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Neighbourhood Planning Bill: Report on Committee Stage

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Summary

The Neighbourhood Planning Bill 2016-17 was considered during eight sittings of the Public Bill Committee between 18 and 27 October 2016. The Bill's Report Stage and Third Reading will be held on 13 December 2016. Full background on the Bill, and its provisions as originally presented, can be found in Library Briefing Paper Commons Library analysis of the Neighbourhood Planning Bill, 28 September 2016.

The aims of the Bill

The Government's two "key aims" of the Bill are to:

- Help identify and free up more land to build homes on to give communities as much certainty as possible about where and when development will take place; and
- To speed up the delivery of new homes, in particular by reducing the time it takes to get from planning permission being granted to building work happening on site and new homes being delivered.

Government amendments

A number of Government new clauses were added at Committee Stage in relation to development documents (local plan) making:

- New clause 4 enables the Secretary of State to direct two or more local planning authorities to make a joint local plan;
- New clause 3 introduces a requirement for each local planning authority to identify the strategic priorities for the development and use of land in their areas;
- New clause 7 introduces a requirement for local plans to be reviewed at regular intervals;
- New clause 5 and new schedule 1 enable the Secretary of State to invite a County Council to prepare a local plan where a district council had failed to do so.
- New clause 6 enables data standards for local development schemes and documents to be set by Government.

All of these new clauses were agreed without being pushed to division. Throughout the Committee stage the Government indicated that a number of new planning policies would be included in a forthcoming Housing White Paper, to be published later this year.

Opposition amendments

The most contentious clause in Committee was clause 7. It provides that pre-commencement planning conditions can only be used by local authorities where they have the written agreement of the developer. The Opposition disagreed with the rationale for the clause and argued that there was little evidence to support the suggestion that pre-commencement planning conditions delayed development. The shadow Minister moved an amendment to ensure that local authorities could still require "necessary" pre-commencement conditions for developers. The amendment was pushed to a division, as was the question on whether the clause should stand-part of the Bill. The amendment was defeated and the clause-stand part was agreed.

A number of Opposition new clauses were also discussed, including new clause 15 on allowing local authorities to have more discretion on setting their planning fees, which was defeated on division. New clause 14 proposed a Government review of permitted development rights granted since 2013, which was also defeated on division.

1. Background

The Neighbourhood Planning Bill 2016-17 (Bill 61) was first announced in the Queen's Speech on 18 May 2016 as what was initially called a "Neighbourhood Planning and Infrastructure Bill". The Bill had its First Reading on 7 September 2016 and its Second Reading on 10 October 2016.

The Bill and its Explanatory Notes are available on the Parliament website.

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- To speed up the delivery of new homes, in particular by reducing the time it takes to get from planning permission being granted to building work happening on site and new homes being delivered.[1]

Full background on the Bill and its provisions as originally presented can be found in Library Briefing Paper 7641, Commons Library analysis of the Neighbourhood Planning Bill, 28 September 2016.

Following the Bill's Second Reading, the Government has published the following related documents:

- Neighbourhood Planning Bill: policy factsheets, 25 October 2016; and
- Neighbourhood Planning Bill: Summary of Impacts, 25 October 2016

Throughout the committee stage the Minister indicated that a number of planning policies related to some concerns of the committee, particularly on the resourcing of local authority planning departments, would be included in a forthcoming Housing White Paper. This is now expected to be published in January 2017.[2]

1.1 English Votes for English Laws (EVEL)

On 22 October 2015, the House of Commons agreed to changes to its Standing Orders to allow members from England or England and Wales to give their consent to Government legislation that affected only England, or England and Wales and that was within devolved legislative competence (English votes for English laws – EVEL).[3]

Under the procedures, the Speaker is required to certify provisions in Government Bills that affect either England-only or England and Wales-only and are within devolved legislative competence. In relation to the Neighbourhood Planning Bill 2016-17, on 14 September the Speaker of the House of Commons certified, for the purposes of Standing Order

1 Neighbourhood Planning Bill Explanatory Notes, Bill 61-EN, para 1
2 HC Deb 28 November 2016 c1239
3 *Votes and Proceedings*, 28 October 2015

No. 83J, and on the basis of material put before him, that, in his opinion:

> Clauses 1 to 8, 26 and 27 of and Schedules 1 and 2 to the Neighbourhood Planning Bill (Bill 61) relate exclusively to England and are within devolved legislative competence, as defined in Standing Order No. 83J, and Clauses 9 to 25 and 28 to 30 relate exclusively to England and Wales and are within devolved legislative competence, as defined in Standing Order No. 83J.[4]

The Bill was amended in Public Bill Committee and has been reprinted as Bill 83 2016-17. It proceeds to Report Stage as before but once Report Stage is complete, it is reconsidered for certification by the Speaker. He will have to certify any clause or schedule which passes the two tests (above), and any changes made in Committee and on Report to provisions that had previously been certified which remove certified material from the Bill, or changed the countries within the UK affected and any new provisions that are certifiable. Such certified provisions and changes would require consent by means of agreement to a Consent Motion in a Legislative Grand Committee (LGC). The Speaker has announced that he would expect a brief suspension of the House following Report Stage to take decisions relating to certification.[5]

Members representing seats in England and England and Wales vote in LGCs on motions to accept and/or reject the certified provisions, or to accept some and reject others. As the Speaker has already issued English and English and Welsh certificates, it seems likely that decisions of both the LGC (England and Wales) and the LGC (England) will be required. The two LGCs are required take place successively: if consent motions are to be considered, the House will resolve into a LGC (England and Wales) to debate any consent motions and then, if necessary, vote on the consent motion(s) relating to England and Wales; then the House will resolve into the LGC (England) and, if necessary, vote on the consent motion(s) relating to England. If the consent motions are agreed to, the Bill will proceed to Third Reading.

For more information on the EVEL procedures adopted on 22 October 2015 see the Library Briefing Paper English votes for English laws (CBP 7339).

1.2 Public Bill Committee

The Public Bill Committee stage began on 18 October 2016 and concluded on 27 October 2016. It held eight sittings. The Membership of the committee was as follows:

Chairs:

- Mr Peter Bone (Wellingborough)
- Steve McCabe (Birmingham, Selly Oak)

Membership:

4 House of Commons, Votes and Proceedings, 14 September 2016, p9
5 HC Deb 26 October 2015 c23

- Gavin Barwell (Croydon Central)
- Dr Roberta Blackman-Woods (City of Durham)
- Oliver Colvile (Plymouth, Sutton and Devonport)
- Judith Cummins (Bradford South)
- Jackie Doyle-Price (Thurrock)
- Chris Green (Bolton West)
- Helen Hayes (Dulwich and West Norwood)
- Kevin Hollinrake (Thirsk and Malton)
- Dr Rupa Huq (Ealing Central and Acton)
- Kit Malthouse (North West Hampshire)
- John Mann (Bassetlaw)
- Jim McMahon (Oldham West and Royton)
- Chris Philp (Croydon South)
- Rebecca Pow (Taunton Deane)
- Craig Tracey (North Warwickshire)
- Mrs Theresa Villiers (Chipping Barnet)

The Public Bill Committee (PBC) received a number of written submissions and took evidence at its first sitting before going on to conduct its clause by clause examination of the Bill. The written evidence and transcripts of the Committee's sittings are available on the Neighbourhood Planning Bill 2016-17 page of the Parliament website.

The clauses of the Bill not mentioned in this paper were those that were generally accepted and supported by all Parties and which did not generate a large amount of discussion or debate. The clause numbers refer to those from the Bill as first introduced in the House of Commons, Bill 61 of 2016-17.

The Bill's Report Stage and Third Reading has been scheduled for 13 December 2016.

A tracked changes version of the bill showing changes made in committee has been published on the Parliament website.

2. Summary of Second Reading

The Neighbourhood Planning Bill 2016-17 had its Second Reading debate on 10 October 2016.

Introducing the Bill, the Communities and Local Government Secretary of State, Sajid Javid, anticipated that there would be future amendments to the Bill. He suggested that this could be on land banking issues and on implementing some recommendations from the Local Plans Expert Group needing primary legislation.[6] He confirmed that the proposals to privatise the Land Registry, as originally announced in the Queen's Speech, would not be included in the Bill "in any shape or form at a later date".[7]

The shadow Secretary of State, Teresa Pearce, said that the Bill did not appear to be controversial, but that there were elements that could be strengthened or amended.[8] Specifically, that greater clarity was needed about the weight given to emerging neighbourhood plans at every stage and about provisions on pre-commencement planning conditions; whether they were necessary and practical. She also raised concerns about the Bill's resource implications for Local Planning Authorities.[9]

Many members, including Sir Oliver Letwin and John Mann, raised concern about neighbourhood plan policies not being adhered to in areas where there was no local plan in place, or where the local authority had no up-to-date five year housing supply. They asked for provisions to be added to ensure that policies in neighbourhood plans were given stronger force and were not overruled.[10]

Shadow Housing and Planning Minister, Dr Roberta Blackman-Woods said that one of her main "bugbears" with the Bill was that it did not sufficiently recognise resourcing problems within planning departments.[11] She indicated that the provisions on pre-commencement planning conditions would "probably have the most discussion in committee". She also said she would like discussions on having new provisions in the Bill to allow for better infrastructure alongside development and on supporting new towns and garden cities.[12]

In response to the debate the Minister for Housing and Planning, Gavin Barwell, confirmed that he wanted to return to the issue of the interaction between neighbourhood plans and local plans, and particularly the issue of the five-year land supply as the Bill "goes through Parliament."[13] He also confirmed that a Housing White Paper, expected later in the autumn would provide a response to issues raised about the resourcing of planning departments.[14]

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6 HC Deb 10 October 2016 c78 and c83
7 HC Deb 10 October 2016 c81
8 HC Deb 10 October 2016 c83
9 HC Deb 10 October 2016 c84
10 HC Deb 10 October 2016 c89 and c90 and c103
11 HC Deb 10 October 2016 c124
12 HC Deb 10 October 2016 c126
13 HC Deb 10 October 2016 c126
14 HC Deb 10 October 2016 c128

3. Committee Stage: detailed consideration of the Bill

3.1 Neighbourhood planning (clauses 1-6)

The provisions in the Bill on neighbourhood planning will require neighbourhood plans to be given formal weight in the planning process at an earlier stage. This will be after they have been independently examined, but before they are put to a neighbourhood referendum. The Bill introduces a new streamlined procedure to allow neighbourhood plans to be modified. It also deals with the situation of where a new neighbourhood plan is needed, but covering a slightly different geographical area to the previous one. The clauses also introduce a requirement for Local Planning Authorities (LPAs) to review their Statements of Community Involvement at regular intervals and to publish their policies on giving assistance to groups preparing or updating neighbourhood plans. The overall aim is to enable more neighbourhood plans to be made.

No amendments were made to these clauses in committee. None of the amendments proposed by the Opposition, which were largely probing ones, were pushed to a division.

Relationship with local plans

Shadow Housing and Planning Minister, Dr Roberta Blackman-Woods moved an amendment (no.4) to clause 1, to ensure that neighbourhood plans are only considered if they are in line with the overall strategic aims and visions within a local plan.[15] The underlying purpose of the amendment was to "tease out" from the Minister whether neighbourhood plans could be a building block for local plans.[16]

In response, the Minister of State for Housing, Planning and Minister for London, Gavin Barwell, confirmed that one of the tests that an advanced neighbourhood plan will have met is whether its policies are in general conformity with the strategic policies of the relevant local plan. That will have been tested both by the independent person appointed to examine the plan and by the local planning authority, as set out in schedule 4B to the Town and Country Planning Act 1990.[17] He set out that while there had to be general conformity, neighbourhood plans also had a role outside of these strategic elements, to shape and direct development in particular areas.[18]

The Minister said that he could not accept the amendment because its wording would mean that neighbourhood plans would have to be consistent with all the policies in the local plan, which would defeat the purpose of neighbourhood plan making.[19] Roberta Blackman-Woods

15 PBC Deb 20 October 2016 (morning) c94-95
16 PBC Deb 20 October 2016 (morning) c95
17 PBC Deb 20 October 2016 (morning) c111
18 PBC Deb 20 October 2016 (morning) c111
19 PBC Deb 20 October 2016 (morning) c112

withdrew the amendment, but said she may return to it later in the proceedings.[20]

Weight given at different parts of the process

Amendment 11 to clause 2 was described by Roberta Blackman-Woods as a probing amendment to try to determine whether any weight should be given to a neighbourhood plan at different parts of the process before it is made.[21] She highlighted the situation in some areas where a large amount of work had been done towards making a neighbourhood plan, but which had been frustrated by a planning application for development in an area not envisaged for development in the neighbourhood plan.[22]

In response, the Minster said that he did not want to alter the long-established principle that it is for the decision maker in each case to determine precisely what weight should be attributed to different material considerations. He thought that the amendment would take away some of the "vital flexibility that decision makers have" and stop them being able to weigh material considerations on a case-by-case basis.[23]

The shadow-Minister withdrew the amendment, but asked the Minister to be "a bit clearer about what [decision-takers] can and cannot do with a neighbourhood plan at different stages in the process."[24]

Recovery of costs

Opposition amendment 9 to clause 5 aimed to allow for the full recovery of costs of assisting with the development of a neighbourhood plan to be recovered to the local authority.[25] Roberta Blackman-Woods highlighted how many of the witnesses who appeared before the Committee had raised the issue of under-resourcing of local planning departments. She asked the Minister for clarification about how the additional cost of supporting an increased number of neighbourhood plans will be met.[26]

The Minister believed that the amendment was unnecessary because local planning authorities can already claim funding for their duties in relation to neighbourhood planning. He said Government would continue to review the costs incurred by councils in delivering neighbourhood plans and "these will change as the take-up of neighbourhood planning increases and local authorities, local communities and others become more familiar with the process."[27] He also indicated that the forthcoming Housing White Paper would contain policies on planning fees and the resourcing of planning authorities.[28]

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20 PBC Deb 20 October 2016 (morning) c115
21 PBC Deb 20 October 2016 (afternoon) c117
22 PBC Deb 20 October 2016 (afternoon) c117
23 PBC Deb 20 October 2016 (afternoon) c121
24 PBC Deb 20 October 2016 (afternoon) c123
25 PBC Deb 20 October 2016 (afternoon) c136
26 PBC Deb 20 October 2016 (afternoon) c136
27 PBC Deb 20 October 2016 (afternoon) c140
28 PBC Deb 20 October 2016 (afternoon) c141

The amendment was withdrawn.[29]

3.2 Planning conditions (clause 7)

Clause 7 of the Bill amends the Town and Country Planning Act 1990 to provide that a local planning authority (LPA) in England cannot grant planning permission which is subject to pre-commencement conditions, unless it first obtains written agreement from the applicant to the terms of the condition. Where agreement is not obtained, the route of redress is for the local authority to refuse the planning application and for the applicant to then appeal this refusal to the Planning Inspectorate. It also includes a regulation-making power for the Secretary of State to specify the types of conditions which may or may not be imposed and under which circumstances.

This clause was the most contentious part of the Committee's proceedings. An Opposition amendment to the clause was pushed to a division, which was defeated. There was also a division on whether the clause should stand part of the Bill, which was agreed.

Exceptions to removal of conditions

Amendment 15 in clause 7 would allow local planning authorities to make exceptions to prohibitions on certain conditions.[30] The shadow-Minister described it as a probing amendment to elicit from the Minister whether it might be necessary for local authorities to be allowed exceptions. She stated that it would "give councils flexibility to apply conditions that have been restricted by the Secretary of State, where they deem that necessary to address local circumstances."[31] She also highlighted that she had heard "very little evidence to support the view that developments are being held up because of the application of pre-commencement conditions."[32]

Labour Member Helen Hayes argued against the need for clause 7 explaining that local authorities should be properly resourced to undertake pre-planning discussions, to review properly the content of applications and to agree as much as possible within the framework of the planning permission itself, in order to minimise the use of conditions. She called the clause "misdirected" and said that it was "trying to treat the symptom of a problem, rather than the cause."[33]

In reply the Minister quoted reports of where pre-commencement conditions had been raised as cause for delay in the planning system.[34] He went on to argue that in order to get more houses built as quickly as possible it would be better to allow for some issues to be dealt with while work begins on site, rather than up front.[35] He said that amendment 15 would run contrary to the purposes of the Bill, as it "would clearly allow local authorities to get around regulations

29 PBC Deb 20 October 2016 (afternoon) c144
30 PBC Deb 25 October 2016 (morning) c157
31 PBC Deb 25 October 2016 (morning) c157
32 PBC Deb 25 October 2016 (morning) c159
33 PBC Deb 25 October 2016 (morning) c167
34 PBC Deb 25 October 2016 (morning) c170-171
35 PBC Deb 25 October 2016 (morning) c172

approved by this House to prohibit certain kinds of planning conditions".[36] The amendment was withdrawn.[37]

Consideration of sustainability and public interest

Opposition amendment 19, in clause 7 aimed to ensure that there was a sustainable development and public interest test for the Government when deciding whether was is appropriate to prohibit certain classes of planning conditions.[38] The purpose of the amendment was to gather the Minister's views on the importance of upholding the principle of sustainable development. It also aimed to ensure that decisions made under the provisions in the Bill were made with sustainable development and the public interest in mind.[39]

The Minister said that he had no problem with the language or principle of the amendment, but said that such tests already existed in planning through the National Planning Policy Framework (NPPF).[40] The shadow-Minister withdrew the amendment.[41]

Ability to make necessary pre-commencement conditions

Amendment 22 to clause 7 was moved by the Opposition to ensure that local authorities would still able to impose necessary pre-commencement conditions on developers. [42] The shadow-Minister raised that issue that the Planning Practice Guidance already prohibited the use of planning conditions that were unreasonable and questioned whether clause 7 was really necessary.[43] She did not accept the clause's premise, "because we do not believe that pre-commencement planning conditions slow down development." She argued that the clause could in fact could slow down development, because more developers may have to use the appeal route.[44]

The Minister replied that local authorities would remain able to impose conditions, including pre-commencement conditions in some circumstances. He said that the aim in clause 7 was to ensure that what is now in guidance will be reflected in statute in the future, "so that we can make sure that we deal properly with the issue."[45] He went on to argue that it was "undeniable that imposing onerous conditions on an applicant will delay the process from the point of planning permission being granted."[46]

Amendment 22 was pushed to a division where it was defeated by 4 votes to 10.[47]

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36 PBC Deb 25 October 2016 (morning) c174
37 PBC Deb 25 October 2016 (morning) c177
38 PBC Deb 25 October 2016 (morning) c177
39 PBC Deb 25 October 2016 (afternoon) c185-6
40 PBC Deb 25 October 2016 (afternoon) c185
41 PBC Deb 25 October 2016 (afternoon) c186
42 PBC Deb 25 October 2016 (afternoon) c194
43 PBC Deb 25 October 2016 (afternoon) c194-200
44 PBC Deb 25 October 2016 (afternoon) c202
45 PBC Deb 25 October 2016 (afternoon) c201
46 PBC Deb 25 October 2016 (afternoon) c202
47 PBC Deb 25 October 2016 (afternoon) c202

There was also a division on whether clause 7 should stand part of the Bill which was agreed by 10 votes to 4.[48]

3.3 Register of planning applications (clause 8)

Clause 8 amends section 69 of the Town and Country Planning Act 1990 to extend the scope of the planning register to include information about prior approval applications or notification for permitted development rights in England. The intention is to collect information on the number of new dwellings created through permitted development rights.

Labour (Co-op) Member Jim McMahon moved amendment 28 in clause 8 to require local authorities to gather further information about permitted development rights, including on their impact on the local plan and on the provision of housing.[49] He raised concerned that the change of use to residential permitted development rights were "a free-for-all for far too many people, without the right checks and balances in place."[50] Roberta Blackman-Woods highlighted how the amendment would elicit further information from local authorities about what is happening with regard to permitted development. She said that the circumstances set out in clause 8 were too restrictive would not capture enough information.[51]

The Minister rejected the amendment, saying that it would add an unnecessary burden and cost to local planning authorities because it would require additional information beyond what is required by the rights. It would require local planning authorities to undertake much wider assessments relating to matters not covered by the permitted development prior approval application.[52]

The amendment was withdrawn.[53]

3.4 Compulsory purchase order reform (clauses 9-30)

Clauses 9-30 contain measures in relation to compulsory purchase powers. This section includes powers to permit the temporary possession of land and a duty to provide compensation for it. It aims to clarify case law on the definition of what is meant by a "no-scheme world" for the assessment of compensation. A time limit is set in the Bill for an acquiring authority to issue a compulsory purchase confirmation notice. The Bill also provides for Transport for London and the Greater London Authority to be able to acquire land through compulsory purchase on behalf of each other for mixed-use transport, housing and regeneration purposes.

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48 PBC Deb 25 October 2016 (afternoon) c202
49 PBC Deb 25 October 2016 (afternoon) c206
50 PBC Deb 25 October 2016 (afternoon) c221
51 PBC Deb 25 October 2016 (afternoon) c211
52 PBC Deb 25 October 2016 (afternoon) c216
53 PBC Deb 25 October 2016 (afternoon) c221

The Opposition were generally supportive of the clauses in this section, with amendments being probing ones to clarify technical matters.

Limitation on the temporary possession of leasehold interests

Dr Roberta Blackman-Woods moved amendment 30, in clause 9 to establish a limitation on the temporary possession of leasehold interests. She highlighted concerns, as expressed by witnesses to the Committee, about the need for more clarification on the interaction between temporary and permanent possession. She gave the example that the Bill did not deal with the situation where a leaseholder remains responsible to the landlord for the use, repair and payment of rent under the lease but is not in control of the property whilst it is under temporary use. She explained that amendment 30 was a probing amendment that sought to gain clarification on whether there should be a limitation on the temporary possession of leasehold interests, so that there could be a greater degree of certainty in this area for landowners, acquiring authorities and future developers.[54]

The Minister responded to say that amendment 30 was unnecessary because the Bill already contained a safeguard and because the amendment would restrict temporary possession from being used in some cases:

> However, I believe that amendment 30 is unnecessary, because we have already built in a safeguard that will deliver the outcome she is looking for but in a more flexible way. Her amendment would restrict the temporary possession power so that it could never be used if a leasehold interest had less than a year to run after the land was handed back. It is completely understandable why she wishes to do that, but her amendment would mean—this is quite complicated, so I hope Members will bear with me—that if the land was essential to the delivery of the scheme, the acquiring authority would have to seek to acquire the leasehold interest by compulsion. At the same time, given that there would still be a need to occupy the land on a temporary basis to implement the scheme, the authority would have to seek temporary possession of the freehold interest and any other longer leasehold interests in the same land. That would be contrary to the established principle that the authorising instrument deals with the need for the land, while the interests in the land are dealt with afterwards. It would make the authorising instrument more complicated, because it would have to deal with different interests in different ways for that plot of land. It would also restrict the leaseholder's options, because they might be content for temporary possession to go ahead.
>
> There is a problem and the hon. Lady has rightly put her finger on it, but we have tried to build in a safeguard that I believe will achieve the outcome she seeks in a different way. That safeguard is clause 12(3), which allows leaseholders who are not content with the situation to
>
> "give the acquiring authority a counter-notice which provides that the authority may not take temporary possession of the land."

[54] PBC Deb 25 October 2016 (afternoon) c222

> On receipt of that counter-notice, if the land is essential to the delivery of the scheme, the acquiring authority will have to look into taking it permanently. That is a neater solution because it will give leaseholders the flexibility to decide whether they are content with what the acquiring authority sought to do or whether they have concerns and want to serve a counter-notice. I therefore ask the hon. Lady to withdraw her amendment.[55]

Roberta Blackman-Woods said that in the main, the Minister's comments had been "quite reassuring", but that she was still not sure whether there was a need to have an overall time limit on temporary possession. She withdrew the amendment but indicated that she may return to it after consulting with the Compulsory Purchase Association.[56]

3.5 Extent (clause 34)

Clause 34 sets out the extent of the Bill. The Minister moved two technical amendments to this section to correct some drafting errors, explained as follows:

> As currently drafted, clause 34 provides that clause 23(3), which makes a consequential amendment as part of the repeal of part 4 of the Land Compensation Act 1961, extends to England, Wales and Scotland. That is incorrect, as the measures in the Bill, with the exception of the final provisions, should extend to England and Wales only.
>
> Clause 23(3) is a consequential provision that repeals subsection (5A) of section 141 of the Local Government, Planning and Land Act 1980. That provides that part 4 of the 1961 Act does not apply to urban development corporations. Although the 1980 Act extends to Scotland, section 141(5A) extends only to England and Wales. That is how the mistake was made.
>
> Although leaving clause 34 without amendment would have no practical effect, it would be beneficial to correct it to avoid any potential confusion about the territorial extent of the Bill as it proceeds through Parliament. Making the correction will mean that the extent clause of the Bill will correctly reflect that the substantive measures in the Bill extend only to England and Wales. I hope that is clear; I have done my best to make it so.[57]

The amendments were agreed.[58]

3.6 Government new clauses added to the Bill

Power to direct preparation of joint development plan documents

The Minister moved **new clause 4** which would enable the Secretary of State to direct two or more local planning authorities to prepare a joint development plan document (the documents that comprise an authority's local plan). The power would be used only if it would

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55 PBC Deb 25 October 2016 (afternoon) c225
56 PBC Deb 25 October 2016 (afternoon) c227
57 PBC Deb 27 October 2016 (morning) c247
58 PBC Deb 27 October 2016 (morning) c247

"facilitate the more effective planning of the development and use of land in one or more of those authorities."[59] Where directed to prepare a joint plan, the local planning authorities would be expected to work together to prepare it. They would then each decide whether to adopt the joint plan. The rationale behind the new clause was to enable the Government to take action where effective planning across boundaries was not happening, "otherwise, we risk delaying or even preventing the delivery of housing that is urgently needed."[60] He set out the Government's intention that this power would be use "sparingly."[61]

The Minister went on to set out how the new clause would amend the *Planning and Compulsory Purchase Act 2004*:

> It amends the Planning and Compulsory Purchase Act 2004 to enable the Secretary of State to direct two or more local planning authorities to prepare a joint plan. The power can be exercised only in situations in which the Secretary of State considers that it will facilitate the more effective planning of the development and use of land in one or more of the authorities. The change will apply existing provisions for the preparation and examination of development plan documents. It also provides for the consequences of the withdrawal or modification of a direction.
>
> New clause 4 will also amend some existing provisions—sections 21 and 27 of the 2004 Act—to ensure that, should the Secretary of State need to intervene more directly in the preparation of a joint plan, there is a mechanism for recovering any costs incurred from each of the relevant local planning authorities. Costs will be apportioned in such a way as the Secretary of State considers just. If the Mayor of London, a combined authority or a county council prepares a joint plan at the invitation of the Secretary of State, they will be responsible for apportioning liability fairly for any expenditure that they incur. Government amendment 26 will provide for the regulation-making power conferred by new clause 4 to come into force on the passing of the Act.[62]

In response to the new clause, Dr Roberta Blackman-Woods said that in an ideal world she would not want to give powers to the Secretary of State to direct authorities to come together and produce a plan, but if they are not doing so, "they are putting their communities at risk of not meeting housing need". She therefore concluded, "reluctantly", that powers should be given to the Secretary of State.[63] She asked for further clarification on the circumstances that will trigger the Secretary of State being about to ask local authorities make a joint plan.[64]

The Minister provided some examples of situations where the power might be used:

> … there might be a situation in which a particular local planning authority is struggling to produce its own local plan—perhaps, as I indicated in my speech, because there is not only a high level of housing need in the area concerned, but also heavy constraints on land. Given the cases I have already dealt with over the past three

59 PBC Deb 27 October 2016 (morning) c251
60 PBC Deb 27 October 2016 (morning) c252
61 PBC Deb 27 October 2016 (morning) c252
62 PBC Deb 27 October 2016 (morning) c252-3
63 PBC Deb 27 October 2016 (morning) c254-5
64 PBC Deb 27 October 2016 (morning) c256

> months, I am thinking of districts where a significant proportion of the land area is green belt and therefore has heavy constraints on development potential.
>
> In such circumstances, the Secretary of State might want to direct that authority and two or three others where land is much less constrained to produce a joint plan, in order to provide an opportunity to consider whether some of the housing need in district A might be met in some of the adjoining districts. It is possible that authorities covered by such a direction might have produced a perfectly viable plan for their area, but we would be looking to work across a group of authorities to meet housing need over a wider area.
>
> Secondly, there are probably two types of situation in which that might arise. I have alluded to one already—where an authority has simply failed to produce a plan. As the Committee knows, several authorities are in that position at the moment. The second is where an authority might have tried to produce a plan, but is failing to meet the housing need in its area. Either it has fallen short of the assessed need or the plan was accepted by an inspector but the authority subsequently found itself unable to deliver the housing it had planned for various reasons. Essentially, the two things that I think the Secretary of State is likely to be interested in are, first, authorities that are simply not doing the job of producing a plan; and secondly, plans that are wholly inadequate in terms of meeting the required level of housing need.[65]

Pressed further by the shadow-Minister on what would trigger the use of the power, the Minister said that this would be set out further in the forthcoming Housing White Paper. He suggested that the powers would not be used if it was "a simple matter of complaints from individual members of the public in an area or from developers."[66]

The new clause was added to the Bill.[67]

Content of development plan documents

Government **new clause 3** would amend the *Planning and Compulsory Purchase Act 2004* to introduce a requirement for each local planning authority to identify the strategic priorities for the development and use of land in their areas. It would also place a requirement on the local planning authority to set out policies that address those strategic priorities in its development plan documents.[68]

This requirement would not apply if a local planning authority in London considers that its strategic priorities are addressed in the Mayor of London's spatial development strategy, the London plan. The Minister made clear that the requirement would also not apply "to local planning authorities in the area of a combined authority where the combined authority has the function of preparing a spatial development strategy for its area as, for example, Greater Manchester will."[69]

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65 PBC Deb 27 October 2016 (afternoon) c262
66 PBC Deb 27 October 2016 (afternoon) c263
67 PBC Deb 27 October 2016 (afternoon) c273
68 PBC Deb 27 October 2016 (afternoon) c265
69 PBC Deb 27 October 2016 (afternoon) c265-6

In response to questions from the Shadow Minister about providing a deadline for local authorities to have a local plan in place by, the Minister set out that:

> The Government have said that we expect authorities to have plans in place by early next year. Anyone who is listening to this debate can be clear that there is a clear deadline to get this work done. That does not mean that we will want to intervene on every single council that has not achieved that by then, because some councils may be working flat out and are very close, so intervening would do nothing to speed the process up. However, councils that are not making satisfactory progress towards that target should be warned that intervention will follow, because we are determined to ensure that we get plan coverage in place.[70]

The new clause was added to the Bill.[71]

Review of local development documents

Government **new clause 7** would amend the *Planning and Compulsory Purchase Act 2004*, to introduce a requirement for a local planning authorities to review its development plan documents at intervals prescribed by the Secretary of State. The Minister explained that he wanted to "put beyond doubt our expectation that plans are reviewed regularly".[72]

The Minister set out that if an authority is content that its document does not need to change then it would need to publish its reasons for coming to that decision. The new requirement would not affect the existing duty to keep documents under review.[73]

A related amendment (no.27) would provide for the regulation-making powers conferred by new clause 7 to come into force.[74]

The new clause was added to the Bill.[75]

County councils' default powers in relation to development plan documents

Government **new clause 5** would allow for the introduction of **new schedule 1**, to enable the Secretary of State to invite a county council in a two-tier area to prepare a local plan for a district local planning authority in the county. The Minister said that this would apply in instances where, despite having every opportunity to make a plan, the district has failed to do so.[76] He set out further how the new clause would operate:

> Under our proposals, a county council will be invited to prepare, revise or approve a local plan only if the local planning authority has failed to progress its plan, and when the Secretary of State thinks it is appropriate. County councils are directly accountable authorities, with the knowledge and understanding of the development needs of their areas, so in the Government's opinion

70 PBC Deb 27 October 2016 (afternoon) c269
71 PBC Deb 27 October 2016 (afternoon) c271
72 PBC Deb 27 October 2016 (afternoon) c266
73 PBC Deb 27 October 2016 (afternoon) c266
74 PBC Deb 27 October 2016 (afternoon) c266
75 PBC Deb 27 October 2016 (afternoon) c283
76 PBC Deb 27 October 2016 (afternoon) c273

> they are suitable bodies to prepare a plan for the areas they represent.
>
> New schedule 1 will amend paragraphs 3 to 8 in schedule A1 to the 2004 Act to ensure that the existing powers available to the Mayor of London and combined authorities also apply to county councils. The county council would be responsible for preparing the plan and having it examined. It may then approve the document, or approve it subject to modifications recommended by the inspector, or it may direct the local planning authority to consider adopting it. The new schedule will also enable the Secretary of State to intervene in the preparation of a document by the county council.
>
> Should the Secretary of State believe it is appropriate to step in to ensure that a plan is in place, new clause 5 and new schedule 1 will give him a further option, alongside existing powers, so that decisions are taken at the most local level possible. I commend the new clause and the new schedule to the Committee.[77]

Dr Roberta Blackman-Woods asked for further clarification about when the provision in new clause 5 might be invoked. She also pressed for clarification about how a choice would be made between the use of new clause 4, where the Secretary of State intervenes and new clause 5 where the County Council intervenes, in areas where a local plan was not being sufficiently progressed.[78]

In response the Minister provided some examples to illustrate the different sorts of circumstances in which new clause 4 and new clause 5 might be used:

> …if there is a local planning authority that is heavily constrained in terms of land—that is doing its best but is really struggling to meet housing needs in its area because of the make-up of that area—that would naturally lead to the use of new clause 4, because one might then look and say, "There are other authorities in the area that are not so constrained and if you worked together across that wider area, could you meet housing need across the area?"
>
> My hon. Friend then mentioned a different kind of example: an authority that—an objective observer might suggest—had plenty of potential to meet housing need within its own area and was just ducking taking the necessary decisions. An intervention there, asking the authority to work with some neighbouring ones to produce a plan, would probably not work because they would continue to obstruct their neighbours and, as my hon. Friend said, potentially seek to pass the burden on to others. This might be a more suitable intervention power in those cases.
>
> If the hon. Lady applies her mind to it, she can probably think of a couple of cases around the country in which a number of planning authorities within a county council area are struggling to meet their obligations. In that situation, looking at a county-wide solution to meeting housing need over a wider area might be an appropriate way forward. In some of those cases, county councils might choose to work with the relevant district councils, even if the Secretary of State gave them the formal responsibility.[79]

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77 PBC Deb 27 October 2016 (afternoon) c274
78 PBC Deb 27 October 2016 (afternoon) c275
79 PBC Deb 27 October 2016 (afternoon) c278

The Shadow-Minister also highlighted concern expressed by the District Councils Network (DCN) about the new clause and about how the DCN would prefer a more collaborative process. She put to the Minister some questions asked by the DCN including about how much public involvement there would be in plans produced by County Councils, about where the planning expertise necessary would come from, and about funding for the plans.[80]

Gavin Barwell responded to the questions as follows:

> Local plans—whoever prepares or revises them—are subject to a legal requirement to consult the public and others. There is a right to make representations on the plan. From the point of view of residents living in a particular area, their ability to have their say and input on a plan will be completely unaffected. I hope that provides complete reassurance on that point.
>
> Adoption is set out in the detail of new schedule 1, which goes with the new clause. I point members of the Committee to new paragraph 7C(4), which says:
>
> > "The upper-tier county council may…approve the document, or approve it subject to specified modifications"—
>
> there it refers to modifications that the inspector recommends—
>
> > "as a local development document, or…direct the lower-tier planning authority to consider adopting the document by resolution of the authority".
>
> The county council has a choice: it can take the legal decision and have the plan adopted, or—perhaps in circumstances in which it has worked with the district council to get to that point—it might be prefer to say, "Okay, there is the plan. It would be better for the district council to make that decision." Either option is available.
>
> On the resources front—financially, as it were—there are clear provisions in place. Let me deal with the skills front. County councils do have significant input and involvement in the local plan-making process. They often have a significant contribution to make in terms of infrastructure—highways infrastructure and some of those other issues—but clearly if the Secretary of State felt that a particular county council did not have the relevant skills to do the job, he or she would not seek to use this provision and might rely on those in new clause 4.
>
> On resourcing and the financial side, there are provisions that can provide reassurance. A county council has to be reimbursed for any expenditure where it prepares a plan because a local planning authority has failed to do so. Likewise, when it is necessary for the Government to arrange for a plan to be written, they can recover the costs.[81]

The new clause and new schedule 1 were added to the Bill.[82]

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80 PBC Deb 27 October 2016 (afternoon) c275
81 PBC Deb 27 October 2016 (afternoon) c278-9
82 PBC Deb 27 October 2016 (afternoon) c280 and c311

Format of local development schemes and documents

Government **new clause 6** would enable the Secretary of State to set data standards for local development schemes and documents. It would require these documents (or the data they contain) to comply with specified technical specifications. It would also enable the Secretary of State or the Mayor of London to direct a local planning authority to revise a local development scheme so that it complied with data standards.[83]

Gavin Barwell explained that this new clause stemmed from a recommendation from the Local Plans Expert Group. The Local Plans Expert Group was chaired by John Rhodes, Director of planning consultancy Quod, and consisted of industry experts. It published its final report to Government in March 2016. The Minister said that key planning data needed to be published in a consistent format across the country. The idea is that it would allow individuals, groups and businesses to "exploit public data in a way that increases accountability, drives choice and spurs innovation."[84] The precise standards are not defined in the new clause, but the Minister indicated the sorts of standards he was considering:

> The local plans expert group, to which I have referred several times, believes that there needs to be a step change in how local plans are presented to their users—for example, ensuring that documents are accessible on the web, improving the interactivity between maps and planned policy documents, which is something to which I personally attach particular importance, and exploring opportunities for improving online consultation. The Government agree with that recommendation.
>
> There are a number of examples of where new technology has enhanced and improved engagement in communities on local planning matters. By way of example, my Department funded an initiative that has seen Plymouth City Council's neighbourhood planning team lead a Data Play initiative to help to open up council data for neighbourhood forums to use, but we can be more ambitious to ensure that planning and planning documents take advantage of what technology has to offer.[85]

The Government would work with representatives of the sector to develop the specification of the data standards and it would then consult local planning authorities on the technical document that authorities will need to follow.[86] Once the data standards are defined, they will apply to:

> all local development documents, the planning documents prepared by a local planning authority; and local development schemes, the timetable for the preparation of the development plan documents that comprise the local plan.[87]

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83 PBC Deb 27 October 2016 (afternoon) c280
84 PBC Deb 27 October 2016 (afternoon) c281
85 PBC Deb 27 October 2016 (afternoon) c280-1
86 PBC Deb 27 October 2016 (afternoon) c281-2
87 PBC Deb 27 October 2016 (afternoon) c281-2

Roberta Blackman-Woods said that the Opposition very much welcomed new clause 6. She moved a probing amendment to clarify what sort of documents would be covered by this new clause.[88] The Minister replied that he would be happy to discuss the matter outside of Committee and look at what other wording could be included. He reiterated his intention that "all the key documents that make up the local plan should be covered by the measure."[89]

The new clause was added to the Bill.[90]

3.7 Opposition new clauses not added to the Bill

Threshold for neighbourhood plan referendums

New clause 1 was described by Roberta Blackman-Woods as being a probing one designed to test if the Minister thought there should be a minimum threshold for the turnout in a neighbourhood plan referendum.[91] She argued that if neighbourhood plans were going to have considerable weight attached to them there should be "a minimum level of buy-in from the local community, in terms of turning out to vote".[92] She also argued that a minimum threshold could ensure that additional work had to be put in to get a wider, more representative group coming forward and voting for a plan.[93]

In response the Minister stated that of the 240 referendums that have taken place, 170 would not have passed the test proposed by new clause 1.[94] He said that while arguments about thresholds for elections would go on for all kinds of different elections, on balance, he did not see any reason to apply a test that was different from elsewhere. He promised to keep the matter under review.[95]

Financial incentives to create neighbourhood plans

New clause 2 would create incentives to encourage communities to produce neighbourhood development plans, though a locally agreed share of the New Homes Bonus[96] and an enhanced share of Community Infrastructure Levy[97] (CIL) payments.[98]

The Minister said the Government has always been clear that it would like to see the new homes bonus benefiting communities that support development. He said that he would like to reflect on this point further in relation to the forthcoming Housing White Paper.[99] He highlighted

88 PBC Deb 27 October 2016 (afternoon) c282
89 PBC Deb 27 October 2016 (afternoon) c283
90 PBC Deb 27 October 2016 (afternoon) c283
91 PBC Deb 20 October 2016 (morning) c100
92 PBC Deb 20 October 2016 (morning) c101
93 PBC Deb 20 October 2016 (morning) c103
94 PBC Deb 20 October 2016 (morning) c113
95 PBC Deb 20 October 2016 (morning) c114
96 For further information on the New Homes Bonus see Library briefing paper, The New Homes Bonus Scheme (England), 15 April 2016
97 For further information about the CIL see Planning Practice Guidance, Community Infrastructure Levy
98 PBC Deb 20 October 2016 (afternoon) c136
99 PBC Deb 20 October 2016 (afternoon) c143

that it is already possible for councils and areas where a neighbourhood plan is in place to receive a share of the CIL.[100] He noted that not all areas have CIL in place and that it was not necessarily in the interests of every single local authority to have CIL in place, particularly in areas where development value was marginal in terms of viability.[101]

Review of compulsory purchase

New clause 13 would require the Secretary of State to review the entire compulsory purchase order process. Dr Roberta Blackman-Woods expressed concern that the Government "tinkering with the system" would make the compulsory purchase system more complex rather than less. She said that there was a need to review all the legislation in its entirety and bring forward consolidated legislation to make the system easier for local authorities and developers.[102] She also argued that having a rationalised and more straightforward compulsory purchase system would to bring forward the necessary infrastructure associated with new homes in a timelier manner.[103]

The Minister said that while the Bill delivered on some of the simplification of the law that people had called for, he did not have a closed mind on a "fundamental rethink of the whole thing". The Government would like to implement the changes in the Bill first and then see what effect they have on simplifying the process. He explained that he did not want to commit the Government to a further review in legislation because of the forthcoming Housing White Paper which would contain a number of changes for officials to implement and review. He said that he would like to have "a period of policy stability during which we get on and implement the strategy that we have set out, rather than introducing changes every single year."[104]

Section 5 of the Commons Library analysis of the Neighbourhood Planning Bill, produced for the Bill's second reading, sets out views on the compulsory purchase system in more detail.

Sustainable development and placemaking

Opposition **new clause 9** aimed to clarify that the planning system should be focused on the public interest and in achieving quality outcomes including placemaking.[105] The new clause defines sustainable development and placemaking as follows:

> 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.

Dr Blackman-Woods explained that she wanted to set out the purpose of planning in the Bill to be "absolutely certain that it is about achieving

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100 PBC Deb 20 October 2016 (afternoon) c143
101 PBC Deb 20 October 2016 (afternoon) c143
102 PBC Deb 27 October 2016 (morning) c241
103 PBC Deb 27 October 2016 (morning) c242
104 PBC Deb 27 October 2016 (morning) c244-245
105 PBC Deb 27 October 2016 (afternoon) c284

long-term sustainable development and, critically, placemaking alongside that."[106] She clarified her view that to achieve sustainable development a local planning authority should:

> …identify suitable land for development; contribute to the sustainable economic development of the community; contribute—this is really important because it often falls off the agenda when considering development issues—to the vibrant cultural and artistic development of the community; protect and enhance the natural and historic environment; contribute to mitigation and adaptation to climate change in line with the objectives of the Climate Change Act 2008, which I rehearsed for the Committee the other day; promote high-quality and inclusive design, which in my experience planning applications and determinations do not pay enough attention to; ensure that decisions are transparent and involve as many local people as possible; and finally and really importantly because it often falls out of the decision-making process in applications, ensure that assets are managed for the long-term interest of the community.[107]

The Minister agreed that sustainable development was "integral" to the planning system and that a plan-led system "is key to delivering it", but that he did not believe that it was necessary to put such things into legislation.[108] He said that the National Planning Policy Framework was very clear that sustainable development should be at the heart of planning and should be pursued in a positive and integrated way. Taken as a whole, "the framework constitutes the Government's view on what sustainable development means."[109] He argued that keeping the definition in policy rather than legislation would make it easier to amend in the future, if required.[110]

The new clause was withdrawn.[111]

Planning fees and resources

New clause 10 on funding for local authority planning functions and **new clause 15** on the ability of local authorities to set planning fees were moved by Labour Co-op Member Jim McMahon and discussed together.

Jim McMahon set out that the new clauses were linked; they both relate to resources and funding. New clause 10 would ensure that a review was carried out to understand the funding situation in local authorities, while new clause 15 would give local authorities the ability to charge "more realistic fees for the services they provide."[112] He set out a number of concerns from witnesses who submitted evidence to the Committee, including from the Local Government Association and the British Property Federation about inadequate staff numbers in some

106 PBC Deb 27 October 2016 (afternoon) c284
107 PBC Deb 27 October 2016 (afternoon) c284
108 PBC Deb 27 October 2016 (afternoon) c286
109 PBC Deb 27 October 2016 (afternoon) c286
110 PBC Deb 27 October 2016 (afternoon) c286
111 PBC Deb 27 October 2016 (afternoon) c287
112 PBC Deb 27 October 2016 (afternoon) c288

local planning authorities and about inadequacies in the current level of planning fees in covering costs.[113]

In response the Minister said that the Government had heard these concerns and that it accepted that there was an issue, but that he did not believe that new clauses 10 and 15 were the answer to the problem. He said that earlier in the year, the Government had consulted on several proposals for the resourcing of planning departments and that it would publish its response shortly, as part of the White Paper.[114]

New clause 10 was withdrawn,[115] whereas new clause 15 was pushed to a division. New clause 15 was defeated by 4 votes to 8.[116]

Review of sustainable drainage

Opposition **new clause 11** would require the Secretary of State to review the impact of the planning system on the management of flooding and drainage. Dr Blackman-Woods acknowledged that the Government has already committed to a review of planning legislation, Government planning policy and local planning policies as they relate to sustainable drainage. She said that therefore this was a probing new clause in order to ask questions about the review and to reiterate the importance of it.[117]

In response, the Minister set out the work done so far on the sustainable drainage systems review:

> My Department has formally commenced work on the review and that section of the 2016 Act. The review's primary purpose is to examine the extent to which planning has been successful in encouraging the take-up of such drainage systems in new developments. More specifically, it will look at how national planning policies for SUDS are being reflected in local plans; the uptake of SUDS in major new housing developments, including the type of systems employed; the use of SUDS in smaller developments below the major threshold; the use of SUDS in commercial and mixed-use developments, including the type of systems employed; and how successful local plans and national policies have been in encouraging the take-up of SUDS in housing developments. It will engage with a wide range of stakeholders to gauge how the new policy and arrangements are bedding in and to analyse options for further action to improve take-up.
>
> My officials are working on gathering evidence for the review, in collaboration with colleagues at the Department for Environment, Food and Rural Affairs and the Environment Agency. We aim to substantially complete our evidence gathering by spring 2017 to ensure that the findings of the review are available to inform the Committee on Climate Change's adaptation sub-committee's progress report on the national adaptation programme, to be published in summer 2017.[118]

The shadow Minister withdrew the new clause.[119]

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113 PBC Deb 27 October 2016 (afternoon) c291
114 PBC Deb 27 October 2016 (afternoon) c294
115 PBC Deb 27 October 2016 (afternoon) c295
116 PBC Deb 27 October 2016 (afternoon) c308
117 PBC Deb 27 October 2016 (afternoon) c296
118 PBC Deb 27 October 2016 (afternoon) c297
119 PBC Deb 27 October 2016 (afternoon) c298

Planning obligations and viability assessments

Opposition **new clause 12** sought to ensure that developer's viability assessments were put into the public domain so that they were available for public scrutiny. The Government's Planning Practice Guidance sets out the concept of viability:

> A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken.[120]

Roberta Blackman-Woods highlighted that some developers did not disclose their viability assessments to the public on grounds of commercial confidentiality. As viability assessments are used to determine whether developers can have section 106 affordable housing obligations discharged, the shadow Minister said that it was "absolutely vital that developers are not allowed to deliberately dodge their obligations to contribute to affordable housing through viability assessments."[121]

In response, the Minister said that there was no need to introduce legislation and that some authorities already make such assessments publicly available. He said that if the law was to be changed requiring all viability assessments to become public, there would be "a danger that the quality of information that local authorities would receive as a result would be significantly diminished."[122]

The shadow Minister withdrew the new clause.[123]

Review of permitted development rights

New clause 14 moved by Labour Co-op Member Jim McMahon would require the Secretary of State to review the permitted development rights granted since 2013. Mr McMahon highlighted some concerns raised about the quality of development under permitted development rights. He argued that "if a more regulated planning system were brought back in, council planning departments would definitely be able to get a grip on quality and see it through."[124]

The Minister set out that the permitted development policy was about "trying to drive up the supply of housing in this country to meet the urgent pressing need for extra homes."[125] He argued that it would be sensible to collect data on permitted development, as required by clause 8 of the Bill, before requiring a review.[126]

Jim McMahon replied that there should not be a compromise on the "long-term sustainability and viability of communities, and the affordability or quality of housing."[127] He said that it was important that

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120 HM Government, Planning Practice Guidance, Paragraph: 016 Reference ID: 10-016-20140306, How should viability be assessed in decision-taking?, 6 March 2014
121 PBC Deb 27 October 2016 (afternoon) c299
122 PBC Deb 27 October 2016 (afternoon) c301
123 PBC Deb 27 October 2016 (afternoon) c303
124 PBC Deb 27 October 2016 (afternoon) c305
125 PBC Deb 27 October 2016 (afternoon) c306
126 PBC Deb 27 October 2016 (afternoon) c307
127 PBC Deb 27 October 2016 (afternoon) c307

the issue is tackled and that the Government show a sense of urgency. He therefore pressed the new clause to a division. It was defeated by 4 votes to 8.[128]

Review of local authority determination of amendments to planning approvals

New clause 16 would, within 12 months of the Bill coming into force, require the Secretary of State to conduct a review into the process by which local authorities determine amendments to planning approvals.[129]

Roberta Blackman-Woods said that aim was to see whether the Minister could give local planning departments a bit more flexibility in how they deal with amendments to planning applications. She also asked if the Government had a view on allowing split decisions on planning applications, to approve one part of it but not another.[130]

The Minister replied that he did not welcome another statutory requirement for a review but said that he would try to get a better understanding of the shadow Minister's concerns outside the Committee, reflect on those and come back to her.[131]

The shadow Minister withdrew the new clause.[132]

128 PBC Deb 27 October 2016 (afternoon) c307
129 PBC Deb 27 October 2016 (afternoon) c308
130 PBC Deb 27 October 2016 (afternoon) c308
131 PBC Deb 27 October 2016 (afternoon) c308
132 PBC Deb 27 October 2016 (afternoon) c309

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