



Library Note

Neighbourhood Planning Bill (HL Bill 86 of 2016–17)

The [Neighbourhood Planning Bill](#) was introduced in the House of Lords on 14 December 2016 and is scheduled for second reading on 17 January 2017. It completed report stage in the House of Commons on 13 December 2016 and was passed at third reading without a division the same day. The Government describes the Neighbourhood Planning Bill as having two primary aims:

- 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.

At the Bill's second reading in the House of Commons, Teresa Pearce, Shadow Secretary of State for Communities and Local Government, stated that the Bill did not "appear at first glance to be a controversial one" and included elements that the Labour Party supported. However, she expressed particular concern about the Bill's proposed reforms to pre-commencement planning conditions which, under the Bill, would normally require the written agreement of the planning applicant. There was a division on an opposition amendment on this issue during committee, which was defeated. The Government introduced a series of new clauses on development documents which were added during the Bill's committee stage. At report stage, the subject of pre-commencement planning conditions was again raised and was the subject of a further division on an opposition amendment, which was defeated. There was also a division on an opposition amendment on removing permitted development rights to allow the change of use of pubs, which was defeated. Other non-government amendments discussed at report stage (which were not divided upon or added to the Bill) included a new clause on the clustering of betting shops, new clauses on consultation between planning authorities and neighbourhood planning bodies and the issue of five-year land supply for housing, the housing needs of disabled and older people and the Bill's compulsory purchase provisions, amongst others. The Government made a number of technical amendments to the Bill.

On 12 December 2016, before report stage on the Bill, Gavin Barwell, Minister for Housing and Planning, made a written statement on neighbourhood planning. This included directions on when Local Plans should be considered out of date under the National Planning Policy Framework and on the issue of five-year land supply for housing. These issues were subject to non-government amendments at the Bill's report stage. The Minister also announced that the Government would be publishing a white paper on housing in "due course".

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I. Introduction

The [Neighbourhood Planning Bill](#) completed report and third reading in the House of Commons on 13 December 2016 and was passed at third reading without a division. The Government describes the Neighbourhood Planning Bill as having two primary aims:

- 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.
- 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

In addition it would:

- Make changes to the production of local development documents.
- Seek to allow pre-commencement planning conditions normally only with the written consent of the planning applicant.
- Enable the Secretary of State to require changes of a property's use to residential, when made through permitted development, to be recorded in the planning register.
- The Bill would also implement changes to the compulsory purchase system which the Government consulted on in 2016.

This House of Lords Library briefing provides an overview of those aspects of the neighbourhood planning system discussed at the Bill's report stage. It also provides an overview of the Bill's provisions. This is followed by a summary of the Bill's second reading and committee stage in the House of Commons. The briefing concludes with a discussion of the Bill's report stage and third reading in the House of Commons. It focuses on those amendments discussed at length and those where the Government stated it was minded to return to the issue in the House of Lords.

2. Neighbourhood Planning: An Introduction

The Neighbourhood Planning Bill makes a number of changes to “strengthen” the neighbourhood planning system.² This section of the briefing provides background information on those aspects of the planning system that were subsequently discussed at the Bill's report stage in the House of Commons.

The [National Planning Policy Framework](#) (NPPF), introduced in 2012, sets out national planning policies for England, covering economic, social and environmental aspects of development.³ The Government states that whilst Local Plans and Neighbourhood Plans should take account of the NPPF, it does not dictate planning outcomes or how the plans should be written.⁴ In addition,

¹ [Explanatory Notes](#), p 3.

² *ibid.*

³ Department for Communities and Local Government, [Plain English Guide to the Planning System](#), January 2015, p 7.

⁴ *ibid.*

Local and Neighbourhood Plans are “central to the operation of the planning system” and that the NPPF emphasises that it is a:

[...] legal requirement that applications for planning permission must be decided in accordance with these plans unless there are other important factors (material considerations) which indicate otherwise.⁵

The following sources provide further information on both neighbourhood planning and the planning system more generally:

- Department for Communities and Local Government, [Plain English Guide to the Planning System](#), January 2015
- Department for Communities and Local Government, ‘[Planning Practice Guidance: What is Neighbourhood Planning?](#)’, accessed 20 December 2016
- Local Government Association, ‘[Planning Advisory Service: Plans and Policies](#)’, accessed 20 December 2016
- House of Commons Library, [Neighbourhood Planning](#), 4 July 2016

2.1 Local Plans

Local Plans are created by local planning authorities and set out priorities for development within a local authority. The Government states that they provide a “degree of certainty for communities, business and investors, and a framework for guiding decisions on individual planning applications”.⁶

Local Plans are examined by an independent inspector who determines whether a plan meets relevant legal requirements and whether it is “sound”. The NPPF sets four such criteria. The Local Plan must be:

- Positively prepared.
- Justified.
- Effective.
- Consistent with national policy.⁷

The Government explains that Local Plans must be based on evidence. It gives the example of housing, stating that “it must plan to meet objectively assessed needs for market and affordable housing, as far as is consistent with national planning policy”.⁸ Needs such as housing “must be balanced against other important considerations [from the NPPF], such as protecting the Green Belt or addressing climate change and flooding”.⁹

⁵ Department for Communities and Local Government, [Plain English Guide to the Planning System](#), January 2015, p 7.

⁶ *ibid*, p10.

⁷ *ibid*.

⁸ *ibid*.

⁹ *ibid*, p 11.

The Government has said that Local Plans are “critical tools” in guiding decisions about individual planning applications, because:

[...] Local Plans (together with any Neighbourhood Plans that have been made) are the starting-point for considering whether applications can be approved. It is important for all areas to put an up to date plan in place to positively guide development decisions.¹⁰

2.2 Neighbourhood Plans

The current system of “neighbourhood planning” was introduced by the Localism Act 2011. The Government has said that it wants planning decisions to be taken “at the lowest level” possible.¹¹ Neighbourhood Plans enable parish and town councils or local ‘neighbourhood forums’ to create plans which will “form part of the statutory ‘development plan’ which is used by the local planning authority in deciding planning applications”.¹²

Neighbourhood Plans can include a range of policies and be either specific or comprehensive. However, Neighbourhood Plans have to be formally endorsed by local referendums. In order to be put to a referendum they must “appropriately fit with local strategic and national policies and comply with important legal conditions”.¹³ Once a Neighbourhood Plan has been successfully endorsed by a referendum it can be ‘made’ by the local planning authority. The Government’s ‘Local Planning Guidance’ website explains that:

A Neighbourhood Plan attains the same legal status as the Local Plan once it has been agreed at a referendum and is made (brought into legal force) by the local planning authority. At this point it becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.¹⁴

The steps for developing a Neighbourhood Plan are summarised on the Government’s [Planning Guidance Website](#), but in outline these are:

- Step 1: Designating a neighbourhood area and if appropriate a neighbourhood forum
- Step 2: Preparing a draft Neighbourhood Plan or Order
- Step 3: Pre-submission publicity and consultation
- Step 4: Submission of a Neighbourhood Plan or Order proposal to the local planning authority
- Step 5: Independent Examination

¹⁰ Department for Communities and Local Government, ‘[Local Plans—What is the Role of a Local Plan?](#)’, 6 March 2014.

¹¹ Department for Communities and Local Government, [Plain English Guide to the Planning System](#), January 2015, p 5.

¹² *ibid*, p 12.

¹³ *ibid*, p 11.

¹⁴ Department for Communities and Local Government, ‘[What is Neighbourhood Planning?—Does a Neighbourhood Plan Have the Same Legal Status as the Local Plan?](#)’, 6 March 2014.

- Steps 6 and 7: Referendum and Making the Neighbourhood Plan or Order (bringing it into force)

2.3 Five-year Housing Land Supply

Five-year housing supply is an important concept in Local Plans. It refers to paragraph 49 of the NPPF which states that local planning authorities should be able to demonstrate a five-year supply of land suitable for development of housing. Paragraph 49 of the NPPF explains that:

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.¹⁵

The Local Government Association explains that this is significant because:

[...] the NPPF states that where relevant policies are out-of-date, permission should be granted unless any adverse impacts outweigh the benefits, or other policies indicate otherwise, when assessed against the NPPF.¹⁶

The Government states that identifying a five-year land supply for housing forms part of the evidence that must support Local Plans, and that this should be updated annually.¹⁷ Five-year housing land supply was the subject of a written statement on 13 December 2016 (see section 2.4 of this briefing).

2.4 Statement on Neighbourhood Planning and Announcement of White Paper

On 12 December 2016, Gavin Barwell, Minister for Housing and Planning, made a written statement on neighbourhood planning.¹⁸

In this statement, the Minister confirmed that where a planning application conflicted with a Neighbourhood Plan that had been brought into force, the local planning authority should not normally grant permission. However, the Government argued that those behind Neighbourhood Plans were “often frustrated that their plan is being undermined” because the local planning authority was unable to demonstrate a five-year land supply (see section 2.3 of this briefing), and so therefore the plan is considered out of date.

The Minister also confirmed that:

[...] where communities plan for housing in their area in a Neighbourhood Plan, those plans should not be deemed to be out-of-date unless there is a significant lack of land supply for housing in the wider local authority area. We are also offering those

¹⁵ Department for Communities and Local Government, [National Planning Policy Framework](#), p 13.

¹⁶ Local Government Association, ‘[Planning Advisory Service—Why Does My Council Need a Five-year Housing Land Supply?](#)’, accessed 16 December 2016.

¹⁷ Department for Communities and Local Government, [Plain English Guide to the Planning System](#), January 2015, p 10.

¹⁸ House of Commons, ‘[Written Statement: Neighbourhood Planning](#)’, 12 December 2016, HCWS346.

communities who brought forward their plans in advance of this statement time to review their plans.¹⁹

The statement said that consequently “relevant policies for the supply of housing in a Neighbourhood Plan that is part of the development plan” should not be considered to be out of date under paragraph 49 of the NPPF where—at the time of decision—the following circumstances are met:

- This written ministerial statement is less than two years old, or the Neighbourhood Plan has been part of the development plan for two years or less;
- the Neighbourhood Plan allocates sites for housing; and
- the local planning authority can demonstrate a three-year supply of deliverable housing sites.²⁰

The Minister also announced that the Government would be bringing forward a white paper on housing “in due course”.²¹

3. Overview of the Bill

Neighbourhood Planning

The Conservative Party’s 2015 manifesto included the commitment to “encourage the 1,400 communities engaged in neighbourhood planning to complete the process and assist others to draw up their own plans”.²² The Bill would make changes “intended to strengthen neighbourhood planning”.²³ These include:

- Enabling planning decision makers to take account of “well-advanced” Neighbourhood Plans, by giving such plans legal effect at an earlier stage.
- Introducing a “proportionate process” for modifying Neighbourhood Plans and development orders. It would also facilitate the modification of neighbourhood areas where a neighbourhood development order or plan has already been made in relation to that area.
- Making the duty on local planning authorities to support neighbourhood planning groups more transparent.

Between 7 September and 19 October 2016, the Department for Communities and Local Government consulted on the [‘Implementation of Neighbourhood Planning Provisions in the](#)

¹⁹ House of Commons, [‘Written Statement: Neighbourhood Planning’](#), 12 December 2016, HCWS346.

²⁰ *ibid.*

²¹ *ibid.*

²² Conservative Party, [‘Conservative Party Manifesto 2015’](#), April 2015, p 45.

²³ [‘Explanatory Notes’](#), p 3.

[Neighbourhood Planning Bill](#). The Government's response was published on 15 December 2016.²⁴

Development Plan Documents

The Bill's Explanatory Notes explain that local planning authorities are responsible for preparing "local development documents" under:

[...] part 2 of the Planning and Compulsory Purchase Act 2004. Some of these documents are development plan documents which comprise the 'local plan' and are the starting point for deciding planning applications in the area (along with Neighbourhood Plans, any spatial development strategy published by the Mayor of London, or a combined authority where it has this function, and policies 'saved' from earlier planning documents).²⁵

The Bill contains measures on the production of development plan documents, these being the "key documents through which local planning authorities can set out a vision and framework for future development of the area".²⁶ As outlined in the Explanatory Notes, two of the ways in which the Bill seeks to "strengthen" this plan-led system are by:

- Ensuring that all local planning authorities in England identify the strategic priorities for the development and use of land in their areas in an up-to-date plan, and
- [By providing for] effective interventions where documents are not in place and seek[ing] to improve the involvement of communities and others in plan-making.²⁷

The Bill would also enable the Secretary of State to direct two or more local planning authorities to prepare "a joint development plan document where that will facilitate the more effective planning of the development and use of land in the area of one or more of those authorities".²⁸

Pre-commencement Planning Conditions

The law on pre-commencement planning conditions would also be amended by the Bill. Pre-commencement planning conditions are requirements that local planning authorities can place on planning applications which prevent development from taking place until they are formally met by the applicant. The Bill would only allow a local planning authority to use pre-commencement planning conditions where they have the written agreement of the developer. However, the Bill's provisions would not "restrict the ability of local planning

²⁴ Department for Communities and Local Government, [Implementation of Neighbourhood Planning Provisions: Government Response to Consultation](#), December 2016.

²⁵ [Explanatory Notes](#), p 3.

²⁶ *ibid.*

²⁷ *ibid.*

²⁸ *ibid.*, p 7.

authorities to seek to impose conditions that are necessary to achieve sustainable development, in line with the NPPF.²⁹ The Explanatory Notes state that:

This will maintain appropriate protections for important matters such as heritage, the natural environment, green spaces, and measures to mitigate the risk of flooding.³⁰

Clause 12 would also grant the Secretary of State the power to make regulations which would set out what conditions may or may not be imposed on the granting of planning permission. Such regulations would only be made following a public consultation.³¹

Changes to the Planning Register

The planning register was established under section 69 of the Town and Country Planning Act 1990.³² Provisions in the Bill would enable the Secretary of State to require that information about specified prior approval applications or permitted development notifications be recorded in the register. This would enable:

[...] the collection of information on the number of new homes permitted through permitted development [change of use], so that the contribution these measures are making to help achieve the Government's housing supply ambitions can be more accurately recorded.³³

Compulsory Purchase

Between 21 March and 15 May 2016, the Government consulted on possible changes to the compulsory purchase system.³⁴ It published its response in September 2016.³⁵ Following this consultation, the Bill's provisions seek to introduce a general power to obtain temporary possession of land and a requirement for compulsory purchase orders to be brought into operation within a set period of time.³⁶ The Bill would also clarify "the statutory framework for compensation, which will not affect the fundamental principles on which it is assessed".³⁷

4. House of Commons: Second Reading and Committee Stage

Second Reading

The Neighbourhood Planning Bill's second reading in the House of Commons took place on 10 October 2016. On moving that the Bill be read a second time, Sajid Javid, the Secretary of

²⁹ [Explanatory Notes](#), p 4.

³⁰ *ibid*, p 4.

³¹ *ibid*, p 9.

³² *ibid*.

³³ *ibid*, p 4.

³⁴ Department for Communities and Local Government and HM Treasury, '[Further Reform of the Compulsory Purchase System](#)', 7 September 2016.

³⁵ Department for Communities and Local Government and HM Treasury, '[Consultation on Further Reform of the Compulsory Purchase System: Government Response to Consultation](#)', September 2016.

³⁶ [Explanatory Notes](#), p 4.

³⁷ *ibid*.

State for Communities and Local Government, stated that Neighbourhood Plans were a “key part of the Bill”. He noted that:

Not all planning takes place at local authority level. Neighbourhood development plans, which were introduced in 2011, have proved to be extremely effective. Far from being a so-called nimby’s charter, some neighbourhood groups with plans in force have planned for housing numbers above the number set by the local authority for that area. Those communities have, on average, planned for 10 percent more homes.³⁸

He said that the Bill’s provisions would strengthen Neighbourhood Plans by, for example, making it easier to update a Neighbourhood Plan as local circumstances change.³⁹ Mr Javid argued that the Bill:

[...] provides a solid foundation on which to build. The Bill gives greater responsibility to local communities, letting them decide what sort of development they should have, and where it should take place. It removes more of the red tape that all too often delays construction. It gives us more of the data we need to make informed decisions about planning, and brings the compulsory purchase system firmly into the 21st century, turning it into a well-tuned machine for making development happen.⁴⁰

Sajid Javid referenced the Local Plans Expert Group’s [Report to the Communities Secretary and to the Minister of Housing and Planning](#) on local plans (March 2016). He said that:

[...] I agree with the central thrust of the local plans expert group’s recommendations in this area. We need more cooperation and joint planning. The requirement to have a plan should not be in doubt, and the process for putting a plan in place needs to be streamlined. As the expert group set out, most of those changes can and should be made through national policy and guidance, rather than through primary legislation.⁴¹

He went on to say that were primary legislation to be required that he would:

[...] look to use this Bill as the vehicle for it. If we do use the Bill in that way, we will of course ensure that the House has sufficient time to consider the provisions.⁴²

Responding for the Opposition, Teresa Pearce, Shadow Secretary of State for Communities and Local Government, stated that the Bill did not “appear at first glance to be a controversial one” and included elements that the Labour Party supported.⁴³ However, she asserted the Bill could be strengthened or amended in certain areas, arguing that the Bill could do “so much more to

³⁸ [HC Hansard, 10 October 2016, col 78.](#)

³⁹ *ibid.*, col 79.

⁴⁰ *ibid.*, col 83.

⁴¹ *ibid.*

⁴² *ibid.*

⁴³ *ibid.*

encourage development and engage local residents in the process”.⁴⁴ She said her “greatest concern” with the Bill:

[...] is on pre-commencement planning conditions. Councils approve almost nine of every ten planning applications and there is little evidence to suggest that development is being delayed by pre-commencement planning conditions.⁴⁵

Teresa Pearce argued that the Bill would not address issues in social housing, affordable homes, infrastructure for new housing developments or support “the struggling SME builder”.⁴⁶

The Bill passed its second reading without a division.

Committee Stage

The Bill’s committee stage was held over eight sittings between 18 October 2016 and 27 October 2016. The Government added a number of new clauses relating to development plan documents. The House of Commons Library has summarised these new clauses as follows:

- New clause 4 enables the Secretary of State to direct two or more local planning authorities to make a joint local plan. [clause 7 in HL Bill 86]
- 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. [clause 6 in HL Bill 86]
- New clause 7 introduces a requirement for local plans to be reviewed at regular intervals. [clause 10 in HL Bill 86]
- 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. [clause 8 and schedule 2 in HL Bill 86]
- New clause 6 enables data standards for local development schemes and documents to be set by Government. [clause 9 in HL Bill 86]⁴⁷

The House of Commons Library’s briefing [Neighbourhood Planning Bill: Report on Committee Stage](#), 16 November 2016, provides a summary of the debates which took place at the Bill’s committee stage in the House of Commons.

5. House of Commons: Report Stage

The Neighbourhood Planning Bill’s report stage was completed in the House of Commons on 13 December 2016. A number of amendments were discussed at length and there were two divisions on opposition amendments, both of which were defeated. This section of the briefing provides an overview of those amendments discussed at length, those the House of Commons

⁴⁴ [HC Hansard, 10 October 2016, col 84.](#)

⁴⁵ [ibid, col 85.](#)

⁴⁶ [ibid, col 89.](#)

⁴⁷ House of Commons Library, [Neighbourhood Planning Bill: Report on Committee Stage](#), 16 November 2016, p 3.

divided on, and those where the Government indicated that it was minded to return to the issue later in the Bill's passage through Parliament.

5.1 Government Amendments

A total of six government amendments were made to the Bill and one new clause was added at report stage in the House of Commons. Four of these amendments related to clauses 10 and 11 (which remain clauses 10 and 11 in HL Bill 86). The explanatory statement accompanying government amendment 17 noted that:

This amendment and amendments 18, 19 and 22 provide for the removal of the power conferred by clause 11(3) for regulations to require a local planning authority to review its statement of community involvement at prescribed times. The power in clause 10 now covers this in more general terms.⁴⁸

Government amendment 20 concerned the Bill's provisions on a planning register, amending clause 13 (which remains clause 13 in HL Bill 86). The amendment would apply to:

[...] a development order which makes provision about the information to be contained in a planning register about prior approval applications or notifications of proposed development. It confirms that the order may make different provision for different kinds of application or notification or provision that applies only in relation to particular kinds of application or notification.⁴⁹

Government amendment 21 was made to ensure that the term “acquiring authority” in section 172 of the Housing and Planning Act 2016 “has the same meaning that it has in clause 14 of the Bill, so that the power of entry in section 172 is available in relation to all proposals to take temporary possession of land under clause 14”.⁵⁰

New clause 6 amended schedule A1 of the Compulsory Purchase (Vesting Declarations) Act 1981 to insert a new sub-paragraph 4 in paragraph 16. The effect of this amendment would be to ensure that:

[...] when an acquiring authority is required to take more land than it had planned to take when it executed a general vesting declaration and the additional land vests in the authority after the land which it had planned to take, the Upper Tribunal may require it to pay compensation for the temporary severance of the land it had planned to take from the additional land.⁵¹

⁴⁸ House of Commons, [Consideration of Bill \(Report Stage\)—Neighbourhood Planning Bill, as Amended](#), 13 December 2016, p 13.

⁴⁹ *ibid*, p 15.

⁵⁰ *ibid*, p 16.

⁵¹ House of Commons, [Consideration of Bill \(Report Stage\)—Neighbourhood Planning Bill, as Amended](#), 13 December 2016, pp 1–2.

Gavin Barwell, Minister for Housing and Planning, stated that a provision was already contained in paragraph 28(5) of schedule 2A to the Compulsory Purchase Act 1965. However, he explained that:

The Housing and Planning Act 2016 should have included an equivalent provision in schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981, but that was not spotted at the time, so new clause 6 fills the gap.⁵²

5.2 Clustering of Betting Shops and Pay Day Loan Shops

Graham Jones, Labour MP for Hyndburn, spoke to new clause 1 in his name and the name of MPs from a range of parties; including the Conservatives, Democratic Unionists and the Green Party. New clause 1 would have required the Secretary of State to issue guidance to local authorities on the granting of planning permission for the change of use of betting offices and pay day loan shops.⁵³ In accordance with paragraph 2 of new clause 1 the guidance would have to set out how the:

[...] number, density and impact of betting offices and pay day loan shops shall be taken into account when determining applications for change of use, to prevent a deleterious effect on the neighbourhood or local area.⁵⁴

In his opening comments on the new clause, Graham Jones observed that “fixed odds betting terminals have been described as the crack cocaine of gambling and plague our high streets”.⁵⁵ Mr Jones expressed concern that the planning system had “hampered” efforts to address the “clustering” of such establishments in local communities.⁵⁶ He also said that this was an issue of planning not licencing and alluded to the Government’s current review into gaming machines and social responsibility measures.⁵⁷ He went on to assert that:

Too often, it seems that neither central government nor local government have the capacity or the will to take responsibility in planning law for the proliferation and concentration of betting offices and payday loan shops on the high street. I want to stress here that new clause 1 is also about payday lenders. The current planning legislation is very weak at best. Any Member knows from looking down their high street and speaking to their councillors that planning law is weak on this issue, so local councillors on planning committees often err on the side of caution and grant permission to bookmakers, because their budgets are under pressure and they do not want to lose appeals. Therefore, there is a secondary reason why clarity is really important—why the law must be tightened up.⁵⁸

There was cross-party support for raising the issue during the debate. Oliver Letwin, Conservative MP for West Dorset, said that it was a “very sad spectacle” watching people

⁵² [HC Hansard, 13 December 2016, col 674.](#)

⁵³ House of Commons, [Supplement to the Votes and Proceedings—Report Stage Proceedings: Neighbourhood Planning Bill, As Amended](#), 13 December 2016, p 2.

⁵⁴ *ibid.*

⁵⁵ [HC Hansard, 13 December 2016, col 687.](#)

⁵⁶ *ibid.*, col 688.

⁵⁷ Department for Culture, Media and Sport, ‘[Call for Evidence: Review of Gaming Machines and Social Responsibility Measures](#)’, 24 October 2016.

⁵⁸ [HC Hansard, 13 December 2016, col 690.](#)

moving from “payday lending shops directly into betting places”.⁵⁹ He explained that he found it “extremely reprehensible that betting shops have been built in the poorest areas” and went on to say that:

I am therefore very much on the side of the hon Member for Hyndburn and those, including hon Friends of mine, who have signed his new clause to try to ensure that the Government come forward with measures to limit such clustering.⁶⁰

However, Oliver Letwin said that he would not vote in favour of new clause 1:

[...] solely [because] the new clause would require the Government to do so before going forward with the rest of the Bill, and I cannot accept that. I hope that Ministers will respond by taking forward the spirit of the new clause without that caveat.⁶¹

He also said that he did not think that new clause 1 would be the last chance for Parliament to consider the issue because “the Bill will be considered in another place and partly because history shows that there is roughly one planning bill a session”.⁶²

Other MPs also spoke in favour of the principle behind new clause 1. Stewart Jackson, Conservative MP for Peterborough, described Graham Jones as a “doughty champion” who:

[...] together with my hon Friends the Members for Congleton (Fiona Bruce) and for Enfield, Southgate (David Burrowes), has been very much at the sharp end of this important debate, as indeed I was at one time with my “stop the Fixed Odds Betting Terminals” (FOBTs) campaign in Peterborough city centre.⁶³

Fiona Bruce, Conservative MP for Congleton, said that she wanted to put on record her “support for the tenor of new clause 1”.⁶⁴ David Burrowes, Conservative MP for Enfield, Southgate, was also “supportive of new clause 1”.⁶⁵ Roberta Blackman-Woods, Shadow Housing Minister, said that the Labour Party supported new clause 1.⁶⁶ However, like Oliver Letwin, Mr Burrowes said that he would not vote for new clause 1, saying that he wanted the Government to be “true to their word and take appropriate action and issue guidance at the appropriate time, such as when we hear back from the licencing review”.⁶⁷

Some MPs expressed concern about the new clause. John Redwood, Conservative MP for Wokingham, asked whether there was:

[...] a danger that, if it were adopted, there would be more betting shops in other communities that currently do not have them, because there would be a spread-out effect and more people would have easier access to betting shops?⁶⁸

⁵⁹ [HC Hansard, 13 December 2016, col 699.](#)

⁶⁰ *ibid.*, cols 699–700.

⁶¹ *ibid.*

⁶² *ibid.*

⁶³ *ibid.*, col 706.

⁶⁴ *ibid.*, col 721.

⁶⁵ *ibid.*, col 727.

⁶⁶ *ibid.*, col 730.

⁶⁷ *ibid.*, col 727.

⁶⁸ *ibid.*, col 691.

Graham Jones said that he rejected the argument saying that “it does not stand up”.⁶⁹ Philip Davies, Conservative MP for Shipley, was critical of new clause 1 arguing that fixed odds betting terminals were not a major concern to the public:

I suspect, Mr Speaker, that if you were to go out on to the street and ask 1,000 people what their views of fixed odds betting terminals were, 999 would say, “What’s a fixed odds betting terminal?” In fact, when people in the House have been out knocking on doors in their constituencies at election time—those who do so—I wonder how many people have said to them, “Do you know, the main thing that concerns me is FOBTs. My vote at the election will be determined by your policy on FOBTs.” I suspect nobody in the House can put their hand on their heart and say that that has ever been their experience.⁷⁰

He went on to assert that new clause 1 “is all about being against betting shops. It is a solution looking for a problem”.⁷¹

Responding to new clause 1, Gavin Barwell, Minister for Housing and Planning, said that concerns of MPs on this issue were “not just limited to the planning system, but they rightly looked to the planning system to protect their communities”.⁷² However, he argued that there was existing legislation and relevant planning guidance. Mr Barwell referenced recent changes to the planning system which required planning permission for additional betting shops and payday loan shops. He explained that:

Before April 2015, under the Town and Country Planning (Use Classes) Order, a new betting shop or payday loan shop could be opened in any premises used for financial or professional services in the A2 use class. In addition, an A3 restaurant, A4 pub and A5 hot food takeaway could all change use to a betting shop or a payday loan shop under permitted development rights without the need for a planning application.

Recognising the concerns that people have expressed about that, the Government changed the Town and Country Planning (Use Classes) Order: betting shops and payday loan shops were made a use class of their own and now require a planning application, allowing proper consideration of the issues that a change of use may raise.⁷³

He stated that as with any other planning application the local planning authority made decisions based on its development plan. Mr Barwell said this highlighted why it was important that authorities had up-to-date plans in place, saying that “as with any policy, that plan should be based on evidence and tailored to meet the needs of the local area”.⁷⁴ The Minister also referenced the National Planning Policy Framework (NPPF), saying that it was “clear” that authorities should “pursue policies to support their [town centre’s] viability and vitality and to promote a mix of uses”.⁷⁵

⁶⁹ [HC Hansard, 13 December 2016, col 691.](#)

⁷⁰ *ibid.*, cols 711–2.

⁷¹ *ibid.*, col 712.

⁷² *ibid.*, col 730.

⁷³ *ibid.*

⁷⁴ *ibid.*

⁷⁵ *ibid.*

Concluding, Mr Barwell said that the Government’s view was that this was a “matter best left to individual local authorities” and that it did not see a need for national guidance.⁷⁶ However, the Minister did say that he was prepared to talk to colleagues in the Department for Culture, Media and Sport to:

[...] see, as part of its wider review of these issues, whether it would be helpful to issue guidance to local authorities so that they are aware of the powers that they have and how the NPPF works in this area.⁷⁷

New clause 1 was negated without a division.⁷⁸

5.3 Neighbourhood Planning Bodies, Consultation and Five-Year Land Supply

New clauses 7 and 8 were on the subject of consultation with neighbourhood planning bodies and on the issue of five-year land supply. Both were tabled by Nick Herbert, Conservative MP for Arundel and South Downs, with the support of several other MPs. New clause 7 would have substituted the existing section 75ZB of the Town and Country Planning Act 1990 with a new section 75ZB, the effect of which would be to:

[...] require planning authorities to consult neighbourhood planning bodies on decisions to grant planning permission. Where a planning authority wants to approve a major development against the wishes of a neighbourhood planning body, the planning authority will be required to consult the Secretary of State before granting permission.⁷⁹

New clause 8, would insert a new section 74A into the Town and Country Planning Act 1990, to the effect that the Secretary of State could issue a development order to:

[...] clarify the means by which housing land supply is assessed; define the minimum amount of time before a local planning authority’s failure to meet its housing targets results in its local plan being “out of date”; and specify that Neighbourhood Plans should be taken into account notwithstanding the lack of a five-year supply of housing land.⁸⁰

Both new clauses were seeking to ensure that Neighbourhood Plans were considered as often as possible and during the Bill’s report stage both new clauses were often referred to together. Speaking to new clause 7, Nick Herbert argued that where Neighbourhood Plans had been implemented those areas had produced more new housing than the Local Plans anticipated.⁸¹ Therefore, Neighbourhood Plans were:

[...] not a means by which development can be resisted. Rather, they ensure that communities have a proper say in where development can go.⁸²

⁷⁶ [HC Hansard, 13 December 2016, col 731.](#)

⁷⁷ *ibid.*

⁷⁸ House of Commons, [Supplement to the Votes and Proceedings—Report Stage Proceedings: Neighbourhood Planning Bill, As Amended](#), 13 December 2016, p 2.

⁷⁹ House of Commons, [Consideration of Bill \(Report Stage\)—Neighbourhood Planning Bill, as Amended](#), 13 December 2016, p 6.

⁸⁰ *ibid.*, p 7.

⁸¹ [HC Hansard, 13 December 2016, col 691.](#)

⁸² *ibid.*

However, he argued that they were a benefit because they allowed communities to:

[...] allocate sites where development will take place, and sites where development will definitely not take place and which will be protected green spaces. Many hon Members, including me, appeared before our local parish or town councils and encouraged them to take forward Neighbourhood Plans on the basis that they would be protecting themselves from future development if they did so.⁸³

Mr Herbert argued that new clause 7 would help ensure the primacy of Neighbourhood Plans and that this was desirable “because these have been approved in local referendums”.⁸⁴ Speaking more broadly he asserted that:

There is a real danger that if we undermine public support for neighbourhood planning we will undermine the principles of localism and will not get people to participate in neighbourhood planning in future. As I have seen in my constituency, neighbourhood planning, about which people were slightly cynical in the first place but became enthusiastic, is now being described in a very detrimental way, and some communities are saying that they will not go ahead with Neighbourhood Plans.⁸⁵

On new clause 8, Mr Herbert said that even if a Neighbourhood Plan passed a referendum and was made by the local authority, that local authority may not have a five-year land supply:

As a consequence, a planning permission is allowed that goes against what is provided for in the Neighbourhood Plan. It is allowed either by the local authority, which is fearful of an appeal by the developer, or on appeal.⁸⁶

New clauses 7 and 8 had support from a number of MPs. Rob Marris, Labour MP for Wolverhampton South West, said that he had “sympathy” for new clause 7 and that whilst it was not to say that:

[...] local Neighbourhood Plans should be able to trump everything else, [...] they should be given due weight, not just by the local authority as the planning authority, but by the Planning Inspectorate.⁸⁷

Roberta Blackman-Woods, the Shadow Housing Minister, whose name was on the amendment paper, stated that she wanted to “put on record” the Labour Party’s support for new clause 7.⁸⁸

However, Stewart Jackson, Conservative MP for Peterborough, expressed concern about potential negative consequences of new clause 7. He argued that the new clause would:

[...] discriminate against local planning authorities that produce timely, robust local plans and that have adhered to the correct procedure for consultation, public inquiries and the Planning Inspectorate. We must bear it in mind that there might be an inadvertent consequence.⁸⁹

⁸³ [HC Hansard, 13 December 2016, col 691.](#)

⁸⁴ *ibid*, col 693.

⁸⁵ *ibid*, col 694.

⁸⁶ *ibid*, col 692.

⁸⁷ *ibid*, col 704.

⁸⁸ *ibid*, cols 729–30.

⁸⁹ *ibid*, col 707.

In responding to the new clause, Gavin Barwell, Minister for Housing and Planning, said that he hoped the written ministerial statement that he made on 12 December 2016 would address the concerns which new clause 7 was tabled to solve (see section 2.4 of this briefing). The Minister did say however that he was attracted to part of new clause 7, which, he said:

[...] refers to the idea that parish councils and neighbourhood forums should be told if there is a planning application in their area. At present, they have a right to request information, but they are not necessarily told.⁹⁰

Gavin Barwell said that if new clause 7 was not pressed to a division he would “take that proposal away and seek to insert it into the Bill in the Lords”.⁹¹ Responding to new clause 8, the Minister said that he hoped that the written ministerial statement would also address the concerns of five-year land supply. However, he also said that the Local Plans Expert Group had made suggestions on the issue of five-year land supply, and that these would be looked at in the forthcoming white paper.

New clauses 7 and 8 were not called.⁹²

5.4 Change of Use Permission for Pubs

New clause 9 was tabled by Greg Mulholland, Liberal Democrat MP for Leeds North West. Roberta Blackman-Woods, Caroline Lucas, Green Party MP for Brighton Pavillion, Antoinette Sandbach, Conservative MP for Eddisbury, and Louise Haigh, Labour MP for Sheffield Heeley, also put their names to the new clause. New clause 9 would have required changing the use of a pub to go through planning permission, rather than being actionable under permitted development rights. The explanatory statement on the new clause explained that:

The purpose of this amendment is to ensure that any proposed demolition of or change of use to public houses and other drinking establishments would be subject to planning permission. Currently such buildings, unless they have been listed as Assets of Community Value with the local authority, can be demolished or have their use changed without such permission being granted.⁹³

Speaking to new clause 9, Roberta Blackman-Woods argued that the process for designating pubs as assets of community value could be “very cumbersome”.⁹⁴ Therefore, she asserted, it was “more appropriate” to “return” the decision as to whether a pub should be converted or demolished to the local community.

Philip Davies, Conservative MP for Shipley, said he was minded to support new clause 9 but was concerned that removing the permitted development right to change of use could cause pubs to struggle to find finance and therefore close sooner. He argued that:

If a struggling pub needs support from the bank to keep it going and the bank knows that the site of the closed pub can easily be changed to an alternative use without going

⁹⁰ [HC Hansard, 13 December 2016, col 732.](#)

⁹¹ *ibid.*

⁹² House of Commons, [Supplement to the Votes and Proceedings—Report Stage Proceedings: Neighbourhood Planning Bill, As Amended](#), 13 December 2016, pp 4–6.

⁹³ House of Commons, [Consideration of Bill \(Report Stage\)—Neighbourhood Planning Bill, as Amended](#), 13 December 2016, p 7.

⁹⁴ [HC Hansard, 13 December 2016, col 737.](#)

through a bureaucratic planning process that may end up with the plans being rejected, my fear is that the bank—it knows that if all goes wrong, it can get its money back by changing the pub’s use or building something else on the site—will pull the plug on the pub much earlier in the process, instead of investing more money in the pub to help it to keep going and to turn it around.⁹⁵

Greg Mulholland responded to this point, arguing that the new clause was not attempting to save non-viable pubs. Rather, that:

Pubs are being converted into other things all the time. Some pubs might be unviable, but a considerable number of them are viable and profitable. Unfortunately, they are closing because of permitted development rights. Surely it cannot be right that a wanted, profitable business can be closed without local people having any say.⁹⁶

Responding to new clause 9 for the Government, Gavin Barwell said that he would be happy to discuss the issue further with Mr Mulholland and others who “feel strongly about this issue”.⁹⁷ However, he said the Government believed that being able to designate pubs as assets of community value “strikes the right balance”.⁹⁸

New clause 9 was defeated on division by 274 votes to 161.⁹⁹

5.5 Pre-commencement Planning Conditions

Opposition amendment 14 sought to remove clause 12 from the Bill [which remains clause 12 in HL Bill 86] on pre-commencement planning conditions.

On moving the amendment, Roberta Blackman-Woods, Shadow Minister for Housing, argued that there was a “distinct” lack of evidence that pre-commencement planning conditions slow up development.¹⁰⁰ The Shadow Minister also asserted that such conditions could make development acceptable for a local community and could be useful for the development industry because “they make it possible to permit schemes that might otherwise have to be refused”.¹⁰¹

For the Government, Gavin Barwell argued that one of the issues affecting housing supply was that some of “our major developers [...] are too slow to build out”.¹⁰² He argued that pre-commencement planning conditions were one of the factors contributing to this problem. The Minister stated that in specific instances these were justified:

[...] such as for archaeological works, when things need to be done before building starts, but there is plenty of evidence, as presented to the Public Bill Committee, that such conditions are being misused in many cases, and the Government are determined to put a stop to it.¹⁰³

⁹⁵ [HC Hansard, 13 December 2016, col 740.](#)

⁹⁶ *ibid.*, col 741.

⁹⁷ *ibid.*, col 743.

⁹⁸ *ibid.*

⁹⁹ *ibid.*, cols 746–9.

¹⁰⁰ *ibid.*, col 738.

¹⁰¹ *ibid.*, col 738.

¹⁰² *ibid.*, col 745.

¹⁰³ *ibid.*

Amendment 14 was defeated on division by 279 votes to 157.¹⁰⁴ At the Bill's third reading in the House of Commons, Teresa Pearce, Shadow Secretary of State for Communities and Local Government said she "very much" hoped that the "other place will take a close look at the pre-commencement conditions [...] and ask the Government to reconsider".¹⁰⁵

5.6 Other Issues Discussed

On several other amendments, the Government indicated that it was minded to discuss the issue further in the House of Lords. In addition, some MPs who moved amendments also expressed a hope that the issue would be raised again in the House of Lords. This section provides further information on these amendments.

Relationship Between Local and Neighbourhood Plans

Amendment 29 sought to "outline the relationship between local and Neighbourhood Plans and the role parish and town councils would play in their development" by providing that Statements of Community Involvement must outline the links between Neighbourhood Plans and Local Plans and consultation arrangements for parish and town councils in the drawing up of Local Plans.¹⁰⁶ Speaking to his amendment, Andrew Mitchell, Conservative MP for Sutton Coldfield, explained that it addressed the "importance of including town and parish councils in local plans, and the role that they can play in the development of those plans".¹⁰⁷

Responding to amendment 29, Gavin Barwell, Minister for Housing and Planning, explained that he would expect local authorities to consult with parish and town councils, but that he had no power to direct them to do so. He added that "there should clearly be consultation with large town councils and local communities should be consulted as part of the local plan process".¹⁰⁸ The Minister went on to say that:

The Government have a lot of sympathy with the argument he is advancing in this amendment. There are already powers in legislation in relation to the statements of community involvement that local authorities have to produce, but I think he has found an issue where we can strengthen the statutory protections. With his leave, and if he were not to press his amendment, I would like to discuss the issue with him and come back in the Lords to see whether we can make the kind of changes he suggests.¹⁰⁹

Amendment 29 was not called.¹¹⁰

Housing Needs of Disabled and Older People

Amendments 24 and 25 sought to amend clause 6 [which remains clause 6 on HL Bill 86] on the content of development plan documents. When identifying the strategic priorities for development and use of land, amendment 24 would have required local planning authorities to

¹⁰⁴ [HC Hansard, 13 December 2016, cols 749–52.](#)

¹⁰⁵ *ibid*, col 756.

¹⁰⁶ House of Commons, [Consideration of Bill \(Report Stage\)—Neighbourhood Planning Bill, as Amended](#), 13 December 2016, p 13.

¹⁰⁷ [HC Hansard, 13 December 2016, col 696.](#)

¹⁰⁸ *ibid*, col 733.

¹⁰⁹ *ibid*, col 734.

¹¹⁰ House of Commons, [Supplement to the Votes and Proceedings—Report Stage Proceedings: Neighbourhood Planning Bill, As Amended](#), 13 December 2016, p 11.

take account of the “current and future housing needs of the whole population including older and disabled people”.¹¹¹ Similarly, amendment 25 would have required the same considerations of a London borough council or a mayoral development corporation, when determining its policies to address strategic priorities for development and land use in its spatial development strategy.¹¹² Speaking to her amendments, Heidi Allen, Conservative MP for South Cambridgeshire, said they sought to ensure that planning documents did not fail to “recognise the need for accessible housing”.¹¹³

The Minister responded arguing that not all elements of national planning policy should be put into primary legislation. However, he said that the Government supported the “spirit” of the amendments and would “work with [Heidi Allen] to come back in the Lords with amendments approved by parliamentary counsel that take forward the principle of what she has been trying to achieve”.¹¹⁴ Amendments 24 and 25 were not called.¹¹⁵

Compulsory Purchase Provisions

Amendments 26 and 27 were tabled by Robert Neill, Conservative MP for Bromley and Chislehurst, and Geoffrey Clifton-Brown, Conservative MP for the Cotswolds. The amendments both concerned the Bill’s compulsory purchase powers. Amendment 26 sought to change the Bill’s provisions to:

[...] ensure that where an acquiring authority seeks temporary possession rights it cannot at the same time also seek permanent possession rights. It would not stop the acquiring authority at a later date seeking permanent acquisition rights via a fresh compulsory purchase order should it be required to complete the project.¹¹⁶

Amendment 27 sought to remove clause 28 from the Bill (which remains clause 28 in HL Bill 86). This would have:

[...] remove[d] changes which would prevent landowners who have land compulsorily purchased for a particular purpose seeking additional compensation should the land end up being used for a different purpose. It ensures that, where the original calculation of compensation that was paid did not take into account the possibility of the development that the land is now being used for, the claimant receives the correct level of compensation.¹¹⁷

¹¹¹ House of Commons, [Consideration of Bill \(Report Stage\)—Neighbourhood Planning Bill, as Amended](#), 13 December 2016, p 11.

¹¹² *ibid.*

¹¹³ [HC Hansard, 13 December 2016, col 717](#).

¹¹⁴ *ibid.*, col 735.

¹¹⁵ House of Commons, [Supplement to the Votes and Proceedings—Report Stage Proceedings: Neighbourhood Planning Bill, As Amended](#), 13 December 2016, p 10.

¹¹⁶ House of Commons, [Consideration of Bill \(Report Stage\)—Neighbourhood Planning Bill, as Amended](#), 13 December 2016, p 15.

¹¹⁷ *ibid.*, p 16.

Speaking to amendment 26, Geoffrey Clifton-Brown said that he welcomed the Bill's provisions to allow acquiring authorities to take land on a temporary basis. However, he said that they should not be able to take land on both a permanent and temporary basis. He contested that:

If, having taken land on a temporary basis, an acquiring authority finds that it needs to take it on a permanent basis, that should be subject to a second notice to treat and a compulsory purchase procedure.¹¹⁸

Mr Clifton-Brown described amendment 27 as the “most important”.¹¹⁹ Amendment 27 would have removed the Bill's provisions to repeal of part 4 of the Land Compensation Act 1961. Mr Clifton-Brown argued that this would:

[...] prevent landowners who have had land compulsorily purchased for a particular purpose from seeking additional compensation should the land end up being used for a different, more lucrative development.¹²⁰

In responding to the amendments, Gavin Barwell stated that the “Government are not at present wholly persuaded by the arguments of the [tabling MPs]”.¹²¹ On the repeal of part 4 of the Land Compensation Act 1961, the Minister referenced the consultation on reform of the compulsory purchase order system in March 2016, stating that the majority of respondents were in favour of repeal. He also argued that:

The balance has moved more in favour of repeal since the reform of the planning assumptions for compensation in the Localism Act 2011, as these specifically take the conditions as known to the market at the time into account [...] The Government believe that repeal of part IV will reduce the risk and uncertainty, while maintaining the principle of fair compensation.¹²²

He asked Mr Neill and Mr Clifton-Brown not to press the amendments but said that the “arguments are finely balanced and I look forward to them being explored further in the other place”.¹²³ Mr Barwell said that he was happy to reflect on whether the guidance for acquiring authorities could be strengthened in this area.¹²⁴ Amendments 26 and 27 were not called.¹²⁵

The Opposition moved new clause 3 which would have required the Secretary of State to carry out a review of the “entire compulsory purchase order process”.¹²⁶ Roberta Blackman-Woods, Shadow Minister for Housing, said that the Labour Party strongly believed that legislation on compulsory purchase:

[...] should be updated to enable the greater use of CPOs as a tool to drive effective regeneration and development strategies and to work in partnership with developers to ensure that we get the new homes and development that we need.¹²⁷

¹¹⁸ [HC Hansard, 13 December 2016, col 675.](#)

¹¹⁹ *ibid.*

¹²⁰ *ibid.*

¹²¹ *Ibid.*, col 682

¹²² *ibid.*, col 681.

¹²³ *ibid.*, col 682.

¹²⁴ *ibid.*

¹²⁵ House of Commons, [Supplement to the Votes and Proceedings—Report Stage Proceedings: Neighbourhood Planning Bill, As Amended](#), 13 December 2016, p 13.

¹²⁶ House of Commons, [Consideration of Bill \(Report Stage\)—Neighbourhood Planning Bill, as Amended](#), 13 December 2016, p 3.

She argued that “more than 100 years of conflicting statute and case law makes up the current CPO legislation, so small changes will not have a significant effect”.¹²⁸ Responding to the amendment, Gavin Barwell, Minister for Housing and Planning, said that “I suspect that compulsory purchase is one area on which it is easier to agree on the need for fundamental reform than on what that fundamental reform should be”.¹²⁹ He stated that measures in the Housing and Planning Act 2016 and in the Neighbourhood Planning Bill were designed to reflect comments by the Law Commission on the law on compulsory purchase.¹³⁰ The Minister said he wanted to assess the impact of these reforms and see “whether any further reform is necessary”.¹³¹ New clause 3 was not called.¹³²

MPs who had moved amendments also signalled their hopes that the subject of their amendments may be looked at further in the House of Lords. These included amendment 28 on the green belt and new clause 5 on advance payments to parish councils to pay for expert advice.

Green Belt

Amendment 28 sought to prevent payments being made by government under the New Homes Bonus scheme for developments proposed in development plan documents on land:

(i) where the Green Belt boundary had been redrawn or (ii) within a National Park or Area of Outstanding Natural Beauty, where a development is considered to be “major”. The amendment also allows the Secretary of State to set out exceptions to this provision within policies or guidance, which would include the NPPF [National Planning Policy Framework].¹³³

Speaking to his amendment, Andrew Mitchell argued that payments to those who want to build on the green belt “is clearly a perverse incentive that encourages developers to do precisely what the Government do not want them to do—build on the green belt”.¹³⁴

Responding, Gavin Barwell said that the Government’s policy on protecting green belt, national parks, areas of outstanding natural beauty and sites of special scientific interest had not changed, and that the NPPF was:

[...] very clear that it is for local authorities to decide whether to review green-belt boundaries but that they should do so only in exceptional circumstances. There needs to be public consultation and independent examination of their proposals. In relation to applications to build homes on green-belt land, again there is very strong protection. The NPPF says that inappropriate development is by definition harmful to the green belt and should not be approved except in very special circumstances.¹³⁵

¹²⁷ [HC Hansard, 13 December 2016, col 674.](#)

¹²⁸ *ibid.*

¹²⁹ *ibid.*, col 678.

¹³⁰ *ibid.*, cols 678–9.

¹³¹ *ibid.*, col 679.

¹³² House of Commons, [Supplement to the Votes and Proceedings—Report Stage Proceedings: Neighbourhood Planning Bill, As Amended](#), 13 December 2016, p 3.

¹³³ House of Commons, [Consideration of Bill \(Report Stage\)—Neighbourhood Planning Bill, as Amended](#), 13 December 2016, p 12.

¹³⁴ [HC Hansard, 13 December 2016, col 696.](#)

¹³⁵ [HC Hansard, 13 December 2016, cols 732–3.](#)

The Minister also said that he wanted to reassure the House of Commons that the Government wanted to ensure that it had a policy of “brownfield first” and it was introducing “statutory brownfield registers”.¹³⁶ Prior to the Minister’s comments Mr Mitchell had said that whilst he did not want to press the issue to a division, he hoped that the House of Lords might also examine the issue:

[...] I warn the Government that if they do not accept the principle behind what I am saying, if not the amendments, not only will they have great difficulty on house building, because they will not be trusted on the green belt, but I have no doubt that the other place, which has a strong history of looking at these matters, will oblige this House to think again.¹³⁷

Amendment 28 was not called.¹³⁸

Advance Payments to Parish Councils

New clause 5 sought to introduce provisions that would allow planning authorities to advance payments to parish councils to:

[...] support the production of Neighbourhood Plan or a Neighbourhood Development Order. The advances will equal the amount of income that the parish council agrees to forego out of the Community Infrastructure Levy [CIL] revenues that would otherwise be paid to them by the Local Planning Authority once the housing specified in the Plan or Order is built.¹³⁹

Speaking to his new clause 5, Oliver Letwin, Conservative MP for West Dorset, argued that there was a need for parish councils to employ “a genuine expert” to help with the production of Neighbourhood Plans.¹⁴⁰ He said that such expertise would cost money to engage and that new clause 5 would:

[...] find a solution to that problem and provide the money to employ experts on behalf of neighbourhood planners in parish and town councils. It would do so by using an existing pool of funds, as there is already a provision to share the community infrastructure levy that arises from each house built. Under the law, 25 percent is due to the parish or town council in the area where the Neighbourhood Plan is drawn up.¹⁴¹

Responding to new clause 5, Gavin Barwell, Minister for Housing and Planning, stated that parish councils were already able to forgo some of the CIL it expected to get over time. He explained that this was because:

[...] regulation 59A of the CIL regulations allows them to. However, I think that the wider point my right hon Friend was trying to probe was about the resourcing for neighbourhood planning. We have a budget of £22.5 million for 2015 to 2018. Nearly

¹³⁶ [HC Hansard, 13 December 2016, cols 732–3.](#)

¹³⁷ *ibid*, col 698–9.

¹³⁸ House of Commons, [Supplement to the Votes and Proceedings—Report Stage Proceedings: Neighbourhood Planning Bill, As Amended](#), 13 December 2016, p 10.

¹³⁹ House of Commons, [Consideration of Bill \(Report Stage\)—Neighbourhood Planning Bill, as Amended](#), 13 December 2016, p 4.

¹⁴⁰ [HC Hansard, 13 December 2016, col 701.](#)

¹⁴¹ *ibid*, col 702.

£10 million of that has been spent so far. Clearly, if we get an acceleration in the number of Neighbourhood Plans, we will need to find additional resources, and I am happy to discuss further with him how we might go about doing so.¹⁴²

Prior to the Minister's response Oliver Letwin had said that he hoped that "when the matter is considered in the other place, the Government will come forward with their own vastly superior, rock-solid measure to solve the problem".¹⁴³

6. House of Commons: Legislative Grand Committee (England and Wales)

Following the Neighbourhood Planning Bill's report stage in the House of Commons, the Deputy Speaker suspended the sitting for consideration of her certification under House of Commons' provisions on 'English Votes for English Laws' (specifically standing order number 83L, reconsideration of certification before third reading).

The House of Commons then resolved itself into the Legislative Grand Committee (England and Wales). The Legislative Grand Committee (England and Wales) considered and agreed to the following question:

That the Committee consents to the following certified provisions of the Neighbourhood Planning Bill:

Clauses and schedules certified under Standing Order No 83L(2) as relating exclusively to England and Wales and being within devolved legislative competence .

Clauses 14 to 30 and 33 to 35 of the Neighbourhood Planning Bill (Bill 83) including the Amendment made on Report and New Clause NC6 added on Report.—(Gavin Barwell).¹⁴⁴

The Legislative Grand Committee (England) considered and agreed to the following motion:

That the Committee consents to the following certified provisions of the Neighbourhood Planning Bill:

Clauses and schedules certified under Standing Order No 83L(2) as relating exclusively to England and being within devolved legislative competence

Clauses 1 to 13 and 31 and 32 of, and Schedules 1 to 3 to, the Bill (Bill 83) including the Amendments made on Report.—(Gavin Barwell).¹⁴⁵

The House of Commons *Votes and Proceedings* for 13 December 2016 explain that:

[...] the Legislative Grand Committee (England and Wales) has consented to the certified clauses of the Bill and the certified amendments made on Report, and that the

¹⁴² *ibid*, col 734.

¹⁴³ *ibid*, col 702.

¹⁴⁴ House of Commons, [Votes and Proceedings](#), 13 December 2016, p 3.

¹⁴⁵ *ibid*.

Legislative Grand Committee (England) has consented to the certified clauses of and schedules to the Bill, and the certified amendments made on Report.¹⁴⁶

Further information on the background to ‘English Votes for English Laws’ (EVEL) can be found in the House of Commons Library’s briefing [English Votes for English Laws](#), 2 December 2015. A summary of the procedures under the Commons’ provisions on EVEL can be found on the Parliament website.¹⁴⁷

7. House of Commons: Third Reading

At the Neighbourhood Planning Bill’s third reading, Sajid Javid, Secretary of State for Communities and Local Government, argued that the Bill would help to further progress on house building. He said that its measures would:

[...] help us identify more land that is suitable for development, while continuing to protect the areas that we value most, including, of course, the green belt. It further strengthens neighbourhood planning and ensures communities have a stronger say in developments that affect them. It also supports the local plan process so that all communities in England can benefit from having one.¹⁴⁸

The Secretary of State added that the Bill’s provisions on pre-commencement planning conditions would also help to ensure that they are not an “unnecessary barrier” to construction.¹⁴⁹ However, he said that the Bill was not a “magic bullet” or “one-stop solution” for housing supply, but he argued that “it makes our planning system faster and fairer, and it will help us build more homes”.¹⁵⁰

Responding for the Opposition, Teresa Pearce, the Shadow Secretary of State for Communities and Local Government, said that she was disappointed by what she described as a “lack of measures to strongly promote new settlements via garden villages, cities or new towns”.¹⁵¹ However, she said that the Labour Party welcomed the Bill’s provisions to “strengthen neighbourhood planning” and:

[...] the inclusion of changes to local plan making to enable planning to take place across more than one local authority where this is necessary. We also welcome the changes to CPOs as far as they go, but the Minister will know that we believe that a full-scale review of CPO legislation is overdue.¹⁵²

Teresa Pearce also expressed concern about the possible size of the forthcoming white paper on housing, stating that:

According to what has been said, the white paper will cover these areas: objectively assessed need, how it is calculated, and its implications for strategic housing market areas and strategic housing land availability assessments; changes to community infrastructure levy appraisals; amendments to the NPPF; measures to support small and

¹⁴⁶ House of Commons, [Votes and Proceedings](#), 13 December 2016, p 3.

¹⁴⁷ Parliament, [‘English Votes for English Laws: House of Commons Bill Procedure’](#), accessed 3 January 2017.

¹⁴⁸ [HC Hansard, 13 December 2016, col 755](#).

¹⁴⁹ *ibid.*

¹⁵⁰ *ibid.*

¹⁵¹ *ibid.*, col 756.

¹⁵² *ibid.*

medium-sized enterprises; policies to support home ownership; innovative housing design; permitted development changes; measures to free up land; resourcing of planning departments; right to be heard; and urban regeneration—plus a few other issues that he mentioned earlier. That looks like quite a white paper.¹⁵³

She concluded stating that it was “a pity” that the Bill did not present provisions on infrastructure because infrastructure was “absolutely” needed to “underpin more housing output”.¹⁵⁴ Ms Pearce said that the Labour Party was “going to press the Government on this in the coming months”.¹⁵⁵

John Redwood, Conservative MP for Wokingham, stated that he strongly supported the Bill’s “central purpose” of building more homes. However, he stated that whilst there was “huge support on the government benches” for house building and the local planning system:

[...] we sometimes think inspectors still do not get it and developers are very clever, meaning that we end up with homes in places where we do not want them, which gives the whole policy a bad name.¹⁵⁶

This was a view reflected by Mims Davies, Conservative MP for Eastleigh, who stated that she would like the planning inspectorate:

[...] to show a more consistent approach to Neighbourhood Plans. I am delighted to hear from the Secretary of State that that is what he is looking for. We continually hear in this Chamber about examples of conflicting judgments. The policy is right, and it is powerful, and I hope that at planning inspectorate level, Neighbourhood Plans will be given enough weight.¹⁵⁷

The Neighbourhood Planning Bill passed third reading in the House of Commons without a division.

¹⁵³ [HC Hansard, 13 December 2016, col 756–7.](#)

¹⁵⁴ *ibid*, col 757.

¹⁵⁵ *ibid*.

¹⁵⁶ *ibid*, col 758.

¹⁵⁷ *ibid*, col 759.

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