

# Better Planning Coalition - Briefing for the Commons second reading of the Levelling Up and Regeneration Bill

1 June 2022

## Overview

The Levelling up and Regeneration Bill presents a once in a generation opportunity to ensure the planning system is fit for people, nature and the climate.

As a coalition of 27 organisations across the housing, planning, environmental, transport and heritage sectors, we believe democratic planning is at the heart of solving the levelling up challenge. We therefore welcome the proposals for greater digital and data-led engagement in the planning process. We also recognise that this Bill represents significant progress from the 2020 Planning White Paper, particularly the dropping of plans for development zones and the strengthening of heritage protection.

However, in other respects, we fear the Bill as drafted risks being a missed opportunity to secure the actions vital for our health, for genuinely affordable housing, for nature, for climate resilience and for our future prosperity. We are equally concerned that many of the welcome provisions in the Bill are dependent upon an effective and well-resourced planning system to deliver them, but are aware that a legacy of cuts has left local planning authorities under-skilled and under-resourced.

By working together, we hope that in partnership with parliamentarians we can help to craft a Bill that ensures the planning system is fit for the 21st century.

## Summary of key concerns and comments on the Bill

### The purpose of planning

- The Levelling up and Regeneration Bill presents an opportunity to build a new consensus around the value of our democratic planning system.
- Planning is vital to our future but, unlike many other legal frameworks, it has no clear statement of its objectives.
- **The Bill needs to establish clear duties requiring national policies, plans, assessment processes and individual planning decisions to put sustainable development and the health and wellbeing of people, and tackling the housing, nature and climate emergencies at the heart of the planning system.**

### Local democracy and community engagement

- The proposals for **national development management (NDM) policies need clear criteria for how these will be determined and their scope.**
- NDM policies should be used to set a minimum baseline for consistency in decision-making across the nation to support objectives such as access to and protection of the natural environment, creating sustainable communities and climate protection.

- **In order to maintain democratic accountability of the planning system, whilst enabling progressive local authorities to set more ambitious targets** (on crucial issues such as climate resilient and sustainable development, energy efficiency of buildings, biodiversity net gain and social housing) where conflict arises between national and local or neighbourhood plan policies, **precedence should be given to the higher standard (where the strategy is most up-to-date).**
- To be robust the **NDM policies should be subject to Strategic Environmental Assessment.**
- While proposals for digital improvements to data handling and standardisation are welcomed, the **lack of proposals to diversify and increase the numbers of people engaging in the planning system** is disappointing, particularly in a Bill that aims to level up everyone's access to 'opportunity'.
- **We call on the government to deliver the "comprehensive resources and skills strategy for the planning sector" which it promised in its 2020 White Paper.** This is even more prevalent given the new skills and resources that authorities will require as a result of the Bill. **Increasing planning fees alone will not solve this already identified need.** This should be supported by a duty for the Secretary of State to report regularly to Parliament on progress in addressing this.

#### Genuinely affordable social housing

- The Levelling Up and Regeneration Bill promises to "improve the planning system to give communities a louder voice, making sure developments are beautiful, green and accompanied by new infrastructure and affordable housing". **This is welcome, if the affordable homes are social homes,** the only genuinely affordable tenure.
- Last year only 2,800 social homes were delivered using Section 106 agreements, when the council housing waiting list sits at 1.2 million households. **If the 'Infrastructure Levy' is to truly deliver for communities, it must aim to deliver more social housing than the current planning system.**
- **By reforming the 1961 Land Compensation Act and scrapping 'hope value',** the Bill is a huge opportunity to make the cost of land more realistic to increase the quality and number of social homes built in England. This would **enable councils to pay a fair price for land to get many more social homes built and deliver more sustainable developments that truly deliver for communities.**

#### Climate and sustainable development

- The Bill **fails to take the opportunity to ensure that the planning system plays its part to tackle the climate emergency.** The planning system needs to consistently support developments whose location, design and use promote net zero while rejecting those which are carbon intensive.
- **We recommend that the Bill includes requirements for national and local planning (including neighbourhood) plans, policies, and decisions to be subject to a 'Net Zero Test'** (as recommended by the Climate Change Committee), to **positively support and contribute** to the government's own climate targets and commitments (specifically carbon budgets mandated under the Climate Change Act 2008) and

levelling up the country through green investments, green and sustainable developments and the creation of green jobs.

- The intrinsic links between tackling the climate and nature emergencies should also be reflected within the Bill.

#### Biodiversity & nature's recovery

- The Bill **fails to take the opportunity to ensure that the planning system plays its proper part in halting the decline of nature and driving forward recovery.**
- To fill these gaps, **we recommend that nature recovery clauses be added to the Bill**, including to ensure the delivery of the government's commitment to protect 30% of land for nature, to establish a new designation to safeguard land for nature's recovery, and to address the contribution development makes to freshwater pollution through nutrient negativity measures.
- Although we recognise the potential for improvements to environmental assessment, the current proposals for new Environmental Outcome Reports give far too much leeway to Ministers to amend and replace vital aspects of environmental law. These powers could be used to weaken essential safeguards for nature, such as the Habitats Regulations Assessment process. The Government should remove the Henry VIII powers proposed in Part 5 and ensure details and supporting evidence on any specific proposals for improving environmental assessment are provided and subject to public consultation. **Any new environmental assessment system should be set out in primary legislation, not in secondary, make specific reference to targets and other requirements, policies and goals, using existing definitions, and clearly deliver for nature, climate, cultural heritage and landscape.**
- We also recommend that Infrastructure Levy and developer contributions proposals be amended to ensure they contribute to nature's recovery and the achievement of net zero alongside wider social objectives.

#### Beauty and heritage

- Overall, the contents of the Levelling up and Regeneration Bill offer a **number of welcome provisions for beauty and heritage**, including the beauty and heritage provisions in environmental outcome reporting, which we welcome and support. This Bill recognises the importance that heritage can play as a key asset in levelling up the country.
- We believe that, if applied correctly, **these proposals have the potential to enhance local character and provide better access to heritage at a local level**, creating better and beautiful places to live.
- However, while the provisions for beauty and heritage in the Bill are welcome, they, and many other provisions in the Bill are **dependent upon an effective and well-resourced planning system to deliver them** - see the 'local democracy' section above.

#### Health & wellbeing and access to green space

- The Bill needs to include a specific legal mechanism for levelling up health and wellbeing through the planning system, which has a crucial role to play in **improving**

**the local environment with walkable mixed use neighbourhoods, improving people's connection with nature and promoting active travel.** These should be central aspects of levelling up and regeneration. They are fundamental to quality of life and to resilient business.

- Spatial planning is pivotal in shaping sustainable places and communities where people of all ages and backgrounds are healthy and happy. It can improve environments, creating places where young and old alike can be physically active in their daily lives, can meet neighbours and have access to local green spaces by walking, wheeling and cycling. This in turn can improve their physical and mental health and wellbeing, particularly among disadvantaged groups and communities, thereby contributing to the government's [levelling up missions](#) 7 (**health**) and 8 (**wellbeing**.)
- We therefore recommend including **a new duty on authorities to reduce health inequalities and improve wellbeing in the exercise of their planning functions.** Everyone has the right to live in places that support their wellbeing and health.

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#### About the Better Planning Coalition

The Better Planning Coalition represents 27 organisations across the environment, housing, planning, heritage and transport sectors with one common goal: a planning system fit for people, nature and the climate.

The broad range of organisations, including Shelter, Friends of the Earth, CPRE the countryside charity, National Trust, RSPB and the Ramblers, formed the Better Planning Coalition to campaign for the biggest upgrade to planning rules for at least a generation.

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