



Report of	Meeting	Date
Director of Development, Preston City Council	Central Lancashire Strategic Planning Joint Advisory Committee	26 November 2015

Housing and Planning Bill

PURPOSE OF REPORT

1. To advise members of the Joint Advisory Committee on the provisions of the Housing and Planning Bill and potential implications for the delivery of local planning policies in Central Lancashire.

RECOMMENDATION(S)

2. The Joint Advisory Committee is recommended to note the contents of this report. Individual authorities may wish to consider whether to submit evidence to the House of Commons Public Bill Committee.

EXECUTIVE SUMMARY OF REPORT

3. The Housing and Planning Bill had its first reading in the House of Commons on 13th October 2015 and second reading on 2nd November 2015. The House of Commons Committee stage of the Bill is scheduled to run from 10th November 2015 to 10th December 2015. Following that there will be a report stage and third reading in the House of Commons. The Bill will then go through the same stages in the House of Lords. The Bill contains manifesto commitments and by convention the House of Lords does not oppose Bills that contain government manifesto commitments during the second reading stage. There may, however, be amendments as the Bill progresses through Parliament and these will be reported to future meetings of the JAC. This is a heavyweight Bill and its progress through Parliament will take several months. It is not possible at this stage to give an indication of when the Bill may receive the Royal Assent and become law.
4. The Bill is lengthy, containing 145 clauses and covering the following:
 - Part 1 – New homes in England covering starter homes and self-build & custom housing
 - Part 2 – Measures to address rogue landlords and letting agents
 - Part 3 – Recovering abandoned premises
 - Part 4 – Social housing provision
 - Part 5 – Other changes to legislation regarding housing, estate agents and rentcharges
 - Part 6 – Planning
 - Part 7 – Compulsory Purchase
 - Part 8 – Other general provisions including transitional and consequential provisions.
5. The background paragraphs in this report provide more detail on each of these, focusing particularly on those parts of the bill that are relevant to the planning and delivery of planning policy in Central Lancashire.

REASONS FOR RECOMMENDATION(S)

6. To ensure members are aware of the content of the Bill.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

7. N/A

BACKGROUND

8. The bill is intended to support the delivery of the government's commitments as put forward in the conservative party manifesto and the productivity plan *fixing the foundations: creating a more prosperous nation*. In particular these relate to providing more housing 'that people can afford', increasing home ownership and improving housing management.
9. The accompanying guidance notes state that the government intends to do this in part by 'implementing reforms that will make sure that the planning system does not add any unnecessary obstacles to the delivery of new homes'.
10. The bill is in eight parts:

PART 1: NEW HOMES IN ENGLAND

Starter Homes – providing a statutory framework for the delivery of starter homes

11. *Comment: Starter homes are to be new dwellings, sold at a discount of at least 20% of market value subject to a price cap of £250,000 outside Greater London (£450,000 within Greater London). They are to be sold to qualifying first-time buyers who are aged under 40 and have any other characteristics set out in regulations to be made by the Secretary of State; one example given in the Bill is nationality. The Bill provides that the Secretary of State can, through regulations, place restrictions on the sale and letting of starter homes. The purpose of such restrictions would be to ensure that starter homes are purchased by people who wish to own their home rather than by people who wish to use the property for rental investment or short-term speculation.*
12. *Local Planning Authorities must carry out relevant planning functions, e.g. making plans or determining planning applications, with a view to promoting the supply of starter homes and regulations may provide that a LPA may only grant planning permission for residential development of a specified description if requirements relating to the provision of starter homes are met. These requirements are also to be set out in regulations. The requirements could include the provision of a particular number or proportion of starter homes on site or the payment of a commuted sum to the local planning authority for the provision of starter homes. The Secretary of State will have flexibility to apply different requirements to different types of residential developments and to different areas, including conferring discretions on local planning authorities.*
13. *For example, the Secretary of State would be enabled, through regulations, to require that in relation to applications for residential development above a certain size there must be a planning obligation (S106 agreement) securing a certain proportion of starter homes on the site. The regulations may also specify that certain types of residential development should be exempt, or that certain areas should have a higher starter home requirement, or that local planning authorities should have discretion about certain requirements.*

14. *These provisions could have an impact on the ability to deliver the affordable housing as set out in Policy 7 of the Central Lancashire Core Strategy. In particular the Bill as drafted appears to give the Secretary of State powers to determine levels of starter homes provision and how that provision will be met. It is not clear how developers will react to this. Under current CIL regulations, starter homes would only benefit from discretionary relief from the CIL payment if developers agree to make them available in accordance the local authority's policies regarding allocations. They may, therefore, want to enter into negotiations with authorities to deliver starter homes as affordable housing complying with the plan's requirements to the extent that any future regulations on starter homes permit. The starter homes proposal in the Bill, combined with the introduction of a right to buy and the introduction of income thresholds for social housing rents is causing registered housing providers to reconsider how they deliver affordable housing, in particular moving away from providing new rented accommodation. There is emerging evidence in Preston of registered providers not wanting to engage with house builders to provide the rented element of affordable housing on new developments.*
15. *LPA's will be required to report on how they have carried out their functions in relation to the provision of starter homes and the Secretary of State will have powers to make a compliance direction if he is not satisfied that an LPA has not carried out its duties.*

Self-build and custom housebuilding –requiring local authorities to meet demand for custom-built and self-built homes by granting permissions for suitable sites

16. *Comment: This chapter amends and supplements the duties placed on local authorities under the Self-build and Custom Housebuilding Act 2015. That Act introduced new duties on local authorities to keep, and have regard to, registers of people seeking land for self-build and custom housebuilding. Those duties will be brought into force through regulations.*
17. *The Bill requires local authorities to grant sufficient suitable development permissions on serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The demand for self-build and custom housebuilding is to be evidenced by the number of people on the register held by local authorities under the 2015 Act. The Bill defines a serviced plot of land as land that has access to a public highway and connections for electricity, water and waste water or land where these can be provided in specified circumstances or within a specified period. 'Development permissions' includes planning permission and 'permission in principle', which is a new concept introduced by the Bill (see below).*

PART 2: ROGUE LANDLORDS AND LETTING AGENTS IN ENGLAND

Private rented sector – providing greater powers for local authorities to identify and tackle rogue landlords

18. *Comment: This part of the Bill introduces banning orders prohibiting individuals from letting property or lettings management or property management or two or more of those activities, where an offence, to be specified in regulations, has been committed. It sets out penalties for breaches of banning orders. Banned persons may not hold an HMO licence under the Housing Act 2004 and where a person holding such a licence is the subject of a banning order, the local authority must revoke that licence. The Bill extends the powers of local authorities to make management orders in such circumstances.*
19. *The Secretary of State will establish a database of rogue landlord and letting agents and local housing authorities are required to enter a person on the database if a banning order has been made against that person, following that local authority's application for such an order. Local housing authorities can, in some circumstances, enter persons on the database*

as an alternative to applying for a banning order where offences are less serious and monitoring of activity may be more appropriate.

20. *The Bill introduces powers under rent repayment orders.*

PART 3: RECOVERING ABANDONED PREMISES IN ENGLAND

Private rented sector – reforming abandonment to more effectively recycle rented property

21. *Comment: This part of the Bill sets out a procedure that a landlord may follow to recover possession of a property where it has been abandoned, without the need for a court order.*

PART 4: SOCIAL HOUSING IN ENGLAND

Right to acquire – extending Right to Buy discount levels to housing association tenants

22. *Comment: The effect of this provision now is to provide a statutory basis for the voluntary agreement that the government has entered into with registered providers. The Secretary of State is empowered to make grants to registered providers to cover the cost of a discount awarded to the tenant of a provider when buying their home from that provider. The Secretary of State has the ability to direct the Homes and Communities Agency to make grants under the Agency's power in section 19 of the Housing and Regeneration Act 2008. One consequence of this is that the Office for National Statistics has reclassified private registered providers, including housing associations, as public sector non-financial corporations (from private non-financial corporations). This reclassification potentially has an impact on the credit ratings of registered providers and their ability to borrow to build more homes. The government, through the HCA, has taken steps to reassure the sector and there is the possibility of registered providers being returned to the private sector but the experience of the further education sector, which went through the same process between 2010 and 2012, suggests that it could take between 18 months and two years to return registered providers to the private sector.*

Vacant high value local authority housing – requiring local authorities to manage their housing assets more efficiently, with the most expensive vacant properties sold and replaced with new affordable housing in the area

23. *Comment: This enables the Secretary of State to require local housing authorities to make a payment to the Secretary of State calculated by reference to the market value of the high value vacant housing owned by the authority. The requirement only applies to local authorities that are required to keep a Housing Revenue Account recording revenue expenditure and income relating to an authority's own housing stock and there are currently 165 such local authorities in England.*

24. *The provisions also place a duty on local housing authorities to consider selling such housing and enable the Secretary of State to enter into an agreement with a local authority to reduce the amount of the payment, so long as the money is spent on housing or on things that will facilitate the provision of housing.*

25. *The definition of "high value" must be set out in regulations made by the Secretary of State and may be different in different areas.*

Reducing regulation – allows the Secretary of State to reduce regulations on housing associations

26. *Comment: This enables the Secretary of State to make regulations to amend regulatory provisions in the Housing and Regeneration Act 2008, with the intention of reducing regulatory control over private registered providers.*

High income social tenants – requiring tenants in social housing on higher incomes (over £40,000 in London and over £30,000 outside London) to pay market rate, or near market rate, rents

27. *Comment: This gives the Secretary of State the power to set the levels of rent that registered provider of social housing must charge high income social tenants ('HISTs'). Following consultation on some of the detail, regulations will determine how much rent a HIST should pay. Guidance may also be issued by the Secretary of State, which registered providers of social housing must follow.*
28. *Regulations made under this provision will define the meaning of "high income" by reference to income thresholds, including deciding what type of "income" is captured (for example, earnings or all types of taxable income). As indicated in the Budget announcement starting income thresholds will initially be set at £30,000 outside London and £40,000 in London, but the enabling powers are worded flexibly giving power to vary thresholds as may be considered necessary in the future. Regulations will also set out the reference period for calculation of income.*
29. *The accompanying guidance notes state that "the policy intent is to take 'household' income into account when determining whether the high income thresholds are met and the legislation makes it clear that the definition of household can be set by the Secretary of State".*
30. *Registered providers will be empowered to require tenants to provide household income information and to do so within specified time periods otherwise the default position will be that they will be deemed to be a high income household. The Bill also provides for verification of income from HMRC either directly to a registered provider or through the Secretary of State.*
31. *The average household income for a couple seeking an affordable house in Preston is £30,000 - £35,000. In future such applicants are more likely to seek intermediate or shared ownership (or starter) homes rather than rented affordable housing.*

PART 5: HOUSING, ESTATE AGENTS AND RENTCHARGES: OTHER CHANGES

Housing needs in England – simplifying the legislation governing the assessment of housing and accommodation needs of the community, whilst ensuring that the needs of all members of the community are assessed on an equal basis

32. *Comment: This makes amendments to Section 8 of the Housing Act 1985 and revokes section 225 and 226 of the Housing Act 2004.*
33. *Section 8 of the Housing Act 1985 requires every local housing authority to consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation.*
34. *Section 225 of the Housing Act 2004 requires that every local housing authority must, when carrying out a review under section 8 of the Housing Act 1985, carry out an assessment of*

the accommodation needs of Gypsies and Travellers who reside in or who resort to their area.

35. *Section 226 of the Housing Act 2004 enables the Secretary of State to issue guidance on the carrying out of needs assessments for Gypsies and Travellers and the preparation of strategies to meet those needs and the process by which guidance must be laid before Parliament.*
36. *The amendments move away from separate definitions in housing legislation to make clear that when authorities are carrying out a review of housing needs that they consider the needs of all the people residing in or resorting to their district, without any references to Gypsies and Travellers.*
37. *The Bill amends Section 8 of the 1985 Act to include a duty to consider the needs of people residing in or resorting to their district with respect to the provision of:
(a) sites on which caravans (as defined in Section 29 of the Caravan Sites and Control of Development Act 1960) can be stationed, or
(b) places on inland waterways where houseboats can be moored.*
38. *It is not clear what the outcome of these changes will be. Local authorities will have to incorporate an assessment of future housing requirements including the requirement for caravans in their Strategic Housing Market Assessments without distinguishing the needs of Gypsies and Travellers. But in order to have an effective SHMA they will still have to have some idea of what the needs of that group are as they are a group of people who have a need that is specifically identified in the proposed amendment to the 1985 Act.*
39. *Other provisions in this part of the Bill involve:*
 - *Providing a stringent 'fit and proper' person test for landlords letting out licensed properties, such as Houses in Multiple Occupation, to help ensure that they have the appropriate skills to manage such properties and do not pose a risk to the health and safety of their tenants;*
 - *Allowing financial penalties to be imposed as an alternative to prosecution for certain offences;*
 - *Requiring Tenancy Deposit Scheme data to be shared with local authorities; and*
 - *Amending the Estate Agents Act 1977 to allow the Secretary of State to appoint the regulating authority*
 - *Enfranchisement and extension of long leaseholds, making provision for the valuation of minor intermediate leasehold interests in leasehold enfranchisement and lease extension cases to continue to be possible when using the legislation*
 - *Rentcharges, allowing the formula for calculating the amount needed to redeem a rentcharge to be amended by secondary legislation*

PART 6: PLANNING IN ENGLAND

Neighbourhood planning – simplifying and speeding up the neighbourhood planning process to support communities that seek to meet local housing and other development needs through neighbourhood planning

40. *Comment: This part of the Bill amends the Town and Country Planning Act 1990 Act in relation to the designation of a neighbourhood area. Under S61G of the 1990 Act a local planning authority may only designate a neighbourhood area where a relevant body (a parish council, where there is one, or an organisation or body which is, or is capable of being,*

designated as a neighbourhood forum) has applied to the authority for an area specified in the application to be designated. The authority must designate at least some of the area applied for (unless all of the area applied for is already designated).

41. The amendment enables the Secretary of State to make regulations requiring a local planning authority to designate all of the area applied for if the application meets prescribed criteria or has not been determined within a prescribed period (subject to prescribed exceptions).
42. The provisions of the Bill also amend the 1990 Act and Planning and Compulsory Purchase Act 2004 Act to enable the Secretary of State to prescribe time periods within which local planning authorities must undertake key neighbourhood planning functions, including holding a referendum, and to enable the Secretary of State to prescribe a date by which a local planning authority must make a neighbourhood development order or plan that has been approved in each applicable referendum (unless the authority considers that making the order or plan would not be compatible with any EU obligation or Convention right).
43. The Bill also enables the Secretary of State, at the request of a parish council or neighbourhood forum responsible for neighbourhood planning in an area, to intervene in a local planning authority's decision whether to hold a referendum on a neighbourhood development order or plan proposal.
44. In non-parished areas, there is a new provision that requires a local planning authority, at the request of a neighbourhood forum, as defined in S61F of the Town and Country Planning Act 1990 and designated for the purpose of preparing a neighbourhood plan, in their area, to notify the forum of planning applications in the neighbourhood area for which the forum is designated. This would extend to neighbourhood forums a right afforded to parish councils by paragraph 8 of Schedule 1 of the 1990 Act. In relation to the Inner East Preston Neighbourhood Plan, Preston City Council already takes a pragmatic view and consults the neighbourhood forum on planning applications within the neighbourhood plan area.

Local planning – giving the Secretary of State further powers to intervene if Local Plans are not effectively delivered

45. *Comment:* In relation to the Local Development Scheme, an amendment to S15(4) of the Planning and Compulsory Purchase Act 2004 as amended by S111(3) of the Localism Act 2011, clarifies that a direction relating to the Local Development Scheme, (which sets out the development plan documents that the authority intend to produce and the timetable for their production) made by the Secretary of State can relate to the subject matter of documents specified in a scheme as well as geographical coverage.
46. This part of the Bill also gives powers to the Secretary of State to direct, in the case of a development plan document examination, the person appointed to carry out the examination to 'suspend' the examination, to consider specified matters, to hear from specified persons, or to take other specified procedural steps. Directions are given by notice to the appointed person.
47. It also extends the Secretary of State's default powers in relation to the preparation, revision or adoption of a development plan document to give directions to a local planning authority in relation to the preparation or revision of the document, submission for examination and adoption.
48. This effectively means that where a local plan setting out local land use policies has not been produced by a local planning authority in a timely fashion, it is proposed that the Secretary of State will have powers to prepare or revise the local plan or direct the local authority to submit a local plan to him for approval and that he should have the power to direct the local planning authority as to necessary steps to take throughout the local plan preparation process. While the Secretary of State already has default powers in relation to the

preparation or revision of a local plan, this extends that power to enable the Secretary of State to direct local authorities to prepare one within a specified timeframe. The three Central Lancashire authorities are well placed in this respect, having up to date development plans.

Planning in Greater London – devolving further powers to the Mayor of London

49. *Comment: This specifies planning matters within Greater London that can be devolved to the Mayor of London.*

Local registers of land and permission in principle – creating a duty for local authorities to hold a register of various types of land, with the intention of creating a register of brownfield land to facilitate unlocking land to build new homes; and giving housing sites identified in the brownfield register, local and neighbourhood plans planning permission in principle, and providing an opportunity for applicants to obtain permission in principle for small scale housing sites

50. *Comment: This part of the Bill introduces a new planning concept of permission in principle. The Town and Country Planning Association has described this as introducing a ‘zoning’ type of planning, common in the US and parts of Europe, notably the Netherlands and Germany, and moving away from the more flexible, discretionary approach of the British planning system which allows unforeseen matters to be taken into account in determining whether planning consent should be granted. At the meeting of the Communities and Local Government Select Committee on 7th September 2015, Brandon Lewis, Minister of State for Housing and Planning, confirmed that the government was looking at planning practice in other countries and specifically mentioned the Netherlands. The key principle, as explained below is that planning permission for specified development is granted on adoption of a plan. The idea of permission being granted with the adoption of the plan is a key part of the Dutch system, but so too is the idea of the public sector as lead developers, backed by public sector investment. Significantly, off-plan speculative development does not occur on the same scale as in the UK. In Germany local land use plans are binding once they have been adopted so there is no opportunity for developers to challenge the system as they do in the UK. The US zoning system is different and involves the creation of very detailed zoning ordinances, usually on a block by block basis and separating land uses. There have been a number of criticisms of the US approach, primarily because it reduces the opportunity to create mixed use communities fundamental to sustainable development.*
51. *Qualifying development, the description of which will be set out in regulations, will be permitted in principle on land which is designated for that purpose. The current intention is that this land would be brownfield land designated in the register referred to below, and land designated in development plan documents and neighbourhood plans. The criteria which must be met in order to benefit from a permission in principle will be set out in an order.*
52. *A further process involving the grant of a “technical details consent” for development proposals which benefit from a permission in principle will permit the local planning authority to impose conditions which control the permitted development. Taken together the permission in principle and technical details consent will be similar to outline planning permission and reserved matters approvals.*
53. *Permission in principle can be granted through a development order or on application.*
54. *The development order process is set out in a new section 59A in the Town and Country planning Act 1990, inserted by clause 102 of the Bill. It is closely modelled on the existing section 59(2). Section 59A(1)(a) gives the Secretary of State the power, by a development order, to grant permission in principle to land that is allocated for development in a qualifying document.*
55. *The development order will set out the detail of the type of document which will allocate land for a permission in principle. Initially, the Government intends only land allocated in the*

Brownfield Register (see below), Development Plan Documents and Neighbourhood Plans will be capable of obtaining permission in principle. The development order will also set out what type and scope of development will be granted permission in principle. The Government's current intention is that this will initially be limited to sites suitable for housing (use), location and amount of development. If land is allocated in such a document and satisfies the requirements of the development order as to type and scope of development the development order will automatically grant it a permission in principle.

56. *Permission in principle will be granted at the time when a qualifying document is adopted or made by the local authority and a development order will set out how long the permission in principle will be valid for. It is not clear how this will affect land allocated for housing in recently adopted local plan documents i.e. whether any permission in principle will be granted, retrospectively, to the date of adoption or whether it will be granted on legislation coming into effect.*
57. *Permission in principle can also be granted on application. The new section in the 1990 Act gives the Secretary of State the power to set out, in a development order, the process that local authorities must follow in order to grant permission in principle following an application. The Development Management Procedure Order 2015 will be amended to set out the process that applicants and local authorities must follow, as well as the type and scope of development for which permission in principle may be granted by local planning authorities. The Government's current intention is to limit the type of development to minor housing development (the creation of fewer than 10 units).*
58. *The Development Management Procedure Order 2015 may also be amended to set out the process for an application for technical details consent. The Government intend to consult on the details of the application process for technical detail consent in due course.*
59. *The local planning register authority must hold and maintain a register of all permissions in principle for land in their area whether they are generated automatically by the development order or granted on application.*
60. *The Bill inserts a new section 14A into the Planning and Compulsory Purchase Act 2004. The new section will enable the Secretary of State to make regulations requiring a local planning authority in England to compile and maintain a register of particular kinds of land either wholly or partly within that authority's area. The Secretary of State intends to use the power to require local planning authorities which are responsible for deciding applications for housing development to each compile a register of previously developed land in their area, i.e. "brownfield land", which is suitable for housing development.*
61. *Subsection (1) of the new section allows the Secretary of State both to prescribe the description of land (subsection (1)(a)) and to prescribe any criteria which the land must meet for entry in the register (subsection (1)(b)). Suggested criteria prescribed by the Secretary of State could include that the land must be available already or in the near future for housing development, that it must not be affected by physical or environmental constraints that cannot be mitigated and that it must be capable of supporting five dwellings or more.*

Planning permission etc – levelling up the power which enables conditions to be attached to development orders for physical works so that they are consistent with those for change of use; extending the planning performance regime to apply to smaller applications; and putting the economic benefits of proposals for development before local authority planning committees

62. *Comment: This part of the Bill amends an existing power in section 60 of the Town and Country Planning Act 1990 under which planning permission may be granted by a development order subject to conditions or limitations i.e. "permitted development rights".*

63. *Subsection (2A) of section 60 already makes provision for development orders to require the approval of the local planning authority or the Secretary of State for a change of use, or in respect of matters relating to that new use. For example, in relation to a change of use which might generate extra traffic and be noisier than the existing use, the local planning authority may be given the opportunity to approve a transport strategy prepared by the developer, and a plan to address noise impacts.*
64. *New subsection (1A) of section 60 makes similar provision for permitted development rights in respect of building operations (as listed under section 55(1A) under the 1990 Act). It enables development orders to require the approval of the local planning authority or the Secretary of State for any matters related to the building operations or the use of the land following those building operations. This enables certain aspects of the permitted development right to be delegated to the local planning authority, so that local conditions and sensitivities can be taken into account.*
65. *It also expands sections 62A and 62B of the Town and Country Planning Act 1990 under which: (a) local planning authorities may be designated for not adequately performing their function of determining applications for major development; and (b) the developer may choose to make an application for major development directly to the Secretary of State where the authority has been designated.*
66. *The amendments allow the Secretary of State to designate a local authority for its performance in determining applications for categories of development described in regulations made by him (which could now include a separate category of non-major development). The amendments also allow the Secretary of State to provide that certain applications may not be made directly to him under section 62A. For example, if a local planning authority was designated for its performance in determining non-major applications, it may be appropriate for certain minor applications to continue to be dealt with at a local level.*
67. *Clause 106 inserts a new section 75A into the Town and Country Planning Act 1990 to ensure that potential financial benefits of certain development proposals are made public when a local planning authority is considering whether to grant planning permission. The new section 75A requires local planning authorities to make arrangements for officers' reports to planning committees, or to the authority itself, containing a recommendation on a planning application to include a list of financial benefits which are likely to be obtained by the authority as a result of the proposed development if it is carried out.*
68. *The financial benefits to be listed include local finance considerations (which will include sums payable under the Community Infrastructure Levy, and grants or other financial assistance provided by central government) or any other benefit which is set out by the Secretary of State in secondary legislation. A financial benefit must be recorded regardless of whether it is material to an authority's decision on a planning application, but the officer will need to indicate their opinion as to whether the benefit is material or not.*
69. *The amendment gives the Secretary of State the power to require a financial benefit to be recorded where it is payable to another person (including a body) rather than to the authority making the planning determination. The Secretary of State is also given power to set out in regulations any further information about a financial benefit which must be recorded in a planning report. This might include, for example, an estimate of the amount of the benefit in question.*

Nationally significant infrastructure projects – allowing developers who wish to include housing within major infrastructure projects to apply for consent under the nationally significant infrastructure planning regime Urban development corporations – creating a faster and more efficient process for creating Urban Development Areas and Corporations whilst ensuring that those with an interest locally are properly consulted at an early stage

70. *Comment: This part of the Bill provides the Secretary of State with the power to grant development consent for housing which is linked to an application for a nationally significant infrastructure project. Guidance produced by the Department for Communities and Local Government will set out details of the amount of housing that may be granted consent within a development consent order. This will include housing which is functionally linked to the infrastructure project (for example, housing that is required for workers during the construction phase of an infrastructure project or for key workers during the operation phase). It will also allow the Secretary of State to grant consent or housing where there is no functional link but there is a close geographical link between the housing and the infrastructure project.*
71. *The Bill makes two changes in relation to orders establishing urban development areas and urban development corporations in England. Firstly, it imposes new consultation requirements and, secondly, it changes the parliamentary procedure for making orders from an affirmative to a negative procedure. These changes put on a permanent footing the temporary changes that were made by sections 46 and 47 Deregulation Act 2015 (which were limited to orders laid before Parliament on or before 31 March 2016).*

PART 7: COMPULSORY PURCHASE ETC

Improving the compulsory purchase regime, so it is clearer, fairer and faster

72. *Comment: The Bill makes various amendments to legislation regarding Compulsory Purchase procedures.*

PART 8: GENERAL

73. *Comment: This includes transitional and consequential amendments.*

CONCLUSIONS

74. The provisions of the Bill are wide ranging and high level. One of the criticisms of the Bill in debate in Parliament has been the extent to which it devolves the detail of changes set out in it to regulations that have yet to be produced.
75. Some elements of the Bill are more relevant to local authority planning and housing functions than other parts. Particular issues are:
- The extent to which the requirements for starter homes will affect the ability of the local authorities to deliver affordable housing as currently defined in the National Planning Policy Framework.
 - The removal of the requirement to assess the accommodation needs of Gypsies and Travellers separately from all other housing needs, while, at the same time, having a new duty to consider the needs of residents of caravan sites.
 - Changes to the planning regime including changes to the neighbourhood and local planning regimes and the introduction of the concept of permission in principle.

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