

English Devolution and Community Empowerment Bill

MARSHALLED LIST OF MOTIONS AND AMENDMENTS

TO BE MOVED ON CONSIDERATION OF COMMONS AMENDMENTS AND REASONS

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

MOTION A

LORDS AMENDMENT 2

Clause 2

- 2** Clause 2, page 2, line 24, at end insert –
“(h) rural affairs”

COMMONS REASON

The Commons disagree to Lords Amendment 2 for the following Reason –

- 2A** *Because the matters that are within the scope of the other areas of competence already cover rural affairs.*

LORDS INSISTENCE AND REASON

The Lords insist on their Amendment 2 for Reason 2B –

- 2B** *Because the Lords wish the Commons to consider the matter again.*

COMMONS NON-INSISTENCE AND AMENDMENT TO THE LORDS AMENDMENT

The Commons do not insist on their disagreement to Lords Amendment 2 but propose the following Amendment to the Lords Amendment –

- 2C** Line 2, after “affairs” insert “and coastal communities”

- A★** **Baroness Taylor of Stevenage to move, That this House do not insist on its Amendment 2 and do agree with the Commons in their Amendment 2C.**

MOTION B

LORDS AMENDMENT 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.*

B★ **Baroness Taylor of Stevenage to move, That this House do not insist on its Amendments 89B and 89C to which the Commons have disagreed for their Reasons 89D and 89E.**

B1★ **Baroness Scott of Bybrook to move, as an amendment to Motion B, leave out from “House” to the end and insert “do insist on its Amendments 89B and 89C to which the Commons have disagreed for their Reasons 89D and 89E.”**

MOTION C

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 27S

- 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.”

C★ Baroness Taylor of Stevenage to move, That this House do not insist on its Amendments 36, 90 and 155 and do agree with the Commons in their amendments 155A to 155F and 155H to the words restored to the Bill by that non-insistence on Amendment 155.

C1★ Lord Shipley to move, as an amendment to Motion C, leave out from “House” to the end and insert “do insist on its Amendments 36, 90 and 155, and do disagree with the Commons in their Amendments 155A to 155F and 155H.”

MOTION D

LORDS AMENDMENTS 37 AND 91

After Clause 60

37 After Clause 60, insert the following new Clause –

“Promotion of parish governance

- (1) The Secretary of State must develop and implement a strategy for parish governance in England, particularly for areas that are currently unparished.
- (2) In carrying out this duty, the Secretary of State must –

- (a) issue guidance to principal authorities on identifying areas where a community governance review may be appropriate,
 - (b) encourage principal authorities to consider establishing parish or town councils where doing so would strengthen neighbourhood representation and community engagement, and
 - (c) publish information and examples of best practice on the establishment and operation of parish and town councils.
- (3) Principal authorities must act in accordance with guidance issued under subsection (2) when exercising their functions under Part 4 of the Local Government and Public Involvement in Health Act 2007.
- (4) In preparing guidance under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate, including representatives of parish and town councils.”

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

The Commons disagree to Lords Amendment 37 but propose amendment 37A to the Bill as an amendment in lieu –

37A Clause 60, page 61, line 39, at end insert –

“(3A) Regulations under this section about the membership of specified organisational structures may, in particular, provide for the membership to include one or more members representing any parish council or councils within the neighbourhood area.”

Clause 92

91 Clause 92, page 88, line 21, at end insert –

“(z1) section (*Promotion of parish governance*) (promotion of parish governance);”

COMMONS REASON

The Commons disagree to Lords Amendment 91 for the following Reason –

91A *Because it is consequential on Lords Amendment 37 to which the Commons disagree.*

LORDS INSISTENCE, DISAGREEMENT AND REASON

The Lords insist on their Amendment 37, disagree with the Commons in their Amendment 37A, and insist on their Amendment 91 for Reason 91B –

91B *Because the Lords wish the Commons to consider the matter again.*

COMMONS INSISTENCE ON DISAGREEMENT, NON-INSISTENCE AND AMENDMENTS IN LIEU

The Commons insist on their disagreement with the Lords in their Amendments 37 and 91, does not insist on Commons Amendment 37A in lieu, and propose the following Amendments to the Bill in lieu of those amendments –

91C Clause 60, page 61, line 25, at end insert –

“(1A) In making appropriate arrangements in relation to a neighbourhood area in which there are one or more parish councils, the local authority must engage with the parish council or councils about parish representation under those arrangements.”

91D Clause 60, page 61, line 39, at end insert –

“(3A) Regulations under this section about the membership of specified organisational structures may, in particular, make provision for the membership to include parish representation.”

91E Clause 60, page 62, line 9, at end insert –

““parish representation” means representation of any parish council or councils within a neighbourhood area;”

D★ **Baroness Taylor of Stevenage to move, That this House do not insist on its Amendments 37 and 91 and do agree with the Commons in their amendments 91C to 91E in lieu.**

MOTION E

LORDS AMENDMENTS 41 AND 94

After Clause 63

41 After Clause 63, insert the following new Clause –

“Agent of change: integration of new development with existing businesses and facilities

(1) In this section –

“agent of change principle” means the principle requiring planning policies and decisions to ensure that new development can be integrated effectively with existing businesses and community facilities so that those businesses and facilities do not have unreasonable restrictions placed on them as a result of developments permitted after they were established;

“development” has the same meaning as in section 55 of the Town and Country Planning Act 1990 (meaning of “development” and “new development”);

“licensing functions” has the same meaning as in section 4(1) of the Licensing Act 2003 (general duties of licensing authorities);

“provision of regulated entertainment” has the same meaning as in Schedule 1 to the Licensing Act 2003 (provision of regulated entertainment);

“relevant authority” means a local planning authority construed in accordance with Part I of the Town and Country Planning Act 1990, or a licensing authority within the meaning of section 3 of the Licensing Act 2003 (licensing authorities)

- (2) In exercising any functions under the Town and Country Planning Act 1990 or any licensing functions concerning development which is or is likely to be affected by an existing business or facility, a relevant authority shall have special regard to the agent of change principle.
- (3) An application for development within the vicinity of any premises licensed for the provision of regulated entertainment shall contain a noise impact assessment.
- (4) In determining whether noise emitted by or from an existing business or community facility constitutes a nuisance to a residential development, the decision-maker shall have regard to—
 - (a) the chronology of the introduction of the relevant noise source and the residential development, and
 - (b) what steps have been taken by the developer to mitigate the entry of noise from the existing business or facility to the residential development.”

COMMONS REASON

The Commons disagree to Lords Amendment 41 for the following Reason –

41A *Because it is not necessary to make provision in primary legislation about the agent of change principle.*

Clause 92

94 Clause 92, page 88, line 21, at end insert –

“(z1) section (Agent of change: integration of new development with existing businesses and facilities) (agent of change: integration of new development with existing businesses and facilities);”

COMMONS REASON

The Commons disagree to Lords Amendment 94 for the following Reason –

94A *Because it is consequential on Lords Amendment 41 to which the Commons disagree.*

LORDS NON-INSISTENCE AND AMENDMENTS IN LIEU

The Lords do not insist on their Amendment 41 to which the Commons have disagreed for their Reason 41A, do not insist on their Amendment 94 to which the Commons have disagreed for their Reason 94A, and do propose Amendments 94B and 94C in lieu –

94B After Clause 63 insert the following new Clause –

“Protection for existing businesses and facilities from unreasonable restrictions resulting from new developments

After section 70D of the Town and Country Planning Act 1990, insert the following new section –

“70E Protection for existing businesses and facilities from unreasonable restrictions resulting from new developments

- (1) A development that is the subject of an application for planning permission is an “impact-sensitive development” if residents or occupiers of the development are likely to be affected by significant impact from existing activity in the vicinity of the development.
- (2) Without prejudice to the generality of section 70(1), a planning authority –
 - (a) must, when considering under section 70 whether to grant planning permission for an impact-sensitive development subject to conditions, take particular account of whether the development includes sufficient measures to mitigate, minimise or manage the effect of the anticipated impact of existing activities on the development from any existing cultural venues or facilities (including in particular, but not limited to, live music venues), or dwellings or businesses in the vicinity of the development, and
 - (b) may not, as a condition of granting planning permission for an impact-sensitive development, impose on existing cultural venues or facilities additional costs relating to design measures to mitigate, minimise or manage the effects of that impact.”

94C Clause 92, page 88, line 21, at end insert –

“(z1) section (*Protection for existing businesses and facilities from unreasonable restrictions resulting from new developments*) (protection for existing businesses and facilities from unreasonable restrictions resulting from new developments);”

COMMONS REASONS

The Commons disagree to Lords Amendments 94B for Reason 94D and Lords Amendment 94C for Reason 94E –

94D *Because it is not necessary to make provision in primary legislation about the agent of change principle.*

94E *Because it is consequential on Lords Amendment 94B to which the Commons disagree.*

E★ **Baroness Taylor of Stevenage to move, That this House do not insist on its Amendments 94B and 94C to which the Commons have disagreed for their Reasons 94D and 94E.**

E1★ **Baroness McIntosh of Pickering to move, as an amendment to Motion E, at end insert “, and do propose Amendments 94F and 94G in lieu –**

94F After Clause 63, insert the following new Clause –

“Protection for existing businesses and facilities from unreasonable restrictions on noise emissions resulting from new developments

After Section 70D of the Town and Country Planning Act 1990, insert the following new section –

“70E Protection for existing businesses and facilities from unreasonable restrictions on noise emissions resulting from new developments

- (1) A development that is the subject of an application for planning permission is an “noise-sensitive development” if residents or occupiers of the development are likely to be affected by significant impact from existing noise in the vicinity of the development.
- (2) Without prejudice to the generality of section 70(1), a planning authority –
 - (a) must, when considering under section 70 whether to grant planning permission for a noise-sensitive development subject to conditions, take particular account of whether the development includes sufficient measures to mitigate, minimise or manage the effect of the anticipated noise of existing activities on the development from any existing cultural venues or facilities (including in particular, but not limited to, live music venues), or dwellings or businesses in the vicinity of the development, and
 - (b) may not, as a condition of granting planning permission for a noise-sensitive development, impose on existing cultural venues or facilities additional costs relating to design measures to mitigate, minimise or manage the effects of that noise.”

94G Clause 92, page 88, line 21, at end insert –

“(z1) section (*Protection for existing businesses and facilities from unreasonable restrictions on noise emissions resulting from new developments*) (protection for existing businesses and facilities from unreasonable restrictions on noise emissions resulting from new developments);”

MOTION F

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

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

F★ **Baroness Taylor of Stevenage to move, That this House do not insist on its Amendments 85 and 86, 97 to 116, 120, 121 and 123 and do agree with the Commons in their amendments 123C to 123H and 123J to 123K in lieu.**

F1★ **Baroness Scott of Bybrook to move, as an amendment to Motion F, leave out from “House” to the end and insert “do insist on its Amendments 85 and 86, 97 to 116, 120, 121 and 123 and do disagree with the Commons in their Amendments 123C to 123H and 123J to 123K in lieu.”**

English Devolution and Community Empowerment Bill

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27 April 2026

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