states:

"Any authorities designated on the basis of very poor performance will need time to improve, support while they are doing so and a fair opportunity to show when—and to what extent—their performance has improved."

I welcome this statement in the consultation:

"We are proposing that any designation would last for at least a year, but would be subject to review well before that year ends, so that the authority has every opportunity for the designation to be lifted at the end of the one year period."

I hope that helps the Minister by giving the Committee information about what the consultation actually contains.

**Nick Boles:** I thank my hon. Friend, and that is extremely helpful. It might also help the Committee to listen not to me but to some of our witnesses, who talked about the combination of carrots and sticks. Katja Hall from the CBI described the clause thus:

"It would give another option and I would hope that the main benefit is just giving an incentive to local authorities that are taking too long or that have a high number of appeals upheld against them to review their own processes and, I guess, in those cases to sharpen up their act."—[*Official Report, Growth and Infrastructure Public Bill Committee,* 13 November 2012; c. 33, Q75.]

Andrew Whitaker from the Home Builders Federation said:

"We have seen a lot of change in the planning regime in terms of putting the emphasis on localism. What we have said about localism is that we have no problem with it, as long as everybody embraces the idea of localism and localism not being a barrier to growth…Therefore, with this power under localism comes the responsibility of doing the right thing."—[*Official Report, Growth and Infrastructure Public Bill Committee,* 13 November 2012; c. 55, Q38.]

I agree with that, because with every power must come responsibility.

The hon. Member for Sheffield Central asked what help or support we were giving local authorities to improve. First, we have given them dramatically more power under the Localism Act 2011 to plan for their local areas than the previous Labour Government ever did. Secondly, we have given them, as my right hon. Friend the Member for Hazel Grove pointed out, the prospect of direct additional grant for every new house for which they grant planning permission, and for businesses that set up and, therefore, pay higher business rates in their area. Thirdly, we are supporting them, as the previous Labour Government did, through grant to run a good planning system. That money comes from central taxpayers, and it is entirely reasonable that central taxpayers expect to receive a service in return.

The hon. Member for City of Durham, no doubt in an attempt to wake us up on a slow morning when we are debating a technical point, used some fairly lurid terms. She talked about blackmailing and even about megalomania with reference to the Secretary of State for Communities and Local Government. The right term to use when talking about the Secretary of State is the one that he has used: muscular localism. He is, I agree, a particularly muscular localist and I am a rather more gangly one; but localists we both are.

The hon. Lady also mentioned Councillor Jones's evidence to the Committee, in which he said that he and the LGA just wanted local authorities to get on with making things happen locally. That is exactly what this Government want local authorities to do, and the great news is that they are doing so far more effectively than they ever did when they were interfered with, bossed about and pushed around by the last Government, which the hon. Lady supported.

**Roberta Blackman-Woods:** I really cannot let the Minister continue in this vein without a challenge. First, local plans were actually introduced under the previous Government, and they do now set primacy for local plan-making, which is a very good thing indeed. But the Minister cannot argue that this clause is about improving localism, because it takes powers away from the local authority and gives them to the Planning Inspectorate, bypassing the local community, which will have very little say indeed over what happens with particular applications. However the Minister and his colleagues twist it, this is not adding to localism; it is detracting from it. Almost every witness before this Committee made that point.

**Nick Boles:** The hon. Lady's sense of indignation grows, but her account for the record of her own Government is still absent, and until we hear it and are persuaded by it, we will not accept the genuineness or sincerity of the points being expressed.

I shall briefly turn to the comments of the hon. Member for Edinburgh South, who talked about the effect of cuts to local authorities on their planning departments. The whole Committee will be grateful to the hon. Gentleman for taking such an interest and committing so much time to the consideration of the planning system in England—which, of course, none of his constituents have any real interest in or are affected by. We are always happy to learn from our Scottish cousins about the way they handle some planning matters. No doubt, the hon. Gentleman is aware of one particular thing that happens in his fair country: that planning appeals for many planning decisions are never referred to a separate body at all, but are taken inside the local authority. A planning decision made by one branch of a local authority, therefore, is then appealed to another branch of the local authority. All I would say is that we have different ways of doing things in the two countries of this nation; not necessarily everything that happens in his country is perfect, nor in ours. This Bill—this clause—is an attempt to help local authorities work out how to plan better.

On the specific point the hon. Gentleman raised about cuts to local government funding, he will know that we have just legislated—it may even have been in this very room last week—for an increase in fees by

15% to take account of inflation over the last few years. That means that local authorities have all the resources they need to make decisions in a timely fashion. He will also be aware of the simple logic that, if we take more decisions on development quicker, we will have more development happening in our area; we will refuse the bad ideas and agree to the good ones; and we will therefore have a better tax base. We will have more money coming through, in the new homes bonus, in council tax and in business rates. There is absolutely no reason why local authorities should conclude that it is not in their direct financial interest—as well as everything else—to improve the timeliness and quality of their planning decisions.

**Ian Murray:** I am delighted that the Minister has acknowledged that planning has devolved to the Scottish Parliament. However, may I correct him on his factual inaccuracies? In Scotland, planning appeals do not go to another local authority; they go to the Scottish Government reporters' unit, which is a separate place for appeals, so he is indeed incorrect there. May I draw him to the overall arc of this Bill—the Growth and Infrastructure Bill—which is about growth in the United Kingdom? I can assure him that if the Government do not get this Bill right and cannot create any growth—as we have seen over the last two years—it will affect my constituents just as much as his; in fact, probably more so.

12.45 pm

**Nick Boles:** I thank the hon. Gentleman and I would be delighted to be put right by him on the precise structure of the planning system. My general point was simply that the planning systems are different, and just because they are does not necessarily mean that this one, or the one that operates in his country, cannot be improved.

I will move on to some of the specific points that have been raised before I address briefly the amendments that the hon. Member for City of Durham admitted were more an attempt to reduce the clause to nothing, rather than a serious effort to improve it. My right hon. Friend the Member for Hazel Grove asked some important questions about the process by which a designated local authority might nevertheless recover its powers in full. That is addressed in paragraph 69 of the consultation document, but perhaps I can give a little more detail.

First, any authority that has been so designated will still deal with the vast bulk of the applications they receive. Relatively few applications received by almost all authorities are major, and it is only major applications that will be affected by the designation. They will still be operating every day, every week as planning authorities, and we will be able to follow them closely to check whether they are putting in the resources, skills and processes to do that efficiently.

Secondly, under the terms of the Bill, there is no compulsion or requirement for applicants to go to the Planning Inspectorate or the Secretary of State; they just have that option. I think if you spoke to any developer, they would say that they would much rather deal with the local authority where the application is being made. It is, frankly, a bit of a pain to have to go to the Planning Inspectorate. They will only take advantage of the opportunity we are giving them if the performance of that local authority is so bad that it overwhelms the benefit of doing it locally, consulting with people locally and having conversations and discussions where the development is proposed.

**Bob Blackman:** I seek clarity on two points, both of which relate to designated authorities. At the moment, when a planning application is considered by a planning authority, planning conditions are imposed as a result of determining and approving the application. One of the concerns that has been expressed is that if that right is taken away and given to the Planning Inspectorate, the local considerations of those planning conditions may be ignored or overridden. I seek clarity on what decision making processes will take place there.

I have another concern after having briefly read the consultation documents. These are major planning applications that will be removed from a planning authority, but the presumption is that they will be determined by written, rather than oral, representations. That would not allow local people to have a public airing of their concerns. I suggest to the Minister that that might need to be looked at again.

**The Chair:** Order. Interventions are getting increasingly lengthy. Perhaps hon. Members might consider making speeches to tease out these points in more detail, rather than making interventions.

**Nick Boles:** I will address my hon. Friend's points, but I will quickly return to the subject of de-designation—that is a horrible word; I need to come up with a better one. We have already been in touch with the Planning Advisory Service, which, as my hon. Friend will be aware, the Department funds, about the role it will play in working intensively with what we have established will be an extremely small number of authorities to understand why they are performing badly. It may be the level of skill, the level of investment, their processes or how they are organised. More radical plans might be needed. For example, if an authority was a small district, it could co-operate or even merge its planning department with its neighbouring department. All that will be done intensively. Of course, it will be possible to act intensively because so few authorities will be in this category. We hope to hear suggestions from my hon. Friend and others about how better to do this once we have—if, regrettably, we do—a few authorities that are failing under the criteria we have set out.

**Roberta Blackman-Woods:** Could the Minister explain why the timeliness criterion is there whenever the current system allows applications to be referred to the Secretary of State for non-determination within the statutory time limits?

**Nick Boles:** I was going to come on to this question. If the hon. Gentleman will bear with me I will quickly address it. The hon. Lady knows very well that the problem with that is that people can appeal on the grounds of non-determination only after they have submitted an application and then waited, and waited, and waited. We need growth urgently in this country. We need these major applications to be considered and determined quickly. The Opposition seem to feel that

*[Nick Boles]*

they can assent to the proposition that we need growth but then try to delay and block any measure other than more Government spending to bring it about. The Government understand that there is not money to spend but that there are many ways in which we can free up enterprise and enable local areas to grow.

**Roberta Blackman-Woods:** Will the Minister give way?

**Nick Boles:** I will not now because we will rise at 1 o'clock and I should like to make a little more progress.

My hon. Friend the Member for Harrow East raises an important question about planning conditions. The consultation document makes it clear that conditions will remain with the planning authority to discharge. Of course, as it indeed does now, the Planning Inspectorate will be able to consult with any planning authority whose application it is currently considering because the authority has been designated and the applicant has chosen to make the application direct to the Secretary of State on what conditions will be necessary. As with decisions that are called in and decisions that are referred on appeal, the inspectorate will be able to have short hearings, locally, where people will be able to state their views and raise concerns just as they do now.

I will now deal with the amendments. Amendments 10 and 19 would prevent the Secretary of State from designating any local planning authorities which have not adopted a local plan for their whole area within the previous 20 years, and would exclude from designation local planning authorities with responsibility for sites covered by national designations, world heritage sites or conservation areas. I would make two points in response. First, more local plans have been produced and published in the last year than in the 10 years of the Labour Government that the hon. Lady supported, but there is only one authority that has not had a local plan for 20 years, and this is therefore an amendment that is trying to withdraw the clause altogether.

Secondly, the Planning Inspectorate, as it is now, would be covered by all of the same national rules, national laws and national guidance on areas of special designation, architectural interest, world heritage sites and the lot. There is no reason or evidence to believe that it would not be as sensitive to those concerns as the local authority would be.

Amendment 11 would introduce a requirement for the Secretary of State to consult before making regulations as to the types of applications covered by clause 1 and would require those regulations to be subject to approval of both Houses of Parliament. As we discussed at some length, we have just published a consultation paper on setting out the criteria for designating authorities. We do not want to over-complicate legislation and we want to retain some flexibility to be able to vary those criteria—up or down—over the next few years as is justified by the situation. If, of course, we discover that when we apply those criteria many of the authorities do not remain long in the designation and that the criteria therefore perhaps were too high, we can shift them. We do not believe that it is right or sensible, or indeed consistent with any of the other regimes that the hon. Lady's Government put in place, to put in the Bill itself a definition of those criteria and the regulations that will govern them.

**Roberta Blackman-Woods:** I hope the Minister will appreciate that it was not possible in the time allowed to go through the consultation paper in detail in advance of the Committee's deliberations. Nevertheless, is he saying that he is consulting on criteria—and the outcome of the consultation will presumably inform the criteria that are adopted—but that subsequently, on the whim of the Secretary of State, those criteria can be adjusted?

**Nick Boles:** The hon. Lady will know that nothing is done on the whim of the Secretary of State. He, and, indeed, every member of the Government, consider things deliberately, consult on them at great length—and, in my view, in painful detail—and the same process would have to be gone through again if he, my successor or anyone else wanted to change them.

**Ian Murray:** Will the Minister give way?

**Nick Boles:** I am not going to give way again because I want to address the last amendment; if I then have time I will be happy to do so. Amendment 22 provides that clause 1 would end one year after it comes into force, and also requires the approval of both Houses of Parliament for any regulations made under clause 1. This is, of course, as the hon. Member for City of Durham admitted, effectively an attempt to neuter the clause. There were many pieces of legislation passed by her Government that we would have loved to have ended one year after they came into force—I suspect that there were a number of pieces of legislation that even she would have loved to have brought to an end after only a year in force—but it is not a serious proposal. We believe in the clause, we believe it should operate and that it will benefit local opportunities and local growth. Therefore, I hope that the Committee will resist the hon. Lady's amendments and support the clause.

**Roberta Blackman-Woods:** I did not question for a moment the Government's or the Minister's belief in the clause. My argument was that it is a thoroughly bad clause, that it is anti-localist and that there are much more sensible ways of driving up performance in local authorities than those he suggests. Nevertheless, I heard what the Minister said. I am terribly conscious of the fact that the consultation document came out too late for me to look at whether it addresses some of my very great concerns about clause 1. I shall deliberate further on some of the measures that we included in these amendments and so, for the time being, I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Ordered,* That further consideration be now adjourned.—*(Karen Bradley.)*

12.58 pm

*Adjourned till this day at Two o'clock.*