

Better Planning Coalition

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32 organisations campaigning for a planning system fit for people, nature and the climate

Levelling Up and Regeneration Bill Report Stage briefing

12th December 2022

This briefing has been prepared by the Better Planning Coalition for the second day of Report Stage of the Levelling Up and Regeneration Bill. It sets out our priority amendments and also highlights other areas we think are vital to improving this Bill.

Introduction

The Better Planning Coalition was set up in 2020 in response to the Planning White Paper and the threat to our communities and natural world. Following campaigning from the coalition, these proposals were not taken forward and a new direction was taken by the Government.

Since then, the coalition has been working to advocate for improvements to the planning system and are working to improve the Levelling Up and Regeneration Bill to make sure that it includes the strongest possible measures for people, nature and the climate.

The planning system must improve if we are going to secure a sustainable future and deliver the homes we need. We believe the planning system must be modern, digital and user-friendly. It must employ the latest technologies and techniques to ensure decisions meet local needs and obligations, such as the commitment to net zero.

The system must also be democratic, at all levels, with genuine local engagement. Detail around the operation, scope and application of National Development Management Policies (NDMPs) must be clarified. NDMPs must be subject to parliamentary and public scrutiny.

Better Planning Coalition Priority Amendments

Beyond these broad asks, the Better Planning Coalition has three specific priority amendments for Report Stage which are set-out below. These cover crucial issues which are lacking in the current version of the Bill.

Our priority amendments cover *Climate (NC110)*, *Environmental Outcome Reports (NC72)* and a call for a review of *Permitted Development Rights to protect heritage and landscape (NC95)*.

Details of these amendments can be found on the next page but if you would like to discuss any of these in more detail, please email owen@betterplanningcoalition.com or call 020 7981 2825.

Other Better Planning Coalition (Report Stage) Amendments

The Better Planning Coalition have a small number of our additional amendments tabled at Commons Report Stage which we hope you will be able to support. These are *Climate Mitigation (NC98)*, *The right to Nature (NC13)*, *National Parks (NC8, NC9, NC10, NC11)*, *Wildbelt (NC85)*, *EORs (Amendment 87)* and *Walking, Cycling and Rights of way Networks (NC109)*.

Tabled Priority Amendments

Climate (NC110)

Our first priority amendment will deliver a more consistent alignment of planning policy and development management with the existing legislative framework for tackling climate change, including the net zero duty.

This is achieved by defining ‘mitigation of, and adaptation to, climate change’ in line with this framework; and new duties to complement those on plan-making set out in the published Bill.

The duties apply to the national policy that governs plan-making and to development management, to secure consistency in the cascade from national policy to local delivery. Without the new clauses, there is a real risk we continue to see plans, policies and decisions paying no more than lip-service to tackling climate change, and local policies and decisions that do seek to tackle climate change continuing to be challenged.

Our amendment has been drafted mindful of the importance of avoiding disruption to the delivery of new development, including the new homes needed in communities.

We hope you will be able to support this amendment, which is NC110

Environmental Outcomes Reports (NC72)

The Bill gives the Government extensive powers to change a range of environmental protections with limited scrutiny. Environmental Outcomes Reports (EOR) regulations, proposed in Part 5 of the Bill to replace the entire current system of environmental assessment, are subject only to the affirmative procedure.

This means that the Government could propose sweeping measures affecting the environment, with MPs having limited powers to oppose it (the last time a measure was successfully opposed through the affirmative procedure was in 1978).

Our amendment would address this threat by requiring EOR regulations to be made under a super-affirmative procedure, offering additional opportunity for parliamentary scrutiny and giving parliamentarians greater scope to ensure that the regulations improve on current environmental assessments and preserve key environmental protections such as the Habitats Regulations and the mitigation hierarchy.

We hope you will be able to support this amendment, which is NC72

Permitted Development Rights (NC95)

Permitted development rights, in their current form, are a significant source of concern for the Better Planning Coalition, following a significant expansion of these rights in recent years. Our amendment seeks to both understand and clarify the impact of these expanded rights on both the planning system and the built environment, with special regard to the impact of these rights on beauty, heritage and climate.

Our amendment would require the government to undertake a comprehensive review of permitted development rights, while also setting out how they will interact with new aspects of the planning system proposed in the Bill.

We hope you will be able to support this amendment, which is NC95

Better Planning Coalition amendments – ones to watch in the Lords

As the Bill progresses into the House of Lords, there are some other amendments beyond our tabled priority and secondary amendments which we think would vastly improve the Bill.

We are hoping to work with Peers from all side of the House to get our priority and other amendments tabled for discussion.

If any Peers reading this are interested in any of the areas discussed in this briefing, please do contact me via owen@betterplanningcoalition.com or 020 7981 2825.

1. Social and affordable housing

This amendment re-defines the term ‘affordable housing’ for the purposes of the Infrastructure Levy as housing which is to be let at a social rent. To that end, it is necessary also to restrict the definition of “social housing” in the Housing and Regeneration Act 2008 (which would otherwise include ‘affordable rent’ housing and low-cost home ownership) in the same way.

The amendment has the effect that the term ‘affordable housing’ for the purposes of the Infrastructure Levy means ‘social rent housing’, as defined in article 7 of the Direction on the Rent Standard 2019. That definition incorporates the meaning of ‘Formula rent’ in article 4 of the Direction, which in turn refers back to paragraphs 2.4 to 2.9 of the Rent Policy Statement for Social Housing issued by the Secretary of State on 26 February 2019.

*Amendment: Please see **Amendment 1 below (page 4)**.*

2. Health inequalities and wellbeing

Our amendment addresses a significant gap in the Bill, which fails to include any targeted measures on health and wellbeing, despite these areas respectively comprising Levelling Up Mission 7 (Health) and Mission 8 (Wellbeing) in the Levelling Up White Paper. Our new clause requires authorities to contribute to these two missions by including policies in their development plans to reduce health inequalities and improve wellbeing, including through support for active travel and increased access to nature, and having regard to these measures in the exercise of their planning functions. This will place these powerful levelling up tools in the hands of authorities, to the benefit of the communities they represent – more active travel and access to nature opportunities mean more people living happier, healthier, longer lives.

*Amendment: Please see **Amendment 2 below (page 4 and 5)**.*

3. Purpose of planning

Our amendment ensures that planning permissions do not breach environmental limits and that economic, social, and environmental well-being of people in England are improved without compromising the ability of future generations to meet their own needs. It also defines “Environmental limit”

*Amendment: Please see **Amendment 3 below (page 5)**.*

Better Planning Coalition – additional amendments

Amendment 1 – social and affordable homes

Definition of Affordable Housing

Meaning of affordable housing for the purposes of the Infrastructure Levy

Schedule 11: In the new Part 10A to be inserted in the Planning Act 2008

(Infrastructure Levy):

In sub-clause (4) of clause 204A, page 283, line 21:

Delete from “, and” to “specify;” and insert:

“(b) which is to be let as social rent housing;

‘Social rent housing’ has the meaning given in article 7 of the Direction on the Rent Standard 2019.”

Effect

After the above amendment, section 204A(4) will read as follows:

(4) In this Part—

“affordable housing” means—

(a) social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008

(b) which is to be let as social rent housing;

‘Social rent housing’ has the meaning given in article 7 of the Direction on the Rent Standard 2019.

“IL” has the meaning given in subsection (1);

“IL regulations” means regulations under this section.

Amendment 2 – health & wellbeing

Health inequalities & improvements to well-being

To move the following Clause—

“Duty to reduce health inequalities and improve well-being

(1) For the purposes of this section “the general health and well-being objective” is the reduction of health inequalities and the improvement of well-being through the exercise of planning functions in relation to England.

(2) A local planning authority must ensure that the development plan for their area includes policies designed to secure that the development and use of land contribute to the general health and well-being objective.

(3) In considering whether to grant planning permission or permission in principle and related approvals a local planning authority or, as the case may be, the Secretary of State shall ensure the decision is consistent with achieving the general health and well-being objective.

(4) In complying with this section a local planning authority or, as the case may be, the Secretary of State must have special regard to the desirability of—

(a) delivering mixed-use walkable neighbourhoods which accord with the 20-minute neighbourhood principle; and

(b) creating opportunities to enable everyday physical activity, through improving existing and creating new cycling, walking and wheeling routes and networks and natural spaces.

(c) increasing access to high quality natural green and blue spaces

(5) For the purposes of subsection (4)(a), neighbourhoods which accord with the 20-minute neighbourhood principle are places where people can meet most of their daily needs including food shops, schools, health services and natural space within a 20 minute return walk of their home and include affordable housing.

(6) 'Wheeling' means the use of a vehicle that may lawfully be used on a footway with the meaning of the Highways Act 1980.

Member's explanatory statement

This new clause would create a requirement for local planning authorities to include policies in their development plans which contribute to a new general health and well-being objective. It also requires local planning authorities and, as the case may be, the Secretary of State to ensure consistency with this objective when deciding whether to grant planning permission or permission in principle and related approvals, such as reserved matters.

Amendment 3 – purpose of planning

Insert into Chapter 2 (before clause 82)

“Purpose of Planning”

Planning permission is required for the development of land to ensure that no environmental limit is breached and to improve the economic, social, and environmental well-being of people in England without compromising the ability of future generations to meet their own needs.

“Environmental limit” is defined as the critical point(s) at which pressure on a natural resource or system creates unreasonable or irreversible change to the resource or system itself, to the detriment of the humans and other organisms to which it provides a service.