

## Levelling Up & Regeneration Bill: Nature recovery

### Briefing ahead of Commons consideration of Lords amendments

#### Executive summary

- The Levelling Up & Regeneration Bill is an opportunity to enable the planning system to make a greater contribution to delivering Environment Act targets, including the commitment to recover nature by halting the decline in species abundance by 2030.
- The Bill is the only legislation touching on planning before Parliament. As September's State of Nature [report](#) makes clear, every year counts towards whether or not we will meet the 2030 commitment. This opportunity must be seized.
- The Government has already accepted nature-positive changes to the Bill in the Lords, including amendments to boost the planning weight of Local Nature Recovery Strategies and to help recover nature in protected landscapes. It should now accept further environmental amendments backed by the House of Lords, including:
  - Lords amendment 44, applying democratic safeguards to new central planning policies.
  - Lords amendment 45, creating a 'golden thread' of climate and nature consideration in planning.
  - Lords amendments 46 and 327, requiring new homes to be built with good access to nature.
- [Link](#), England's largest environmental coalition, would be grateful if MPs could make the case for the retention of these parts of the Bill ahead of Commons consideration of Lords amendments on 17<sup>th</sup> October.

#### Lords amendments which should be retained

##### Lords amendment 44: National development management policies: meaning

This new clause, voted into the Bill at Lords report stage on 4<sup>th</sup> September, would build democratic safeguards into the new system of National Development Management Policies (NDMPs).<sup>1</sup>

The NDMP provisions in the Bill give the Secretary of State the power to set nationwide planning policies, which will overrule local development plans when there is conflict. This will shift the planning system towards a more centralised model. Before Lords report stage, the Bill placed few checks and balances around NDMPs, giving the Secretary of State sweeping powers to introduce them with little scrutiny. This would allow central policies that could be harmful to nature's recovery to be introduced, with little or no means for parliamentarians, civil society and the public to engage and amend them.

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<sup>1</sup> The full list of Lords amendments can be found here: <https://publications.parliament.uk/pa/bills/cbill/58-03/0369/220369.pdf>

Concerns about this lack of democratic safeguards have been expressed by a range of organisations, including RPTI and CPRE, and are widespread in local government. A May 2023 poll commissioned by CPRE found that 82% of councillors believe NDMPs will erode local democracy.<sup>2</sup>

Lords amendment 44 addresses these concerns by requiring parliamentary scrutiny for the designation and review of NDMPs, along with minimum public consultation standards. This would allow for damaging proposals for nature to be highlighted and amended before NDMP implementation.

Research from the University of Liverpool and ARUP, commissioned by RTPI, has shown that such consultation and scrutiny are pre-requisites for the success of national-level planning policies.<sup>3</sup> Lords amendment 44 will deliver better NDMPs, with less potential to harm nature. It should be retained.

### **Lords amendment 45: Duties in relation to mitigation of, and adaptation to, climate change in relation to planning**

Lords amendment 45 would ensure that national planning policies, local plan-making and development decisions are all consistent with the net zero target and carbon budgets set under the Climate Change Act 2008, and with nature recovery targets set under the Environment Act 2021. The clause received widespread backing peers when debated on 4<sup>th</sup> September. As Lord Ravensdale said at report stage debate: *"the amendment aims to ensure that climate and the environment run as a golden thread through town and country planning, rather than the inconsistent picture at present."*<sup>4</sup>

The inconsistent picture at present applies a duty to *"contribute to the mitigation of, and adaptation to, climate change"* to local development plans, but not to individual planning decisions or the new NDMPs. A duty to recover nature is not included within the current planning system. Lords amendment 45 extends environmental duties to all aspects of the planning system with a sharpened focus - contribution to the specific climate and nature targets. This twin-track approach is essential, as climate and ecological decline are closely intertwined.

With climate and ecological decline accelerating<sup>5</sup>, and Government policy u-turn hindering progress towards net zero<sup>6</sup>, this uplift in the role environmental considerations play in planning is essential.

### **Lords amendments 46 and 327: Secretary of State's duty to promote healthy homes**

Where you live in England determines how long and how well you live.<sup>7</sup> Life expectancy in deprived communities in the North East is five years lower than in deprived communities in London.<sup>8</sup>

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<sup>2</sup> <https://www.cpre.org.uk/news/local-democracy-threatened-by-bills-key-measures-warns-cpre/>

<sup>3</sup> <https://www.rtpi.org.uk/media/15073/ndmp-research-briefing-july-2023.pdf>

<sup>4</sup> <https://hansard.parliament.uk/lords/2023-09-04/debates/308D0408-2A3B-48EB-9EAE-C64A562084C0/Levelling-UpAndRegenerationBill>

<sup>5</sup> See 2023 State of Nature report: <https://www.rspb.org.uk/our-work/state-of-nature-report/#:~:text=The%202023%20State%20of%20Nature,now%20at%20risk%20of%20extinction>

<sup>6</sup> <https://greenallianceblog.org.uk/2023/09/25/the-government-is-positioning-itself-on-the-wrong-side-of-history/>

<sup>7</sup> <https://www.instituteofhealthequity.org/resources-reports/fair-society-healthy-lives-the-marmot-review>

<sup>8</sup> [https://www.health.org.uk/sites/default/files/202003/Health%20Equity%20in%20England\\_The%20Marmot%20Review%2010%20Years%20On\\_executive%20summary\\_web.pdf](https://www.health.org.uk/sites/default/files/202003/Health%20Equity%20in%20England_The%20Marmot%20Review%2010%20Years%20On_executive%20summary_web.pdf)

The Levelling Up and Regeneration Bill offers an opportunity to leverage the planning system to tackle these health inequalities.

Lords amendment 46 would do this by requiring the Secretary of State to embed healthy homes principles in the planning system through regulations. Lords amendment 327 sets out healthy homes principles to inform those regulations, including ensuring new homes have good access to natural spaces. Ensuring that new homes have good access to nature, and that they meet the other healthy homes principles, will improve health outcomes for residents.<sup>9</sup>

This boost to public health through planning is urgently required. The Government sought to oppose healthy homes amendments in the Lords on the grounds that the National Planning Policy Framework already encourages planning authorities to seek to improve public health through planning decisions. However, existing inducements to better public health in the planning system are simply not working - over a decade on from the publication of the National Planning Policy Framework, health outcomes have actually declined across England.<sup>10</sup>

A new, more robust approach is required to leverage the planning system to tackle health inequalities. Lords amendments 46 and 327 should be retained to provide this.

### **Lords amendment 81: Developments affecting ancient woodland**

In 2020, during the passage of the Environment Act, the Government committed to introducing a consultation direction for developments affecting ancient woodland. This would require local planning authorities to consult the Secretary of State if they want to grant planning permission for developments affecting ancient woodland.

The Government has delayed introducing this protective mechanism for ancient woodland threatened by development. Three years on from the commitment, over two hundred local planning decisions have given the green light to damaging ancient woodlands, affecting 0.2% of this rare and irreplaceable natural asset.<sup>11</sup>

Amendment 81 was passed in the Lords to help halt this damage, by holding the Government to its 2020 promise. As Baroness Young of Old Scone said when introducing the amendment: *"It comes down to the fact that promises are made and sincerely committed to, but there is many a slip 'twixt cup and lip. To be honest, unless we get a clear legislative date for this change to the consultation direction into statute, there is always a risk that it will dribble away."*

Lords amendment 81 should be retained in the Bill, to ensure speedy delivery of the promised ancient woodland protections.

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<sup>9</sup> More about the beneficial impact of access to nature on health can be found here: <https://www.wcl.org.uk/docs/Improving%20public%20access%20to%20nature%20-%20Link%20briefing%20-%2002.05.2023.pdf>

<sup>10</sup> <https://www.health.org.uk/publications/reports/the-marmot-review-10-years-on>

<sup>11</sup> <https://hansard.parliament.uk/lords/2023-09-13/debates/BEB03EFC-31BF-4494-ACAF-4691BEA907C5/Levelling-UpAndRegenerationBill>

## Lords amendment 244: Onshore wind development

This clause was voted through into the Bill on 18<sup>th</sup> September. It would require the Secretary of State to revise and republish all relevant national planning guidance to make the Government's support for onshore wind clear.

Peers concluded that the Government's changes to planning policy to allow more onshore wind to come forward, announced on 5<sup>th</sup> September, were not sufficient to achieve this.<sup>12</sup> The view of Renewable UK, that the September changes would not secure "*investment into new onshore wind at the scale needed*" was quoted in support of this conclusion.<sup>13</sup>

Lords amendment 244 would address the planning restrictions that have inhibited the delivery of onshore wind since 2015 in a comprehensive manner, enabling investment at scale.<sup>14</sup> The ongoing curtailment of a cost-effective renewable energy is highly inappropriate the midst of a climate emergency and cost of living crisis. With effective wildlife and landscape considerations in place, onshore wind can make an important contribution to nature's recovery, helping to address the climate change that is driving habitat and species decline.<sup>15</sup>

Lords amendment 244 should be retained with the Bill, to effectively end the moratorium on onshore wind, boosting both net zero and nature's recovery.

## Welcome Government changes to the Levelling Up & Regeneration Bill

The Government has already accepted some changes to the Levelling Up and Regeneration Bill which improve it for nature.

These changes include:

**Consideration of Local Nature Recovery Strategies in plan making:** Following Commons and Lords amendments that would have created a proactive role for Local Nature Recovery Strategies (LNRSs) in the planning system, the Government passed Lords report stage amendments requiring local authorities to take account of LNRSs in plan making (Lords amendments 47, 48, 328-333 and 336). These changes will mean that the recommendations made by LNRSs, as the local blueprints for nature's recovery, will directly inform spatial planning decisions.

**New duties on public bodies to further protected landscapes purposes:** Following Commons and Lords amendments designed to boost nature's recovery in National Parks and Areas of Outstanding Natural Beauty, the Government passed a Lords third reading amendment to require public bodies to seek to further the statutory purposes of these protected areas (Lords amendment 246). This replaces

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<sup>12</sup> <https://www.gov.uk/government/news/local-areas-supported-to-progress-onshore-windfarms>

<sup>13</sup> <https://hansard.parliament.uk/lords/2023-09-18/debates/DA13EB9C-6BB6-47FA-AF16-154E8DE28027/Levelling-UpAndRegenerationBill>

<sup>14</sup> <https://policy.friendsoftheearth.uk/reports/lack-suitable-areas-onshore-wind-local-plans>

<sup>15</sup> <https://www.rspb.org.uk/get-involved/campaigning/climate-change-effects-on-nature-and-wildlife/effects-of-climate-change-on-wildlife/>

the previous, weaker duty to 'have regard' to the purposes. The amendment also requires the Secretary of State to pass regulations tying protected landscape management plans to environmental targets. If (but only if) the promised regulations are published swiftly and require that Management Plans contribute to the meeting Environment Act targets, this will make management plans more effective for nature's recovery.

**Greater use of nature-based solutions:** Clause 153 of the Bill requires water companies to upgrade sewage plants in areas significantly affected by nutrient pollution, to reduce pollution levels by 2030. The Government passed Lords amendment 132 allowing water companies use restored habitats (referred to as nature-based solutions in this context) to deliver the required upgrades, as an environmentally friendly alternative to concrete engineering. This welcome amendment was introduced as the same time as harmful amendments which would have increased nutrient pollution from new development in polluted areas.<sup>16</sup> We are grateful to the House of Lords for voting these development pollution amendments down and will oppose any attempts by Government to bring them back through separate legislation.

We urge the Government to follow their acceptance of these Lords amendments with further beneficial decisions for nature, through also retaining Lords amendments 44, 45, 46 7 327, 81 and 244.

#### **Better Planning Coalition**

Link is a partner to the [Better Planning Coalition](#) (BPC), a group of over 30 organisations working to deliver a planning system fit for people, nature and the climate. The above amendments are supported by the BPC nature group.

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[Wildlife and Countryside Link](#) (Link) is the largest nature coalition in England, bringing together 78 organisations to use their joint voice for the protection of the natural world.

For questions or further information please contact:  
Matt Browne, Head of Policy & Advocacy, Wildlife and Countryside Link  
E: [matt@wcl.org.uk](mailto:matt@wcl.org.uk)

Earlier Link briefings about the Levelling Up & Regeneration can be found [here](#).

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<sup>16</sup> <https://www.wcl.org.uk/nutrient-negativity-the-government-is-planning-to-weaken-legal-protection-for-rivers.asp>