

GROWTH AND INFRASTRUCTURE BILL AMENDMENTS

1. *Removal of Planning Act 2008 consent requirements in the case of proposed disapplications of other consenting regimes*

Clause **21**, page **22**, line **35**, at end insert -

'(4A) In section 150 (removal of consent requirements) subsection (1), substitute the words "been consulted by the applicant about the inclusion of the provision" for the words "consented to the inclusion of the provision".

2. *Pre-application oversight arrangements, waivers (pre-application procedure) and fees*

After **Clause 21**

Insert the following new Clause –

"Planning Act 2008: further reform - general

(1) In the Planning Act 2008, section 51 (advice for potential applicants and others), after subsection (4) insert -

"(5) Regulations under subsection (3) may also make provision for the oversight by a person appointed by the Secretary of State (including by the giving of advice and opinion) of the preparations being made by an applicant in relation to a proposed application, and the applicant's compliance with the provisions of this Part and those having effect under it. The regulations may require, in particular -

(a) participation, by the applicant and any person being consulted on the application, in the oversight arrangements made by the person appointed by the Secretary of State, including by attending hearings held by that person; and

(b) the payment of fees by the applicant for the cost of the oversight arrangements."

(2) After section 54 of the Planning Act 2008 (rights of entry: crown land) insert -

"54A Waivers: pre-application procedure

(1) An applicant may, at any time before or after making an application, submit a request in writing to the Secretary of State for a direction that any provision contained in this Part or in rules or regulations made under this Part shall not apply (or shall apply in part only) to the application.

(2) A request made under subsection (1) shall give reasons for the request.

- (3) Where a request is made under subsection (1) and the Secretary of State is satisfied that it is impossible, impracticable or unnecessary for the applicant to comply with any provision contained in this Part or in rules or regulations made under this Part, the Secretary of State may—
- (a) direct that the provision in question shall not apply, or shall apply in part only, to the application in question; and
 - (b) whether or not a direction has been given pursuant to sub-paragraph (a), direct that the applicant shall comply with the provision in question, or any part of it, at such later date as may be specified in the direction.”.
- (3) In section 4 of the Planning Act 2008 (fees), after subsection (3) insert -
- “(3A) The regulations may only require the payment of fees in relation to the examination of an application with reference to those days during the examination period when the application was actually examined by the Examining authority.”.

3. Excluding Special Parliamentary Procedure in the case of undesignated open space

Clause **22**, page **23**, line **32**, at end insert –

‘(d) in subsection (12) (definitions), after the words “ ‘common’, ‘fuel or field garden allotment’ and ‘open space’ have the same meanings as in section 19 of the Acquisition of Land Act 1981 (c 67)” insert the words “but with the qualification that no land used for the purposes of public recreation is an open space for the purposes of this section unless the use of the land for that purpose has been designated by the local authority in whose area the land lies;”.

Clause **22**, page **24**, line **19**, at end insert –

‘(d) in subsection (12) (definitions), after the words “ ‘common’, ‘fuel or field garden allotment’ and ‘open space’ have the same meanings as in section 19 of the Acquisition of Land Act 1981 (c 67)” insert the words “but with the qualification that no land used for the purposes of public recreation is an open space for the purposes of this section unless the use of the land for that purpose has been designated by the local authority in whose area the land lies;”.

4. Allowing housing to be part of a business and commercial project for the purposes of Clause 24

Clause **24**, page **30**, leave out lines **23** and **24**.