

English Devolution and Community Empowerment Bill

COMMONS INSISTENCE ON DISAGREEMENT, INSISTENCE, AMENDMENTS IN LIEU
AND AMENDMENT TO THE WORDS SO RESTORED TO THE BILL

[The page and line references are to HL Bill 150, the Bill as first printed for the Lords]

LORDS AMENDMENTS 26 AND 89

After Clause 37

- 26** After Clause 37, insert the following new Clause –
- “Brownfield land priority**
- (1) A mayor, combined authority, or combined county authority may not designate greenfield land for development unless it is satisfied that no suitable brownfield land is available within the relevant area.
- (2) In determining suitability under subsection (1), regard must be had to –
- (a) the availability of land, and
- (b) the viability and environmental impact of development.”

COMMONS REASON

The Commons disagree to Lords Amendment 26 for the following Reason –

- 26A** *Because national planning policy already ensures that brownfield land is prioritised for development.*

Clause 92

- 89** Clause 92, page 88, line 1, at end insert –
- “(ka) section (*Brownfield land priority*) (brownfield land priority);”

COMMONS REASON

The Commons disagree to Lords Amendment 89 for the following Reason –

89A *Because it is consequential on Lords Amendment 26 to which the Commons disagree.*

LORDS NON-INSISTENCE AND AMENDMENTS IN LIEU

The Lords do not insist on their Amendment 26 to which the Commons have disagreed for their Reason 26A, do not insist on their Amendment 89 to which the Commons have disagreed for their Reason 89A, and do propose Amendments 89B and 89C in lieu –

89B After Clause 37, insert the following new Clause –

“Brownfield land priority

- (1) A spatial development strategy prepared by a mayor, combined authority, or combined county authority must seek to prioritise the development of suitable brownfield land within the relevant area before designating greenfield land for development.
- (2) Greenfield land may be designated for development where the authority is satisfied that –
 - (a) the use of available brownfield land alone would be insufficient to meet identified development needs, or
 - (b) development of such brownfield land would not be viable, deliverable, or would give rise to unacceptable environmental impacts, having regard to subsection (3).
- (3) In applying this section, the authority must have regard to –
 - (a) the availability and deliverability of brownfield land,
 - (b) the economic viability of development,
 - (c) the suitability of brownfield land for the proposed development,
 - (d) the environmental impacts of any development,
 - (e) the need to meet housing and economic development requirements in the relevant area, and
 - (f) and relevant national planning policy.”

89C Clause 92, page 88, line 1, at end insert –

“(ka) section (*Brownfield land priority*) (brownfield land priority);”

COMMONS REASONS

The Commons disagree to Lords Amendment 89B for Reason 89D and Lords Amendment 89C for Reason 89E –

89D *Because national planning policy already ensures that brownfield land is prioritised for development.*
89E *Because it is consequential on Lords Amendment 89B to which the Commons disagree.*

LORDS INSISTENCE AND REASON

The Lords insist on their Amendments 89B and 89C for Reason 89F –

89F *Because the Lords wish the Commons to consider the matter again.*

COMMONS INSISTENCE ON DISAGREEMENT AND AMENDMENT IN LIEU

The Commons insist on their disagreement with the Lords in their Amendments 89B and 89C but propose Amendment 89G to the Bill in lieu of those amendments –

89G After Clause 37, insert the following new Clause –

“Prioritisation of development of brownfield land

In section 12G of the Planning and Compulsory Purchase Act 2004 (preparation of draft spatial development strategy), after subsection (2) insert –

“(2A) The Secretary of State must make regulations under subsection (2)(d) which prescribe the desirability of prioritising development on land that has been previously developed.””

LORDS AMENDMENTS 36, 90 AND 155

Clause 59

36 Leave out Clause 59

COMMONS REASON

The Commons disagree to Lords Amendment 36 for the following Reason –

36A *Because it is appropriate for the Leader and Cabinet Executive to be the principal type of executive arrangements for local authorities.*

Clause 92

90 Clause 92, page 88, line 20, leave out paragraph (z)

COMMONS REASON

The Commons disagree to Lords Amendment 90 for the following Reason –

90A *Because it is consequential on Lords Amendments 36 and 155 to which the Commons disagree.*

Schedule 27

155 Leave out Schedule 27

COMMONS DISAGREEMENT AND AMENDMENTS TO THE WORDS SO RESTORED TO THE BILL

The Commons disagree to Lords Amendment 155 and propose the following amendments to the words so restored to the Bill –

- 155A** Schedule 27, page 283, line 10, leave out “or remained”
- 155B** Schedule 27, page 283, line 11, after “resolution” insert “under this Part”
- 155C** Schedule 27, page 283, line 36, after “resolution” insert “under this Part”
- 155D** Schedule 27, page 283, line 37, leave out “or remained”
- 155E** Schedule 27, page 286, line 18, leave out paragraph (a),
- 155F** Schedule 27, page 286, line 23, leave out sub-paragraph (3)

LORDS INSISTENCE, DISAGREEMENT AND REASON

The Lords do insist on their Amendments 36, 90 and 155 and do disagree with the Commons in their Amendments 155A to 155F to the words so restored to the Bill for Reason 155G –

- 155G** *Because the Lords wish the Commons to consider the matter again.*

COMMONS INSISTENCE ON DISAGREEMENT, INSISTENCE, AND AMENDMENT TO THE WORDS SO RESTORED TO THE BILL

The Commons insist on their disagreement with the Lords in their Amendments 36, 90 and 155, insist on Commons Amendments 155A to 155F to the words restored to the Bill by that disagreement with Lords Amendment 155, and propose the following further Amendment to the words so restored to the Bill –

- 155H** Schedule 27, page 281, line 12, at end insert –
- “(2A) Before moving to a leader and cabinet executive in accordance with subsection (2), the local authority must –
- (a) secure that copies of a document setting out the provisions of the arrangements for its leader and cabinet executive are available at its principal office for inspection by members of the public, and
 - (b) publish in one or more newspapers circulating in its area a notice which –
 - (i) states that the authority will be moving to a leader and cabinet executive,
 - (ii) states the date on which the change is to have effect,
 - (iii) describes the main features of the change,
 - (iv) states that copies of a document setting out the provisions of the arrangements for its leader and cabinet executive are available at the authority's principal office for inspection by members of the public, and
 - (v) specifies the address of the authority's principal office.”

LORDS INSISTENCE, DISAGREEMENT AND REASON

The Lords do insist on their Amendments 36, 90 and 155 and do disagree with the Commons in their Amendments 155A to 155F and 155H for Reason 155J –

- 155J** *Because the Lords wish the Commons to consider the matter again.*

COMMONS INSISTENCE ON DISAGREEMENT, INSISTENCE AND AMENDMENT TO THE WORDS SO RESTORED TO THE BILL

The Commons insist on their disagreement with the Lords in their Amendments 36, 90 and 155, insist on their amendments 155A to 155F and 155H to the words restored to the Bill by that disagreement with Amendment 155, and propose Amendment 155K to the words so restored to the Bill by that disagreement –

- 155K** Schedule 27, page 281, line 12, after “day” insert “(the “standard period”) or that period as extended by the Secretary of State in accordance with subsections (2A) and (2B).
- (2A) The Secretary of State may extend that period if the Secretary of State considers that it is likely that a dissolution order will be made in relation to the local authority during the period of one year after the end of the standard period.
- (2B) Any extension of that period –
- (a) must be granted, and notified to the local authority in writing, before the end of the standard period;
 - (b) must end no later than one year after the end of the standard period.”

LORDS AMENDMENT 85 AND 86, 97 TO 116, 120, 121 AND 123

Clause 92

- 85** Clause 92, page 86, line 24, leave out “16”

COMMONS REASON

The Commons disagree to Lords Amendment 85 for the following Reason –

- 85A** *Because it is consequential on Lords Amendment 103 to which the Commons disagree.*

- 86** Clause 92, page 86, line 25, leave out “38”

COMMONS REASON

The Commons disagree to Lords Amendment 86 for the following Reason –

- 86A** *Because it is consequential on Lords Amendment 120 to which the Commons disagree.*

Schedule 1

- 97** Schedule 1, page 89, line 10, leave out “(10A),”

COMMONS REASON

The Commons disagree to Lords Amendment 97 for the following Reason –

97A *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*

98 Schedule 1, page 89, line 15, leave out paragraph (b)

COMMONS REASON

The Commons disagree to Lords Amendment 98 for the following Reason –

98A *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*

99 Schedule 1, page 89, line 33, leave out paragraph (b)

COMMONS REASON

The Commons disagree to Lords Amendment 99 for the following Reason –

99A *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*

100 Schedule 1, page 91, line 6, leave out paragraph 8

COMMONS REASON

The Commons disagree to Lords Amendment 100 for the following Reason –

100A *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*

101 Schedule 1, page 91, line 8, leave out paragraph 9

COMMONS REASON

The Commons disagree to Lords Amendment 101 for the following Reason –

101A *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*

102 Schedule 1, page 91, line 14, leave out paragraph 11

COMMONS REASON

The Commons disagree to Lords Amendment 102 for the following Reason –

102A *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*

103 Schedule 1, page 92, line 36, leave out paragraph 16

COMMONS REASON

The Commons disagree to Lords Amendment 103 for the following Reason –

103A *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*

104 Schedule 1, page 93, line 34, leave out paragraph 17

COMMONS REASON

The Commons disagree to Lords Amendment 104 for the following Reason –

104A *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*

105 Schedule 1, page 96, line 10, leave out paragraph (j)

COMMONS REASON

The Commons disagree to Lords Amendment 105 for the following Reason –

105A *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*

106 Schedule 1, page 97, leave out line 24

COMMONS REASON

The Commons disagree to Lords Amendment 106 for the following Reason –

106A *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*

107 Schedule 1, page 98, leave out line 12

COMMONS REASON

The Commons disagree to Lords Amendment 107 for the following Reason –

107A *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*

108 Schedule 1, page 98, line 13, leave out paragraph 20

COMMONS REASON

The Commons disagree to Lords Amendment 108 for the following Reason –

- 108A** *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*
- 109** Schedule 1, page 99, line 10, leave out paragraph 21

COMMONS REASON

The Commons disagree to Lords Amendment 109 for the following Reason –

- 109A** *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*
- 110** Schedule 1, page 102, line 36, leave out paragraph (b)

COMMONS REASON

The Commons disagree to Lords Amendment 110 for the following Reason –

- 110A** *Because streamlining the processes relating to the establishment, expansion and functions of combined county authorities is necessary to ensure that Strategic Authorities are in place across England.*
- 111** Schedule 1, page 103, line 10, leave out paragraph (b)

COMMONS REASON

The Commons disagree to Lords Amendment 111 for the following Reason –

- 111A** *Because streamlining the processes relating to the establishment, expansion and functions of combined county authorities is necessary to ensure that Strategic Authorities are in place across England.*
- 112** Schedule 1, page 104, line 5, leave out paragraph (b)

COMMONS REASON

The Commons disagree to Lords Amendment 112 for the following Reason –

- 112A** *Because streamlining the processes relating to the establishment, expansion and functions of combined county authorities is necessary to ensure that Strategic Authorities are in place across England.*
- 113** Schedule 1, page 104, line 17, leave out paragraph (b)

COMMONS REASON

The Commons disagree to Lords Amendment 113 for the following Reason –

- 113A** *Because streamlining the processes relating to the establishment, expansion and functions of combined county authorities is necessary to ensure that Strategic Authorities are in place across England.*
- 114** Schedule 1, page 105, line 10, leave out paragraph 33

COMMONS REASON

The Commons disagree to Lords Amendment 114 for the following Reason –

- 114A** *Because streamlining the processes relating to the establishment, expansion and functions of combined county authorities is necessary to ensure that Strategic Authorities are in place across England.*
- 115** Schedule 1, page 105, line 12, leave out paragraph 34

COMMONS REASON

The Commons disagree to Lords Amendment 115 for the following Reason –

- 115A** *Because streamlining the processes relating to the establishment, expansion and functions of combined county authorities is necessary to ensure that Strategic Authorities are in place across England.*
- 116** Schedule 1, page 105, line 13, leave out paragraph 35

COMMONS REASON

The Commons disagree to Lords Amendment 116 for the following Reason –

- 116A** *Because streamlining the processes relating to the establishment, expansion and functions of combined county authorities is necessary to ensure that Strategic Authorities are in place across England.*
- 120** Schedule 1, page 106, line 34, leave out paragraph 38

COMMONS REASON

The Commons disagree to Lords Amendment 120 for the following Reason –

- 120A** *Because streamlining the processes relating to the establishment, expansion and functions of combined county authorities is necessary to ensure that Strategic Authorities are in place across England.*
- 121** Schedule 1, page 107, line 34, leave out paragraph 39

COMMONS REASON

The Commons disagree to Lords Amendment 121 for the following Reason –

- 121A** *Because streamlining the processes relating to the establishment, expansion and functions of combined county authorities is necessary to ensure that Strategic Authorities are in place across England.*
- 123** Schedule 1, page 112, line 13, leave out paragraph 42

COMMONS REASON

The Commons disagree to Lords Amendment 123 for the following Reason –

- 123A** *Because streamlining the processes relating to the establishment, expansion and functions of combined county authorities is necessary to ensure that Strategic Authorities are in place across England.*

LORDS INSISTENCE AND REASON

The Lords insist on their Amendments 85 and 86, 97 to 116, 120, 121 and 123 for Reason 123B –

- 123B** *Because the Lords wish the Commons to consider the matter again.*

COMMONS INSISTENCE ON DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons insist on their disagreement with the Lords in their Amendments 85 and 86, 97 to 116, 120, 121 and 123 but propose the following Amendments to the Bill in lieu –

- 123C** Schedule 1, page 91, line 18, leave out “, (4)”
- 123D** Schedule 1, page 91, leave out lines 31 to 37
- 123E** Schedule 1, page 97, leave out from line 25 to line 12 on page 98
- 123F** Schedule 1, page 98, leave out lines 36 to 38
- 123G** Schedule 1, page 105, line 17, leave out “, (4)”
- 123H** Schedule 1, page 105, leave out lines 29 to 35
- 123J** Schedule 1, page 111, leave out from line 25 to line 12 on page 112
- 123K** Schedule 1, page 113, leave out lines 1 to 3

LORDS INSISTENCE, DISAGREEMENT AND REASON

The Lords insist on their Amendments 85 and 86, 97 to 116, 120, 121 and 123 and disagree with the Commons in their Amendments 123C to 123H and 123J to 123K in lieu for Reason 123L –

- 123L** *Because the Lords wish the Commons to consider the matter again.*

COMMONS INSISTENCE ON DISAGREEMENT, INSISTENCE AND AMENDMENTS IN LIEU

The Commons insist on their disagreement with the Lords in their Amendments 85 and 86, 97 to 116, 120, 121 and 123, insist on their amendments 123C to 123H and 123J to 123K in lieu, and propose Amendments 123M to 123N and 123P to 123R to the Bill in lieu of those amendments –

- 123M** Clause 92, page 86, line 24, leave out from “paragraphs” to “of Schedule 1” in line 25 and insert “19 and 41”
- 123N** Schedule 1, page 92, leave out from line 36 to line 33 on page 93
- 123P** Schedule 1, page 94, leave out lines 5 to 7
- 123Q** Schedule 1, page 106, leave out from line 34 to line 33 on page 107
- 123R** Schedule 1, page 108, leave out lines 5 to 7

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