



# House of Commons

Thursday 27 October 2016

## PUBLIC BILL COMMITTEE PROCEEDINGS

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### NEIGHBOURHOOD PLANNING BILL

[SEVENTH AND EIGHTH SITTINGS]

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#### GLOSSARY

*This document shows the fate of each clause, schedule, amendment and new clause.*

*The following terms are used:*

*Agreed to:* agreed without a vote.

*Agreed to on division:* agreed following a vote.

*Negatived:* rejected without a vote.

*Negatived on division:* rejected following a vote.

*Not called:* debated in a group of amendments, but not put to a decision.

*Not moved:* not debated or put to a decision.

*Withdrawn after debate:* moved and debated but then withdrawn, so not put to a decision.

*Not selected:* not chosen for debate by the Chair.

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Dr Roberta Blackman-Woods  
Teresa Pearce  
Jim McMahon

Clause 12, page 10, line 10, leave out “6” and insert “3”

*Withdrawn* 31

*Clause agreed to.*

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*Clauses 13 to 33 agreed to.*

Gavin Barwell

Clause 34, page 26, line 38, leave out “subsections (2) and” and insert “subsection”

*Agreed to* 24

Neighbourhood Planning Bill, *continued*

Gavin Barwell

*Agreed to* 25

Clause 34, page 26, line 39, leave out subsection (2)

*Clause, as amended, agreed to.*

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Gavin Barwell

*Agreed to* 26

Clause 35, page 27, line 8, after “3”, insert “, (*Power to direct preparation of joint local development documents*)”

Gavin Barwell

*Agreed to* 27

Clause 35, page 27, line 8, after “3”, insert “, (*Review of local development documents*)”

*Clause, as amended, agreed to.*

*Clause 36 agreed to.*

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*NEW CLAUSES*

Gavin Barwell

*Added* NC3

To move the following Clause—

**“Content of development plan documents**

(1) In section 19 of the Planning and Compulsory Purchase Act 2004 (preparation of local development documents) after subsection (1A) insert—

5 “(1B) Each local planning authority must identify the strategic priorities for the development and use of land in the authority’s area.

(1C) Policies to address those priorities must be set out in the local planning authority’s development plan documents (taken as a whole).

10 (1D) Subsection (1C) does not apply in the case of a London borough council or a Mayoral development corporation if and to the extent that the council or corporation are satisfied that policies to address those priorities are set out in the spatial development strategy.

15 (1E) If a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 has the function of preparing the spatial development strategy for the authority’s area, subsection (1D) also applies in relation to—

(a) a local planning authority whose area is within, or the same as, the area of the combined authority, and

(b) the spatial development strategy published by the combined authority.”

**Neighbourhood Planning Bill, *continued***

- 20 (2) In section 35 of that Act (local planning authorities' monitoring reports) after subsection (3) insert—
- “(3A) Subsection (3B) applies if a London borough council or a Mayoral development corporation have determined in accordance with section 19(1D) that—
- 25 (a) policies to address the strategic priorities for the development and use of land in their area are set out in the spatial development strategy, and
- (b) accordingly, such policies will not to that extent be set out in their development plan documents.
- 30 (3B) Each report by the council or corporation under subsection (2) must—
- (a) indicate that such policies are set out in the spatial development strategy, and
- (b) specify where in the strategy those policies are set out.
- 35 (3C) If a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 has the function of preparing the spatial development strategy for the authority's area, subsections (3A) and (3B) also apply in relation to—
- (a) a local planning authority whose area is within, or the same as, the area of the combined authority, and
- 40 (b) the spatial development strategy published by the combined authority.””

As an Amendment to Gavin Barwell's proposed New Clause (NC3):—

Dr Roberta Blackman-Woods

*Not called* (a)

Line 19, at end insert—

- “(1F) The Secretary of State may by regulations require a particular timescale to be set for the production of plan documents.”

Gavin Barwell

*Added* NC4

To move the following Clause—

**“Power to direct preparation of joint development plan documents**

- (1) The Planning and Compulsory Purchase Act 2004 is amended as follows.
- (2) After section 28 insert—

**“28A Power to direct preparation of joint development plan documents**

- 5 (1) The Secretary of State may direct two or more local planning authorities to prepare a joint development plan document.
- (2) The Secretary of State may give a direction under this section in relation to a document whether or not it is specified in the local development schemes of the local planning authorities in question as a document

**Neighbourhood Planning Bill, *continued***

- 10 which is to be prepared jointly with one or more other local planning  
authorities.
- (3) The Secretary of State may give a direction under this section only if the  
Secretary of State considers that to do so will facilitate the more effective  
15 planning of the development and use of land in the area of one or more  
of the local planning authorities in question.
- (4) A direction under this section may specify—
- (a) the area to be covered by the joint development plan document  
to which the direction relates;
- (b) the matters to be covered by that document;
- 20 (c) the timetable for preparation of that document.
- (5) The Secretary of State must, when giving a direction under this section,  
notify the local planning authorities to which it applies of the reasons for  
giving it.
- (6) If the Secretary of State gives a direction under this section, the Secretary  
25 of State may direct the local planning authorities to which it is given to  
amend their local development schemes so that they cover the joint  
development plan document to which it relates.
- (7) A joint development plan document is a development plan document  
30 which is, or is required to be, prepared jointly by two or more local  
planning authorities pursuant to a direction under this section.

**28B Application of Part to joint development plan documents**

- (1) This Part applies for the purposes of any step which may be or is required  
35 to be taken in relation to a joint development plan document as it applies  
for the purposes of any step which may be or is required to be taken in  
relation to a development plan document.
- (2) For the purposes of subsection (1) anything which must be done by or in  
relation to a local planning authority in connection with a development  
plan document must be done by or in relation to each of the authorities  
40 mentioned in section 28A(1) in connection with a joint development plan  
document.
- (3) If the authorities mentioned in section 28A(1) include a London borough  
council or a Mayoral development corporation, the requirements of this  
Part in relation to the spatial development strategy also apply.
- (4) Those requirements also apply if—
- 45 (a) a combined authority established under section 103 of the Local  
Democracy, Economic Development and Construction Act 2009  
has the function of preparing the spatial development strategy for  
the combined authority's area, and
- (b) the authorities mentioned in section 28A(1) include a local  
50 planning authority whose area is within, or is the same as, the  
area of the combined authority.

**28C Modification or withdrawal of direction under section 28A**

- (1) The Secretary of State may modify or withdraw a direction under section  
28A by notice in writing to the authorities to which it was given.

**Neighbourhood Planning Bill, *continued***

- 55 (2) The Secretary of State must, when modifying or withdrawing a direction under section 28A, notify the local planning authorities to which it was given of the reasons for the modification or withdrawal.
- (3) The following provisions of this section apply if—
- 60 (a) the Secretary of State withdraws a direction under section 28A, or
- (b) the Secretary of State modifies a direction under that section so that it ceases to apply to one or more of the local planning authorities to which it was given.
- 65 (4) Any step taken in relation to the joint development plan document to which the direction related is to be treated as a step taken by—
- (a) a local planning authority to which the direction applied for the purposes of any corresponding document prepared by them, or
- 70 (b) two or more local planning authorities to which the direction applied for the purposes of any corresponding joint development plan document prepared by them.
- (5) Any independent examination of a joint development plan document to which the direction related must be suspended.
- 75 (6) If before the end of the period prescribed for the purposes of this subsection a local planning authority to which the direction applied request the Secretary of State to do so, the Secretary of State may direct that—
- (a) the examination is resumed in relation to—
- 80 (i) any corresponding document prepared by a local planning authority to which the direction applied, or
- (ii) any corresponding joint development plan document prepared by two or more local planning authorities to which the direction applied, and
- (b) any step taken for the purposes of the suspended examination has effect for the purposes of the resumed examination.
- 85 (7) The Secretary of State may by regulations make provision as to what is a corresponding document or a corresponding joint development plan document for the purposes of this section.”
- (3) In section 21 (intervention by Secretary of State) after subsection (11) insert—
- 90 “(12) In the case of a joint local development document or a joint development plan document, the Secretary of State may apportion liability for the expenditure on such basis as the Secretary of State thinks just between the local planning authorities who have prepared the document.”
- (4) In section 27 (Secretary of State’s default powers) after subsection (9) insert—
- 95 “(10) In the case of a joint local development document or a joint development plan document, the Secretary of State may apportion liability for the expenditure on such basis as the Secretary of State thinks just between the local planning authorities for whom the document has been prepared.”
- 100 (5) Section 28 (joint local development documents) is amended in accordance with subsections (6) and (7).

**Neighbourhood Planning Bill, *continued***

- (6) In subsection (9) for paragraph (a) substitute—  
“*(a)* the examination is resumed in relation to—  
    (i) any corresponding document prepared by an authority which were a party to the agreement, or  
105                      (ii) any corresponding joint local development document prepared by two or more other authorities which were parties to the agreement;”.
- (7) In subsection (11) (meaning of “corresponding document”) at the end insert “or a corresponding joint local development document for the purposes of this section.”  
110
- (8) In section 37 (interpretation) after subsection (5B) insert—  
“*(5C)* Joint local development document must be construed in accordance with section 28(10).  
*(5D)* Joint development plan document must be construed in accordance with  
115                      section 28A(7).”
- (9) Schedule A1 (default powers exercisable by Mayor of London, combined authority and county council) is amended in accordance with subsections (10) and (11).
- (10) In paragraph 3 (powers exercised by the Mayor of London) after sub-paragraph (3) insert—  
120  
    “(4) In the case of a joint local development document or a joint development plan document, the Mayor may apportion liability for the expenditure on such basis as the Mayor thinks just between the councils for whom the document has been prepared.”
- (11) In paragraph 7 (powers exercised by combined authority) after sub-paragraph (3) insert—  
125  
    “(4) In the case of a joint local development document or a joint development plan document, the combined authority may apportion liability for the expenditure on such basis as the authority considers  
130                      just between the authorities for whom the document has been prepared.””

As an Amendment to Gavin Barwell’s proposed New Clause (NC4):—

Dr Roberta Blackman-Woods

*Not called* (a)

Line 92, at end insert “after consulting with the local authorities concerned.”

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Gavin Barwell

*Added* NC5

To move the following Clause—

**“County councils’ default powers in relation to development plan documents**

*Schedule (County councils’ default powers in relation to development plan documents) makes provision for the exercise of default powers by county councils in relation to development plan documents.”*

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**Neighbourhood Planning Bill, *continued***

As an Amendment to Gavin Barwell's proposed New Clause (NC5):—

Dr Roberta Blackman-Woods

*Not called* (a)

Line 4, at end insert "with the agreement of district councils."

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Gavin Barwell

*Added* NC6

To move the following Clause—

**"Format of local development schemes and documents**

- (1) Section 36 of the Planning and Compulsory Purchase Act 2004 (regulations under Part 2) is amended in accordance with subsections (2) and (3).
- (2) In the heading after "Regulations" insert "and standards".
- 5 (3) After subsection (2) insert—
- “(3) The Secretary of State may from time to time publish data standards for—
- (a) local development schemes,
- (b) local development documents, or
- 10 (c) local development documents of a particular kind.
- (4) For this purpose a "data standard" is a written standard which contains technical specifications for a scheme or document or the data contained in a scheme or document.
- (5) A local planning authority must comply with the data standards published under subsection (3) in preparing, publishing, maintaining or
- 15 revising a scheme or document to which the standards apply.”
- (4) In section 15(8AA) of that Act (cases in which direction to revise local development scheme may be given by Secretary of State or Mayor of London)—
- (a) after "only if" insert "—(a)", and
- 20 (b) at the end of paragraph (a) insert “, or
- (b) the Secretary of State has published data standards under section 36(3) which apply to the local development scheme and the person giving the direction thinks that the scheme should be revised so that it complies with the
- 25 standards.””

As an Amendment to Gavin Barwell's proposed New Clause (NC6):—

Dr Roberta Blackman-Woods

*Not called* (a)

Line 10, at end insert—

“(d) technical documents.”

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**Neighbourhood Planning Bill, *continued***

Gavin Barwell

*Added* NC7

To move the following Clause—

**“Review of local development documents**

In section 17 of the Planning and Compulsory Purchase Act 2004 (local development documents) after subsection (6) insert—

- “(6A) The Secretary of State may by regulations make provision requiring a local planning authority to review a local development document at such times as may be prescribed.
- (6B) If regulations under subsection (6A) require a local planning authority to review a local development document—
- (a) they must consider whether to revise the document following each review, and
  - (b) if they decide not to do so, they must publish their reasons for considering that no revisions are necessary.
- (6C) Any duty imposed by virtue of subsection (6A) applies in addition to the duty in subsection (6).”
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Dr Roberta Blackman-Woods  
Teresa Pearce  
Jim McMahon

*Not called* NC1

To move the following Clause—

**“Approval of draft-neighbourhood development plans by referendum**

- (1) Schedule 4B of the Town and Country Planning Act is amended as follows—
  - (2) After paragraph (2) insert—
- “(3) The outcome of such a referendum shall only be valid if the turnout is equal to or greater than 40%.”
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**Neighbourhood Planning Bill, *continued***

Dr Roberta Blackman-Woods  
Teresa Pearce  
Jim McMahon

*Not called* NC2

To move the following Clause—

**“Incentives to create neighbourhood development plans**

- (1) Areas with an adopted neighbourhood development plan in place should benefit from a locally agreed share in the New Homes Bonus.
- (2) Areas with an adopted neighbourhood development plan should have access to enhanced Community Infrastructure Levy payments, and all councils shall have a Community Infrastructure Levy scheme in place by 2017.”

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John Mann

*Not moved* NC8

To move the following Clause—

**“Neighbourhood planning: Addition of beauty as a basic condition**

- (1) Schedule 4B to the Town and Country Planning Act 1990 (process for making of neighbourhood development orders) is amended as follows.
- (2) In paragraph 8, after sub-paragraph (2)(c) insert—
  - “( ) having regard to the desirability of promoting the conservation and enhancement of beauty in the built and natural environment, as perceived by the community within the neighbourhood area, within the neighbourhood area, it is appropriate to make the order,”

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Dr Roberta Blackman-Woods  
Teresa Pearce  
Jim McMahon

*Withdrawn* NC9

To move the following Clause—

**“Sustainable development and placemaking**

- (1) The purpose of planning is the achievement of long-term sustainable development and placemaking.
- (2) Under this Act sustainable development and placemaking means managing the use, development and protection of land and natural resources in a way which enables people and communities to provide for their legitimate social, economic and cultural wellbeing while sustaining the potential of future generations to meet their own needs.
- (3) In achieving sustainable development, the local planning authority should—
  - (a) identify suitable land for development in line with the economic, social and environmental objectives so as to improve the quality of life, wellbeing and health of people and the community;
  - (b) contribute to the sustainable economic development of the community;

**Neighbourhood Planning Bill, *continued***

- (c) contribute to the vibrant cultural and artistic development of the community;
  - (d) protect and enhance the natural and historic environment;
  - (e) contribute to mitigation and adaptation to climate change in line with the objectives of the Climate Change Act 2008;
  - (f) promote high quality and inclusive design;
  - (g) ensure that decision-making is open, transparent, participative and accountable; and
  - (h) ensure that assets are managed for long-term interest of the community.”
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Dr Roberta Blackman-Woods  
Teresa Pearce  
Jim McMahon

*Withdrawn* NC10

To move the following Clause—

**“Funding for local authority planning functions**

- (1) The Secretary of State must consult local planning authorities prior to the commencement of any new statutory duties to ensure that they are—
    - (a) adequately resourced; and
    - (b) adequately funded
 so that they are able to undertake the additional work.
  - (2) In any instance where that is not the case, an independent review of additional cost must be conducted to set out the level of resource required to allow planning authorities to fulfil any new statutory duties.”
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Dr Roberta Blackman-Woods  
Teresa Pearce  
Jim McMahon

*Withdrawn* NC11

To move the following Clause—

**“Review of sustainable drainage**

- (1) Before exercising his powers under section 35(1) the Secretary of State must carry out a review of planning legislation, government planning policy and local planning policies concerning sustainable drainage in relation to the development of land in England.”
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**Neighbourhood Planning Bill, *continued***

Dr Roberta Blackman-Woods  
Teresa Pearce  
Jim McMahon

*Withdrawn* NC12

To move the following Clause—

**“Planning obligations**

- (1) The Town and Country Planning Act 1990 is amended as follows.
- (2) In subsection (1) of section 106 (planning obligations) paragraph (d) at end insert—
  - “(e) requiring that information submitted as part of, and in support of, a viability assessment be made available to the public.””

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Dr Roberta Blackman-Woods  
Teresa Pearce  
Jim McMahon

*Not called* NC13

To move the following Clause—

**“Review of compulsory purchase**

- (1) Before exercising his powers under section 35(1) the Secretary of State must carry out a review of the entire compulsory purchase order process.”

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Dr Roberta Blackman-Woods  
Teresa Pearce  
Jim McMahon

*Negated on division* NC14

To move the following Clause—

**“Review of permitted development rights**

- (1) Before exercising his powers under section 35(1) the Secretary of State must review the provisions of all General Development Orders made under the powers conferred to the Secretary of State by sections 59, 60, 61, 74 and 333(7) of the Town and Country Planning Act 1990 granting permitted development rights since 1 January 2013.”
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**Neighbourhood Planning Bill, *continued***

Dr Roberta Blackman-Woods

*Negatived on division* **NC15**

To move the following Clause—

**“Ability of local authorities to set planning fees**

- (1) A local authority may determine fees relating to planning applications in its area.
- (2) Subsection (1) applies, but is not restricted to, fees relating to—
  - (a) permitted development applications, and
  - (b) discharge of planning conditions.”

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Dr Roberta Blackman-Woods

*Withdrawn* **NC16**

To move the following Clause—

**“Review of local authority determination of amendments to planning approvals**

Within 12 months of this Act coming into force, the Secretary of State shall conduct a review into the process by which local authorities determine amendments to planning approvals and shall lay the report of the review before each House of Parliament.”

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*NEW SCHEDULE*

Gavin Barwell

*Added* **NS1**

To move the following Schedule—

**“COUNTY COUNCILS’ DEFAULT POWERS IN RELATION TO DEVELOPMENT PLAN DOCUMENTS**

- 1 The Planning and Compulsory Purchase Act 2004 is amended as follows.
- 2 Schedule A1 (default powers exercisable by Mayor of London or combined authority) is amended in accordance with paragraphs 3 to 8.
- 3 In the heading for “or combined authority” substitute “, combined authority or county council”.
- 4 After paragraph 7 insert—

*“Default powers exercisable by county council*

7A In this Schedule—

“upper-tier county council” means a county council for an area for which there is also a district council;

“lower-tier planning authority”, in relation to an upper-tier county council, means a district council which is the local

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**Neighbourhood Planning Bill, *continued***

planning authority for an area within the area of the upper-tier county council.

- 7B If the Secretary of State—
- (a) thinks that a lower-tier planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document, and
  - (b) invites the upper-tier county council to prepare or revise the document,
- the upper-tier county council may prepare or revise (as the case may be) the development plan document.
- 7C (1) This paragraph applies where a development plan document is prepared or revised by an upper-tier county council under paragraph 7B.
- (2) The upper-tier county council must hold an independent examination.
  - (3) The upper-tier county council—
    - (a) must publish the recommendations and reasons of the person appointed to hold the examination, and
    - (b) may also give directions to the lower-tier planning authority in relation to publication of those recommendations and reasons.
  - (4) The upper-tier county council may—
    - (a) approve the document, or approve it subject to specified modifications, as a local development document, or
    - (b) direct the lower-tier planning authority to consider adopting the document by resolution of the authority as a local development document.
- 7D (1) Subsections (4) to (7C) of section 20 apply to an examination held under paragraph 7C(2)—
- (a) with the reference to the local planning authority in subsection (7C) of that section being read as a reference to the upper-tier county council, and
  - (b) with the omission of subsections (5)(c), (7)(b)(ii) and (7B)(b).
- (2) The upper-tier county council must give reasons for anything they do in pursuance of paragraph 7B or 7C(4).
  - (3) The lower-tier planning authority must reimburse the upper-tier county council—
    - (a) for any expenditure that the upper-tier county council incur in connection with anything which is done by them under paragraph 7B and which the lower-tier planning authority failed or omitted to do as mentioned in that paragraph;
    - (b) for any expenditure that the upper-tier county council incur in connection with anything which is done by them under paragraph 7C(2).
  - (4) In the case of a joint local development document or a joint development plan document, the upper-tier council may apportion

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**Neighbourhood Planning Bill, *continued***

liability for the expenditure on such basis as the council considers just between the authorities for whom the document has been prepared.”

- 5 (1) Paragraph 8 is amended as follows.
- (2) In sub-paragraph (1)—
- (a) omit the “or” at the end of paragraph (a), and
- (b) at the end of paragraph (b) insert “, or
- (c) under paragraph 7B by an upper-tier county council.”
- (3) In sub-paragraph (2)(a)—
- (a) for “or 6(4)(a)” substitute “, 6(4)(a) or 7C(4)(a)”, and
- (b) for “or the combined authority” substitute “, the combined authority or the upper-tier county council”.
- (4) In sub-paragraph (3)(a) for “or the combined authority” substitute “, the combined authority or the upper-tier county council”.
- (5) In sub-paragraph (5) for “or 6(4)(a)” substitute “, 6(4)(a) or 7C(4)(a)”.
- (6) In sub-paragraph (7)—
- (a) in paragraph (b) for “or 6(4)(a)” substitute “, 6(4)(a) or 7C(4)(a)”, and
- (b) in the words following that paragraph for “or the combined authority” substitute “, the combined authority or the upper-tier county council”.
- 6 In paragraph 9(8) for “or the combined authority” substitute “, the combined authority or the upper-tier county council”.
- 7 In paragraph 12—
- (a) for “or the combined authority” substitute “, the combined authority or the upper-tier county council”, and
- (b) for “or the authority” substitute “, the authority or the council”.
- 8 In paragraph 13(1)—
- (a) for “or a combined authority” substitute “, a combined authority or an upper-tier county council”, and
- (b) for “or the authority” substitute “, the authority or the council”.
- 9 In section 17(8) (document a local development document only if adopted or approved) after paragraph (d) insert—
- “(e) is approved by an upper-tier county council (as defined in that Schedule) under paragraph 7C of that Schedule.”
- 10 In section 27A (default powers exercisable by Mayor of London or combined authority) in both places for “or combined authority” substitute “, combined authority or county council”.

*Bill, as amended, to be reported.*

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