

## NEIGHBOURHOOD PLANNING BILL: MEMORANDUM ON THE APPLICATION OF STANDING ORDER 830 IN RELATION TO THE GOVERNMENT AND NON-GOVERNMENT AMENDMENTS MADE BY THE HOUSE OF LORDS, AHEAD OF COMMONS CONSIDERATION OF LORDS AMENDMENTS

1. The following is the Department's assessment of the amendments to the Bill made during the Bill's passage through the House of Lords. The clause numbers referred to are those in the version of the Bill as it left the House of Commons and was first printed for the House of Lords on 14 December 2016.

### Territorial extent and application

2. The amendments to existing clauses of, or Schedules to, the Bill do not alter the territorial extent or application of the clause or Schedule in question or the analysis at Annex I to the Explanatory Notes to the Bill as brought from the House of Commons.

### New clauses inserted into the Bill in the House of Lords

3. The following new clauses to be inserted into Part 1 of the Bill would extend to England and Wales and apply to England only and, in the view of the Government of the UK, it would be within the legislative competence of the National Assembly for Wales, Scottish Parliament or Northern Ireland Assembly to make corresponding provision:
  - Lords amendment 4 – new clause *Notification of applications to neighbourhood planning bodies*.
  - Lords amendment 5- new clause *Engagement by examiners with qualifying bodies etc.*
  - Lords amendment 23- new clause *Development of new towns by local authorities*.
4. The following new clause to be inserted into Part 1 of the Bill would extend and apply to England and Wales and, in the view of the Government of the UK, it would be within the legislative competence of the Scottish Parliament or Northern Ireland Assembly to make corresponding provision.
  - Lords Report amendment 22- new clause *change of use of drinking establishments*.
5. The following new clause to be inserted into Chapter 1 of Part 2 of the Bill would extend and apply to England and Wales only, and in the view of the Government of the UK, it would be within the legislative competence of the Scottish Parliament or Northern Ireland Assembly to make corresponding provision:
  - Lords amendment 53- new clause *Impact of temporary possession on tenancies etc.*
6. The following new clause which would form Chapter 3 of Part 2 would extend and apply to the UK:
  - Lords amendment 74 – new clause *Consequential provision*

## Subject matter and legislative competence of devolved administrations

7. The amendments to Part 1 of the Bill make further provision relating to neighbourhood planning, planning conditions, local development documents and new towns. The new clauses in Part 1 would amend the Town and Country Planning Act 1990, the Town and Country Planning (Use Classes) Order 1987 and the New Towns Act 1981. Most aspects of planning are devolved in Scotland, Wales and Northern Ireland. As such, it would be within the legislative competence of the Scottish Parliament, National Assembly for Wales and the Northern Ireland Assembly to make corresponding provision in Scotland, Wales and Northern Ireland respectively.
8. The amendments to existing clauses in Chapters 1 and 2 of Part 2 of the Bill, make further provision in relation to compulsory acquisition and the new clause inserted into Chapter 1 of Part 2 (*impact of temporary possession on tenancies etc*) would amend the power to take temporary possession under the Bill. Matters relating to compulsory purchase are devolved in Scotland and Ireland. As such, it would be within the competence of the Scottish Parliament and the Northern Ireland Assembly to make corresponding provision in respect of temporary possession in Scotland and Northern Ireland respectively.
9. The above assessment is presented in tabular form in the attached annex.

**Department for Communities and Local Government**

**March 2017**

**Annex: Lords amendments amending clauses of and Schedules to the Bill, and inserting new clauses as brought from the House of Commons**

<b>Lords Amendments</b>	<b>Extends to England &amp; Wales and applies to England?</b>	<b>Extends to England &amp; Wales and applies to Wales?</b>	<b>Extends and applies to Scotland?</b>	<b>Extends and applies to Northern Ireland?</b>	<b>Would corresponding provision be within the competence of the National Assembly for Wales?</b>	<b>Would corresponding provision be within the competence of the Scottish Parliament?</b>	<b>Would corresponding provision be within the competence of the Northern Ireland Assembly?</b>	<b>Legislative Consent Motion needed?</b>
<u>Part 1</u> Amendments 1 to 21 Amendment 23 Amendments 84-90	Yes	No	No	No	Yes	Yes	Yes	No
<u>Part 1</u> Amendment 22	Yes	Yes	No	No	Yes	Yes	Yes	No
<u>Part 2,</u> <u>Chapters 1 and 2</u> Amendments 24 to 73	Yes	Yes	No	No	No	Yes	Yes	No
<u>Part 2, Chapter 3</u> Amendment 74	Yes	Yes	Yes	Yes	N/A	N/A	N/A	N/A
<u>Part 3</u> Amendments 75 to 83	Yes	Yes	Yes	Yes	N/A	N/A	N/A	N/A

