

# **Memorandum on the application of Standing Order 83L to the Neighbourhood Planning Bill as amended during the Public Bill Committee and Commons Report stage**

## ***Commons Committee Stage amendments***

The following is the Department's assessment of the amendments to the Bill made at Commons Committee stage.

### *Territorial application*

1. Part 1 of the Bill which relates to town and country planning extends to England and Wales and applies to England only. Part 2 of the Bill which relates to compulsory purchase extends and applies to England and Wales with the exception of clauses 31 and 32 which apply to England only. Part 3 of the Bill which sets out the final provisions of the Bill extends and applies to the UK.
2. Government New Clauses 3 to 7 and New Schedule 1 moved at Commons Committee stage relate to Part 1 of the Bill and so extend to England and Wales and apply to England only. Government amendments 24 to 27 extend and apply to the UK as part of the final provisions within Part 3 of the Bill.
3. All of the amendments made at Commons Committee stage have the same extent and application as the clauses they amend or the Parts of the Bill they relate to.
4. The provisions in the Bill that have been amended are clauses 39 and 40 in Part 3 and Government New Clauses 3 to 7 and New Schedule 1 have been added to Part 1 of the Bill as clauses 6 to 10 and Schedule 2.
5. Part 1 of the Bill which includes clauses 6 to 10 and Schedule 2 extends to England and Wales and applies to England only. Part 3 of the Bill which includes clauses 39 and 40 extends and applies to the UK.

### *Subject matter and legislative competence of devolved administrations*

6. Clauses 6 to 10 and Schedule 2 which have been added to Part 1 of the Bill make provision in relation to town and country planning. Town and country planning is a devolved matter in Scotland, Wales and Northern Ireland (town and country planning is a conferred matter by virtue of Schedule 7, Part 1, paragraph 18 of the Government of Wales Act 2006; it is not a reserved matter listed in Schedule 5 to the Scotland Act 1998; and is not an excepted or reserved matter in Schedule 2 or 3 to the Northern Ireland Act 1998). The Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly could therefore make corresponding provision in respect of these measures.

The above assessment is presented in tabular form below.

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?	Would corresponding provision be within the competence of the National Assembly for Wales?	Would corresponding provision be within the competence of the Scottish Parliament	Would corresponding provision be within the competence of the Northern Ireland Assembly?	Legislative Consent Motion needed?
Neighbourhood Planning Clause 1 to 5	Yes	No	No	No	Yes	Yes	Yes	No
Local Development Documents Clause 6 to 11 (New Clause 3 to 7)	Yes	No	No	No	Yes	Yes	Yes	No
Planning Conditions Clause 12	Yes	No	No	No	Yes	Yes	Yes	No
Planning Register Clause 13	Yes	No	No	No	Yes	Yes	Yes	No
Compulsory Purchase Clause 14 to 30	Yes	Yes	No	No	No	Yes	Yes	No
Clause 31 and 32	Yes	No	No	No	No	Yes	Yes	No
Clause 33 to 35	Yes	Yes	No	No	No	Yes	Yes	No
Final Provisions Clause 36 to 41 (Amendments 24 to 27)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	N/A

Schedule 1	Yes	No	No	No	Yes	Yes	Yes	No
Schedule 2 (New Schedule 1)	Yes	No	No	No	Yes	Yes	Yes	No
Schedule 3	Yes	No	No	No	Yes	Yes	Yes	No

### *Commons Report Stage amendments*

The following is the Department's assessment of the amendments that the Government has tabled for Commons Report stage.

#### *Territorial application*

1. Part 1 of the Bill which relates to town and country planning extends to England and Wales and applies to England only. Part 2 of the Bill which relates to compulsory purchase extends and applies to England and Wales with the exception of clauses 31 and 32 which apply to England only. Part 3 of the Bill which sets out the final provisions of the Bill extends and applies to the UK.
2. Amendments 17 to 20 tabled at Commons Report stage relate to Part 1 of the Bill and extend to England and Wales and apply to England only. Amendment 21 and New Clause 6 relate to Part 2 of the Bill and extend and apply to England and Wales. Amendment 22 relates to Part 3 of the Bill and extends and applies to the UK.
3. All of the amendments that the Government has tabled for Commons Report stage have the same extent and application as the clauses they amend or the Parts of the Bill they relate to.
4. The provisions in the Bill that are proposed to be amended are clauses 11, 13, 23 and 40, and the Government proposes that New Clause 6 should be added to Part 2 of the Bill.
5. Part 1 of the Bill which includes clauses 11 and 13 extends to England and Wales and applies to England only. Clause 23 extends and applies to England and Wales only. New Clause 6, if agreed to, would be added to Part 2 of the Bill and would extend and apply to England and Wales only. Part 3 of the Bill which includes clause 40 extends and applies to the UK.

#### *Subject matter and legislative competence of devolved administrations*

6. Amendments 17 to 20 amend Part 1 of the Bill make provision in relation to town and country planning. Town and country planning is a devolved matter in



Clause 13 [including amendment 20]	Yes	No	No	No	Yes	Yes	Yes	No
Compulsory Purchase Clause 14 to 30	Yes	Yes	No	No	No	Yes	Yes	No
Clause 31 and 32	Yes	No	No	No	No	Yes	Yes	No
Clauses 33 to 35 [including amendment 21 and New Clause 6]	Yes	Yes	No	No	No	Yes	Yes	No
Final Provisions Clauses 36 to 41 [including amendment 22]	Yes	Yes	Yes	Yes	N/A	N/A	N/A	N/A
Schedule 1	Yes	No	No	No	Yes	Yes	Yes	No
Schedule 2	Yes	No	No	No	Yes	Yes	Yes	No
Schedule 3	Yes	No	No	No	Yes	Yes	Yes	No