

# Planning Bill

---

---

## COMMONS REASONS FOR DISAGREEING TO CERTAIN LORDS AMENDMENTS

---

---

*[The page and line references are to HL Bill 69, the bill as first printed for the Lords.]*

---

---

### After Clause 194

#### LORDS AMENDMENT NO. 115

115 Insert the following new Clause –

#### **“Protection of gardens and green spaces**

- (1) The Town and Country Planning Act 1990 (c. 8) is amended as follows.
- (2) After section 71A insert –

#### **“71B Duty as respects gardens and urban green space in exercise of planning functions**

In exercise of any function under or by virtue of the planning Acts, the Greater London Authority Act 1999 or the Planning and Compulsory Purchase Act 2004, special regard shall be had to the desirability of preserving gardens, groups of gardens and urban green spaces.”

- (3) In section 336, after the definition of “function”, insert –
  - ““green space” means –
    - (a) land laid out as a public garden;
    - (b) land used for the purposes of public recreation;
    - (c) a pocket of green, or predominately green, space in an urban area which the local planning authority considers of townscape importance and which contributes to the character of the area or amenity of local residents;
    - (d) an area of open space which benefits wildlife and biodiversity;”.

- (4) Nothing in any guidance issued by the Secretary of State, a regional planning authority or other higher tier planning authority may be used by the Secretary of State to set aside a decision made in accordance with the adopted policies of a local planning authority for the protection and preservation of gardens or green space in their local authority area, unless the Secretary of State or planning authority can demonstrate that—
- (a) it is essential in the specific case to the achievement of national housing targets; or
  - (b) the decision of the local planning authority was improper.
- (5) Nothing in this section shall be construed as—
- (a) enabling the Secretary of State or higher tier planning authority to impose targets for local housing densities on a local planning authority in order to override the protection or preservation of gardens, or
  - (b) interfering with permitted development rights.”

#### COMMONS DISAGREEMENT AND REASON

*The Commons disagree to Lords Amendment No. 115 for the following Reason –*

**115A** *Because the proposed statutory duty is unnecessary and inappropriate.*

#### Clause 207

#### LORDS AMENDMENT NO. 160

- 160** Page 130, line 2, at end insert “, and
- “(c) shall not be made unless, before approval by the House of Commons, a period of 60 days has elapsed, beginning with the day on which the regulations were laid.
- (2A) During the period of 60 days—
- (a) either House of Parliament may—
    - (i) debate, or pass a resolution relating to, the regulations, or
    - (ii) refer the regulations to any committee for a report; and
  - (b) the Secretary of State must respond to any such debate or resolution or to any such report of a committee before the House of Commons gives its approval to the regulations under this section.”

#### COMMONS DISAGREEMENT AND REASON

*The Commons disagree to Lords Amendment No. 160 for the following Reason –*

**160A** *Because it concerns financial arrangements made by the Commons, and the Commons do not offer any further Reason, trusting that this Reason may be deemed sufficient.*