



DEBATE PACK

Number CDP 2020/0041, 28 February 2020

Housing and planning

This pack has been prepared ahead of the debate to be held in Westminster Hall at 2.30pm on Tuesday 3 March 2020. The debate will be opened by Neil O'Brien MP.

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The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

1. Westminster Hall debate on 3 March 2020

This debate will be opened by Neil O'Brien. He has recently published [his views on planning and development](#) in an article on the Conservative Home website.¹

The Commons Library has published numerous briefings on housing and planning, available on the [topic page](#). As background for this debate, the following briefings may be particularly relevant:

- [What next for planning in England? The National Planning Policy Framework](#) (especially for its coverage of local plans, neighbourhood planning, the standard method for calculating housing need, developer contributions and increasing density)²
- [Planning obligations \(Section 106 agreements\)](#)³
- [Community Infrastructure Levy](#)⁴
- [Garden cities, towns and villages](#)⁵
- [Neighbourhood planning](#)⁶
- [Enforcement of planning law](#)⁷
- [New housing design](#)⁸
- [Tackling the under-supply of housing in England](#)⁹
- [What is affordable housing?](#)¹⁰
- [Extending home ownership: Government initiatives](#)¹¹

The Commons Library's supply dashboard for [local authority data: housing supply](#) presents figures on existing stock, new supply, and supply of affordable housing.

This debate pack therefore offers information on topics not already covered in those briefings.

¹ Neil O'Brien, [Five ways to help resolve the housing crisis](#) on Conservative Home, 10 February 2020

² CBP 08260, 10 June 2019

³ CBP 07200, 6 September 2019

⁴ SN 03890, 19 December 2019

⁵ SN 06867, 10 July 2017

⁶ SN 05838, 12 October 2018

⁷ SN 01579, 8 July 2019

⁸ CDP 2017-0153, 30 August 2017

⁹ CBP 07671, 10 December 2018

¹⁰ CBP 07747, 23 December 2019

¹¹ SN 03668, 28 December 2017

2. Promoting good design through planning

The National Planning Policy Framework (NPPF) provides the framework against which Local Plans are drawn up and applications for planning permission are determined.

The NPPF was revised and updated in July 2018, following a consultation, with some further minor amendment in February 2019. As the Commons Library briefing [What next for planning in England? The National Planning Policy Framework](#) explains at greater length,¹² one of the themes of the revision - as shown in the headings within the [draft revised NPPF](#) issued for consultation¹³ - was achieving well-designed places.

The draft revised NPPF set out how local planning authorities should provide clarity about design expectations and use planning policies and decisions to support the creation of high quality buildings and places. It set out how planning policies and decisions should (amongst other things) add to the overall quality of the area over the lifetime of the development and establish a strong sense of place:

126. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and effective landscaping;
- c) respond to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.¹⁴

The draft NPPF also proposed that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions and that, in determining applications, "great weight should

Detailed discussion of the place of design in planning is in the Commons Library debate pack [New housing design](#), produced for the [Westminster Hall debate on 5 September 2017](#).

¹² CBP 08260, 10 June 2019

¹³ Ministry of Housing, Communities and Local Government (MHCLG), [National Planning Policy Framework: Draft text for consultation](#), March 2018

¹⁴ MHCLG, [National Planning Policy Framework: Draft text for consultation](#), March 2018: page 38

be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they are sensitive to the overall form and layout of their surroundings".¹⁵

The [Government response to the consultation](#) said that the final Framework would give more emphasis to the value of well-designed places:

The Government welcomes the largely positive response to the chapter and has given more emphasis to the value of well-designed places in the final Framework. The recent announcement of the Planning Delivery Fund emphasises the importance that the Government places on design skills and capacity within local government. The Government recognises that the promotion of health and well-being is an important part of creating safe, inclusive and accessible developments and the text has been adjusted accordingly. We will reflect on the broad range of consultation responses and publish updated national planning guidance to support local authorities in delivering high quality places.¹⁶

[NPPF 2019's chapter on achieving well-designed places](#) now begins by describing the creation of high quality buildings and places as fundamental to planning and development:

124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.¹⁷

More detailed guidance is available in the online [Planning Practice Guidance on Design](#), published by MHCLG in March 2014 and updated in October 2019. This discusses (amongst other things) the importance of good design and the planning practices and tools that can be used to foster good design.

The [National Design Guide](#) was published in October 2019.¹⁸

2.1 Building Better, Building Beautiful Commission

The [Building Better, Building Beautiful Commission](#) (co-chaired by the late Sir Roger Scruton and Nicholas Boys Smith) was an independent body set up to advise government on how to promote and increase the use of high-quality design for new build homes and neighbourhoods.

¹⁵ MHCLG, [National Planning Policy Framework: Draft text for consultation](#), March 2018: page 38

¹⁶ MHCLG, [Government response to the draft revised National Planning Policy Framework consultation](#), July 2018: page 42

¹⁷ MHCLG, [National Planning Policy Framework](#), CP 48, February 2019: page 38

¹⁸ MHCLG, [National Design Guide: Planning practice guidance for beautiful, enduring and successful places](#), October 2019

Its final report [Living with beauty: promoting health, well-being and sustainable growth](#) was published in January 2020. The report put forward a new development and planning framework which would (it said) ask for beauty, refuse ugliness and promote stewardship:

We advocate an integrated approach, in which all matters relevant to placemaking are considered from the outset and subjected to a democratic or co-design process. And we advocate raising the profile and role of planning both in political discussions and in the wider debate concerning how we wish to live and what kind of a country we want to pass on.¹⁹

On planning, the Commission argued that there should be a predictable level playing field:

Planning: create a predictable level playing field. Beautiful placemaking should be a legally enshrined aim of the planning system. Great weight should be placed on securing these qualities in the urban and natural environments. This should be embedded prominently as a part of sustainable development in the National Planning Policy Framework (NPPF) and associated guidance, as well as being encouraged via ministerial statement. Local Plans should give local force to this national requirement, defining it through empirical research, including surveying local views on objective criteria. Schemes should be turned down for being too ugly and such rejections should be publicised. We have one of the most adversarial and litigious planning systems and one of the most concentrated development markets in the world. We need a clearer approach to reduce planning risk and to permit a greater range of small firms, self-build, custom-build, community land trusts and other market entrants and innovators to act as developers. In this way our planning system will better respond to the preferences of people as a whole, within a more predictable framework. This needs to be accompanied by greater probability of enforcement and stricter sanctions when the rules are broken.²⁰

In a [Commons debate on housing supply](#) on 24 February 2020, the Housing Secretary, Robert Jenrick, described the report as an important piece of work and said that the Government would accept most of its findings:

I was absolutely delighted by the findings of the Building Better, Building Beautiful Commission. It is an important piece of work and, as I said at the launch of the report, we intend to accept the majority of the findings. I will be responding to that in due course.²¹

¹⁹ Building Better, Building Beautiful Commission, [Living with beauty: promoting health, well-being and sustainable growth](#), January 2020: page v

²⁰ As above: pages 2-3

²¹ [HC Deb 24 February 2020 c5](#)

3. Brownfield sites

As the [Commons Library debate pack on challenges facing new towns](#) remarked, the location of new development can be contentious.²² As the Government's planning policy generally regards the construction of new buildings as "inappropriate" for the Green Belt, building on previously developed (brownfield) land is often seen as desirable, but complicating factors that can arise, including (amongst other things) cost, the complexity of land ownership structures, access and neighbours.

MHCLG's statistics on land use change show that 53% of new residential addresses created in 2017-18 were on previously developed land.²³

3.1 Definition of brownfield land

The Government's [guidance on brownfield land registers](#) provides a short definition:

What is previously developed (brownfield) land?

Previously developed land has the same meaning as land of that description in [Annex 2 of the National Planning Policy Framework](#). Previously developed land is referred to as brownfield land.

Paragraph: 003 Reference ID: 59-003-20170728

Revision date: 28 07 2017²⁴

The [Glossary to the National Planning Policy Framework](#) provides a fuller definition:

Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.²⁵

²² CDP 2017/0135, 4 July 2017

²³ Source: MHCLG, Live tables on land use [change, 2017 to 2018 residential address change tables](#), 31 May 2019

²⁴ MHCLG, [Guidance: Brownfield land registers](#), 28 July 2017

²⁵ MHCLG, [National Planning Policy Framework](#), CP 48, February 2019: page 64

3.2 Brownfield land register

One of the key planning changes from the *Housing and Planning Act 2016* was the introduction of a new duty for local authorities to keep a register of brownfield land within its area. This ties in with a new system of allowing the Secretary of State to grant “planning permission in principle” for housing on sites identified in these registers.

Planning “permission in principle” is a new process that grants planning permission for housing-led development. It separates the decision about the principle of whether housing development should be approved from a later technical details consent process. The in-principle matters relate to the location, use, and amount of development on a site. It is expected that everything else will be reserved for the technical details consent stage. Planning permission in principle would then have to be combined with a new “technical details consent” granted by the local authority before development could go ahead.

The previous Conservative Government made a number of statutory instruments to implement the permission in principle policy. These came into force in April 2017 and include:

- [*Housing and Planning Act 2016 \(Permission in Principle etc\) \(Miscellaneous Amendments\) \(England\) Regulations 2017*](#)²⁶
- [*The Town and Country Planning \(Permission in Principle\) Order 2017*](#)²⁷ and
- [*The Town and Country Planning \(Brownfields Land Register\) Regulations 2017*](#)²⁸

In April 2017, the then Department for Communities and Local Government (DCLG) published [non-statutory guidance](#), setting out how councils should manage their brownfield land registers.²⁹ Further guidance was published in July 2017, setting out (amongst other things) the purpose of brownfield registers and what local planning authorities are required to do.³⁰

Section 7 of the Commons Library briefing [What next for planning in England? The National Planning Policy Framework](#) discusses the changes to Green Belt policy made when the National Planning Policy Framework was updated in 2018/9 and section 7.3 looks in detail at brownfield land in the Green Belt.³¹

The Commons Library briefing [Planning Reform Proposals](#) (SN 06418, 12 July 2017) provides more information.

²⁶ SI 2017/276

²⁷ SI 2017/402

²⁸ SI 2107/403

²⁹ DCLG, [Brownfield registers and permission in principle: frequently asked questions](#), 21 April 2017

³⁰ DCLG, [Guidance to support local planning authorities in preparing and publishing brownfield land registers](#), 28 July 2017

³¹ CBP 8260, 5 October 2018

4. Garden cities, towns and villages

The Commons Library [briefing on garden cities, towns and villages](#) offers information about the differing views on garden settlements and government support and policies in relation to them.³² This section of the debate pack records more recent developments.

In a [Westminster Hall debate on new towns](#) in July 2017, the then junior planning minister, Jake Berry, argued that the garden town approach would be a better one than the Labour government's eco-town programme which it replaced:

The lowest house building rate anywhere in the country was in John Prescott's proposed eco towns. The problem with them, unlike our garden city proposals, was that their direction was top down, forcing housing, often in the wrong place where people did not want it, on communities. What is so exciting about our proposals for garden towns and cities is that they are locally led. We all know from our constituency role that development is often opposed, but when there is buy-in from the community from the first day, it makes it much easier to deliver.³³

The [garden communities prospectus](#) was published in August 2018, inviting bids for "ambitious, locally supported, proposals for new garden communities at scale" with a closing date of 9 November 2018. The foreword to the prospectus summed up its aims:

[...] This prospectus sets out our vision and expectations for high-quality place-making across this country. It's a fresh opportunity to stimulate economic growth in new places, and a chance to aspire beyond identikit housing and town centres that look like anywhere and nowhere. It's a call to developers, investors, local authorities and local enterprise partnerships to build communities with local character, good employment opportunities, strong services, integrated and accessible transport, innovative uses of technology – and beautiful green spaces.

Our current programme supports 23 places that will deliver over 200,000 homes by the middle of the century. This prospectus is an important further step. We want to champion ambitious councils who see garden communities as a central to their plans for housing and growth. And we want to support the partnerships – between central and local government, and local government and the private sector – that will be key to delivering those plans.³⁴

[In the House of Lords in May 2019](#), the junior housing minister, Lord Bourne of Aberystwyth, confirmed that new towns and green towns are a "key feature" of housing provision.³⁵ In June 2019, [Lord Bourne of](#)

³² SN 06867, 10 July 2017

³³ [HC Deb 12 July 2017, c142 WH](#). For background briefing on new towns policy, see the Commons Library debate pack [Challenges facing new towns](#), prepared for that debate (CDP 2017/0135, 4 July 2017)

³⁴ MHCLG, [Garden Communities](#), August 2018: page 4

³⁵ [HL Deb 21 May 2019 c1861](#)

[Aberystwyth said](#) that garden towns are the successors to the new towns programme.³⁶ [His letter of 8 June 2019](#) provided more detail.³⁷

In 2017 we published our housing white paper that makes clear that well-planned, well-designed, locally-led garden communities play a vital role in helping meet this country's housing need well into the future, through providing a stable pipeline of homes.

Government is already taking a number of steps to support the design and delivery of these new settlements. We are taking action through supporting 29 locally-led garden communities across the country, from Cumbria to Cornwall, including six new garden towns that joined the programme this spring. We will make further announcements on more successful places in due course.

The 29 garden communities we are currently supporting have the potential for up to 300,000 homes by 2050. They range in size from 1,500 to over 40,000 new homes. Local authorities report that approximately 18,000 homes have been started.

We have provided £31 million capacity funding since 2015, to support the places to deliver against their ambitious proposals. Additionally, we provided £4.5 million of early support funding to the 6 new places that joined the programme this spring.

Furthermore, Ebbsfleet was announced as the site of a new Garden City of 15,000 homes at Budget 2014 and the Department has created an (UDC) Urban Development Corporation with a capital budget of £268 million up to 2020/2021 for investment in infrastructure to drive forward delivery. So far over 1,500 homes have been completed, and we aim to deliver over 2,800 homes by 2021.

In line with our commitments in the 2017 Housing White Paper, we legislated last summer to enable the creation of locally-led new town development corporations. These will be overseen by the local authorities covering the area of the new town rather than by the Secretary of State for Housing as was previously the case. We consider that locally-led new town development corporations can be, where there are complex delivery and co-ordination challenges, the right vehicle for delivering new communities and transforming existing ones.

For some of the commentary in the specialist press, see

- ["Brokenshire announces support for 19 new garden villages"](#), *Planning*, 28 June 2019³⁸
- ["Devon councils win funding to develop 20,000-home 'garden community' plans"](#), *Planning*, 16 May 2019
- ["Policy Summary: Government's and local partners' joint vision for the Oxford to Cambridge arc"](#), *Planning*, 28 March 2019
- ["Government awards £3.7 million for five new garden towns"](#), *Planning*, 26 March 2019
- ["Government awards £9 million to 21 garden towns and villages"](#), *Planning*, 13 February 2019

³⁶ [HL Deb 4 June 2019 c3](#)

³⁷ [DEP 2019/0640: Letter from Lord Bourne to Lord Naseby, 8 June 2019](#)

³⁸ Subscription required – Members and their staff may obtain copies of this and other articles from the Commons Library on x3666

5. Future reforms: Planning White Paper

A planning Green Paper (and, more recently, White Paper) has long been expected: an accelerated planning Green Paper was announced at the time of the spring statement 2019 and in October 2019 Robert Jenrick announced that it had been upgraded to a White Paper.^{39,40}

An MHCLG [press release on 1 October 2019](#) spoke of an “ambitious revamp” of planning rules:

Ministers will also consult on a new blueprint to overhaul the planning system in order to create a simpler, fairer system that works for everyone – from home owners to small and medium businesses, local communities to housing developers.

The government has also announced plans for a new national design code that will ensure developers build beautiful, well designed homes that people are proud to live in.

In the coming months, every single local authority across the country will be expected to produce their own design guide which reflects their unique setting, character and history, while meeting the expected national standard.⁴¹

Also in October 2019, the specialist publication *Planning* [reported a speech](#) made by Robert Jenrick at the Conservative party conference, indicating the Government’s intentions for planning reform.⁴²

In a [written statement on 5 November 2019](#), Robert Jenrick set out what the Government had done and how it intended to reform the planning system, to ensure the right homes were built in the right places and to improve quality and design:

Reforming the planning system to ensure that the right homes are built in the right places

1. In 2012 we published the National Planning Policy Framework, replacing over 1000 pages of individual policy statements. In 2018, we revised the National Planning Policy Framework, implementing around 80 planning reforms whilst making it more streamlined and easier to use.
2. As of the end of September 2019, 301 of 338 local planning authorities (89%) have an adopted Local Plan. 152 of these Local Plans are up to date (45%). This compares to 58 (17%) local planning authorities that had an adopted Local Plan in May 2010.
3. We are now preparing an Accelerated Planning White Paper to speed up the planning system, including the

³⁹ MHCLG, [Press release: Brokenshire hails package to build homes and opportunities in communities](#), 14 March 2019

⁴⁰ [“Accelerated planning document upgraded to white paper, says Jenrick”](#), *Planning*, 25 October 2019

⁴¹ MHCLG, [Press release: Housing Secretary unveils green housing revolution](#), 1 October 2019

⁴² [“Further planning changes to make system ‘more consumer-friendly’ in store, Jenrick reveals”](#), *Planning*, 1 October 2019

- potential for more fees to be refunded if councils take too long to decide on specific planning applications.
4. We have given communities more power to plan for their areas, by introducing Neighbourhood Planning in 2011. Since 2012 over 2,600 communities have started producing a neighbourhood plan.
 5. We have introduced permitted development rights for change of use to residential; over 46,000 homes have been delivered in the three years to March 2018 through these.
 6. In May 2019 we announced changes to Permitted Development Rights, allowing thousands of homeowners to extend their properties quickly and easily without the need for a full planning application.
 7. We have continued to protect the Green Belt and it is now larger than in 1997, when records began, if we disregard land re-classified as national park.
 8. We have reformed the system of developer contributions, to support local authorities to better collect and spend contributions. Local authorities received £6 billion in developer contributions which go toward affordable housing and local infrastructure in 2016-17, a £2 billion increase in real terms than in 2011-12.

Improving Quality and Design of Housing

1. We recently launched our National Design Guide. The first-ever government-backed National Model Design Code will be published in the New Year and will set out a clear model for promoting a better design and style of homes across the country, shaped by what local people want.
2. We launched the Future Homes Standard consultation in October 2019, to ensure that every new home that's built in this country from 2025 will have low or zero-carbon emissions and the highest levels of energy efficiency.⁴³

No date has yet been set for the publication of the White Paper.

An article in *Planning* in November 2019 discussed how the outcome of the general election might affect the plans for the White Paper.⁴⁴ [The Queen's Speech](#) In December 2019 made no mention of planning, but [background briefing notes](#) confirmed that the Government would be publishing the White Paper:

3. To deliver on the homes this country needs, the Government is committed to building at least a million more homes over this Parliament. In the coming months we will set out further steps to achieve this, including an ambitious Planning White Paper and funding for critical infrastructure.
4. The Planning White Paper will make the planning process clearer, more accessible and more certain for all users, including homeowners and small businesses. It will also

⁴³ HCWS101, 5 November 2019

⁴⁴ ["How the general election impacts the government's policy and legislation agenda"](#), *Planning*, 7 November 2019

address resourcing and performance in Planning
Departments.⁴⁵

⁴⁵ Prime Minister's Office, [Queen's Speech 2019](#): page 48

6. Further reading

Comment, news and blogs

Politics Home

More than a million homes not built in past 10 years despite having planning permission, new research reveals

20 February 2020

<https://www.politicshome.com/news/uk/communities/planning/news/110005/more-million-homes-not-built-past-10-years-despite-having>

Building Design

Beautiful schemes should be fast-tracked, urges commission

30 January 2020

<https://www.bdonline.co.uk/news/beautiful-schemes-should-be-fast-tracked-urges-commission/5104026.article>

FT

Thousands of new homes to be built on England's floodplains

30 December 2019

<https://www.ft.com/content/5480cd42-1a74-11ea-97df-cc63de1d73f4>

Prospect

To achieve its housing pledges the government must empower local authorities

17 December 2019

<https://www.prospectmagazine.co.uk/politics/to-achieve-its-housing-pledges-the-government-must-empower-local-authorities-%E2%80%A8>

Design Build Network

Can a planning overhaul solve Britain's housing crisis?

9 October 2019

<https://www.designbuild-network.com/features/housing-crisis-uk/>

New Civil Engineer

Future of Housing | Solving the housing conundrum

18 September 2019

<https://www.newcivilengineer.com/uncategorized/future-housing-solving-housing-conundrum-18-09-2019/>

Guardian

Why is Britain so bad at planning cities?

11 April 2019

<https://www.theguardian.com/cities/2019/apr/11/why-are-we-so-bad-at-planning-cities>

Longer publications

Policy Exchange

Rethinking the Planning System for the 21st Century

January 2020

<https://policyexchange.org.uk/wp-content/uploads/Rethinking-the-Planning-System-for-the-21st-Century.pdf>

Demos publication

People powered planning: How to better involve people in planning to get more homes built

September 2019

<https://demos.co.uk/wp-content/uploads/2019/09/People-Powered-Planning.pdf>

UCL Bartlett School of Planning

Five Radical Ideas for a Better Planning System

April 2015

<https://www.ucl.ac.uk/bartlett/planning/five-radical-ideas-better-planning-system>

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