

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

## Public Bill Committee

# LEVELLING-UP AND REGENERATION BILL

*Fifteenth Sitting*

*Thursday 14 July 2022*

*(Afternoon)*

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SCHEDULE 7 agreed to.

Adjourned till Tuesday 19 July at twenty-five minutes past Nine o'clock.

Written evidence reported to the House.

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No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

**not later than**

**Monday 18 July 2022**

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**The Committee consisted of the following Members:**

*Chairs:* SIR MARK HENDRICK, MR PHILIP HOLLOBONE, † MRS SHERYLL MURRAY, IAN PAISLEY

- |   |   |
|---|---|
| † Atherton, Sarah ( <i>Wrexham</i> ) (Con)  | † Mortimer, Jill ( <i>Hartlepool</i> ) (Con)  |
| † Benton, Scott ( <i>Blackpool South</i> ) (Con)  | † Nici, Lia ( <i>Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities</i> ) |
| † Farron, Tim ( <i>Westmorland and Lonsdale</i> ) (LD)  | † Norris, Alex ( <i>Nottingham North</i> ) (Lab/Co-op)  |
| Fletcher, Colleen ( <i>Coventry North East</i> ) (Lab)  | † Pennycook, Matthew ( <i>Greenwich and Woolwich</i> ) (Lab)  |
| Gibson, Patricia ( <i>North Ayrshire and Arran</i> ) (SNP)  | † Smith, Greg ( <i>Buckingham</i> ) (Con)   |
| Henry, Darren ( <i>Broxtowe</i> ) (Con)   | † Vickers, Matt ( <i>Stockton South</i> ) (Con)   |
| † Johnson, Gareth ( <i>Dartford</i> ) (Con)   | Bethan Harding, Adam Mellows-Facer, <i>Committee Clerks</i>   |
| † Jones, Mr Marcus ( <i>Minister of State, Department for Levelling Up, Housing and Communities</i> ) | † <b>attended the Committee</b>   |
| † Lewell-Buck, Mrs Emma ( <i>South Shields</i> ) (Lab)  |   |
| † Maskell, Rachael ( <i>York Central</i> ) (Lab/Co-op)  |   |
| † Moore, Robbie ( <i>Keighley</i> ) (Con)   |   |

## Public Bill Committee

Thursday 14 July 2022

(Afternoon)

[MRS SHERYLL MURRAY *in the Chair*]

### Levelling-up and Regeneration Bill

2 pm

**The Chair:** Because it is so hot, I am happy for Members to remove their jackets, if they so wish.

#### Schedule 7

##### PLAN MAKING

**Rachael Maskell** (York Central) (Lab/Co-op): I beg to move amendment 121, in schedule 7, page 227, line 15, at end insert—

“(e) other community organisations representing members of that community”

*This amendment would extend the group of determining bodies to include community groups.*

It is a pleasure to see you in the Chair, Mrs Murray. Given that planning has to be about our local communities, I find it astounding how little agency communities, community groups and residents have in the process. As we heard this morning, it seems that their voices will be diminished by the Bill, rather than expanded. Therefore, I believe that my amendment would help give communities some agency within the planning process.

The Opposition really value civil society, and we value individual residents and their different views. We value businesses and our community groups, and I believe that their knowledge and passion for the local area is irreplaceable. They know the challenges, the investment that is needed, and the people. They should be the drivers of development, and they should be seen as central participants in any planning process or development. The amendment is designed to ensure that copies of reports are received by local communities, whose voices seem diminished in the Bill, because Labour wants to amplify the voices of the people most affected by planning.

In my constituency, there are just too many groups to mention. However, if we are looking at the planning process for transport, I think about the York Bus Forum, Walk York and the York Cycle Campaign, which provide the best analysis of the current and future transport needs of our city. York Civic Trust has just undertaken a piece of deliberative democracy to establish a future transport strategy, and it would want to receive a report in order to reflect on the findings and to ensure that it can fully participate in the planning process.

In York, we have a city full of historians and archaeologists who understand the value of place making; we have a university full of housing specialists; and we have York Central Co-Owned, or YoCo, which has been engaging residents in dialogue on future developments. York Disability Rights Forum can highlight issues of

access. Our local enterprise partnership, universities and colleges, and business partners are working on York’s future economy. They, too, would want to be engaged in the planning process, yet community groups seem so absent and do not even receive reports of strategies in order to be able to take planning forward and to be part of the consultation on the future of what they spend 24 hours a day working for.

We have resident groups that are actively looking at planning. We all have such groups in our constituencies, and I am sure that all hon. Members will recognise their strength. We are proud of them because of their dedication and attention to detail, and the inclusion of the community is urgently needed in the planning and consultation process. My amendment would build on that expectation and stop communities being locked out of planning, because our planning system is all the poorer without them. I will shortly go on to explain why their prominence must change but, for now, I believe that the first step is to involve communities in consultations by sending over copies of strategies, which is something that the Minister should not block.

If we have such expertise in our communities, let us bring it into the heart of the planning process so that we get the very best housing, economic space and environment, and so that the people who know their area best—the local residents and other stakeholders—have greater agency in planning processes. I have tabled a number of amendments to stimulate the Government into working through how residents can have a greater say over the future of their communities.

York Central is a classic example. Right from the start of the process, the community have been told that they will have a voice in the project at the next stage. As we go through each stage and are told that their time will come, my conclusion is that they may get to choose the colour of the spring bulbs, but nothing significant. At every step of the process there is no opportunity for real community engagement. The promised voice never comes. Residents have organised into community groups with the hope that their collective voice will be heard, yet it is not.

Whether for York Central or the York local plan, the very people who should have the greatest voice have the least. In both scenarios, political expediency of the ruling council parties has placed political self-interest over the interests of the city. In York Central, the partners’ agenda is to secure the opening of the National Railway Museum by 2025—we all understand the importance of that. Network Rail getting a capital receipt has further blocked and locked out local people’s voices. The contempt is staggering.

The Minister would weep at the conduct of his own party, not to mention the Lib Dems and Greens, in the political process of planning in York. I will talk more about the solution in my next set of amendments. I urge Government to think more about the brilliance that will come from more community inclusion in the consultation processes, engaging our community groups by ensuring that they are included in the information and are sent a copy of the strategy. Surely that is the first stage.

**Matthew Pennycook** (Greenwich and Woolwich) (Lab): It is a pleasure, as ever, to serve under your chairmanship, Mrs Murray. I congratulate my hon. Friend the Member

for York Central on this sensible amendment, which I am very supportive of. It simply specifies, as she so clearly articulated, that local community groups be included in the list of bodies that are sent a copy of any joint spatial development strategy adopted.

The Government have extolled the virtues of this legislation in part on the basis that it will demonstrably improve local engagement in the planning process. It surely follows that Ministers would welcome the engagement of community organisations when it comes to the new strategies that schedule 7 provides for. Given that all the amendment does is to ensure that a copy of any such strategy created and adopted is sent to the representative community organisations, I cannot for the life of me think of a convincing reason why the Government would not accept it.

**Tim Farron** (Westmorland and Lonsdale) (LD): It is a pleasure to serve under your guidance, Mrs Murray. I am also keen to support the sentiment behind the amendment tabled by the hon. Member for York Central. Confidence in the planning process is at an all-time low. In any of the constituencies of right hon. and hon. Members, confidence in communities in the planning process will not be great. In mine, land is of such enormous value around national parks and areas of outstanding natural beauty.

To have an amendment to the Bill that allows us to formalise a greater level of consultation and involvement of local communities seems very wise. If we can get the consent of local communities and have communities shape how they are developed in the years to come, the chance of people having confidence in the decision-making process and local democracy of the planning process is that much higher.

I am very lucky to have a constituency where every square inch is parished—there is not a single part of my community without a parish council. We have a default consultee on behalf of the community in every single town, village and valley in Westmorland and Lonsdale, and throughout much of the rest of Cumbria as well. There are community groups that ought to be formally involved in that process, so that the right decisions are made. People feel so frustrated.

In our community, we are the opposite: we want houses to be built. We see the decimation of our local communities—I can talk elsewhere about the evaporation of the housing market to second home owners and holiday lets. We desperately need homes that are affordable and available for local people. We do not get people saying, “Not in my backyard”; they are saying, “In my backyard now.” But we want houses that are useful to us: affordable, social rented and guaranteed for a local working population and those who are retired.

People are frustrated by a lack of adequate provision when it comes to drainage, flood prevention, sewerage, school places—all those sorts of things. If the community were properly involved, it would give its consent and approval to schemes that would otherwise get opposition.

We also see an imbalance in the process—the developer can appeal and the community cannot—which adds to the general sense that planning is a process by which things happen to communities, not by which communities decide what happens to them. The sentiments behind this amendment are good, and I really hope the Government will take it into account.

**The Minister of State, Department for Levelling Up, Housing and Communities (Mr Marcus Jones):** It is an absolute pleasure to serve under your chairmanship, Mrs Murray. Although I understand the reasons for the amendment, the list of bodies in proposed new section 15AB(3), to which participating authorities should consider sending a draft joint spatial development strategy, is already comprehensive and can reasonably be assumed to include most community organisations. That includes voluntary groups, bodies representing religious groups and bodies representing the interests of racial, ethnic and national groups. However, it is not exhaustive, and authorities are free to send drafts to whichever organisations they feel necessary.

Our approach strikes the right balance between ensuring wide consultation while not putting unreasonable burdens on participating authorities and making the process unnecessarily onerous. I hope that, with those reassurances, the hon. Member for York Central will withdraw her amendment.

**Rachael Maskell:** I appreciate the debate that we have had on amendment 121. The parish system is incredibly good at engaging people because it is so local. The hon. Member for Westmorland and Lonsdale highlighted its establishment in the rural environment, but it is less prevalent in more urban environments, so we need to look at how to encourage the growth of parish councils across the country. They can be of real value and can get people to engage in their communities. Indeed, they are a first step for many in politics, as they are a less political environment in which to make decisions about their local community. There is some real strength in that. We will talk about neighbourhood plans, and it is important that we look at their inclusion as we work through the Bill.

I thank my hon. Friend the Member for Greenwich and Woolwich for his comments about the importance of putting people at the heart of planning; they often seem very much at the periphery. I looked very carefully at the Bill before drafting the amendment, and there is a bit of a vacuum in it, so it could be strengthened. Later this afternoon I will talk a little more about the importance of agency and voice, because they are absent.

I hear what the Minister says about the other organisations that are included, and his comments are helpful. If community groups feel excluded from the process, the Minister’s words highlighted that the clauses do not exclude them. Therefore, if they are unable to get hold of a copy of a report, I am sure those words will be very valuable in raising a challenge in the planning system to ensure that people get access to data. I am happy to withdraw the amendment, but I will be returning to the scene very shortly. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Matthew Pennycook:** I beg to move amendment 88, in schedule 7, page 228, leave out line 5.

*This amendment, along with Amendment 89, would explicitly ensure that people would have a right to be heard at an examination in public in relation to the Joint Spatial Development Plan part of the development plan.*

**The Chair:** With this it will be convenient to discuss the following:

[The Chair]

Amendment 89, in schedule 7, page 228, line 9, at end insert—

“(8) Any person who makes representations in relation to the strategy must (if that person so requests) be invited to appear before and be heard by the examiner.”

*See explanatory statement for Amendment 88.*

Amendment 90, in schedule 7, page 246, line 29, leave out lines 29 and 30.

*This amendment would prevent the general rule for hearings for supplementary plans taking the form of written representations and would instead enable the examiner to determine the form of the examination.*

**Matthew Pennycook:** As I mentioned this morning, this is an incredibly technical schedule. It covers measures as diverse as powers to intervene in local plan making, a duty to prepare local design codes, neighbourhood priority statements and many other things. The three amendments relate to the important issue of public participation in the two new constituent parts of local development plans that the schedule introduces—namely, joint spatial development strategies, which we have already discussed; and supplementary plans.

It depends whether a local planning authority is in Greater London or subject to other devolutions deals, but in the main it is local and neighbourhood plans that presently constitute the development plan for most parts of England. Clause 82(3) expands the list of what can be included in a development plan to include spatial development strategies and supplementary plans, both of which will have the same legal status as a development plan in decision making, ironically taking us back to a situation where development plans are comprised of a suite of documents, not unlike what was introduced in the 2004 reforms and scrapped in 2011 on the basis that it was all too complicated.

2.15 pm

There are obvious cost implications of Planning Inspectorate examinations, but in general terms we do not take issue with the creation of these two new documents, which will respectively provide an opportunity for multiple local planning authorities to achieve joint strategic objectives and for individual planning authorities to produce documents concerning site-specific needs or opportunities that have a clear weight and status in the way that supplementary planning documents currently do not.

However, when it comes to these two new documents, which I repeat will have the same legal status as a development plan in decision making, schedule 7 does not provide an automatic right for communities to be heard in the way they must be in relation to local and neighbourhood plans. In relation to joint spatial development strategies, new section 15AC in schedule 7 explicitly denies the right of residents to be heard, subsection 6 specifying:

“No person is to have the right to be heard at an examination in public”.

In relation to supplementary plans, new section 15DB in schedule 7 prescribes that “the general rule” is that submissions to independent examination “take the form of written representations.”

Objecting to the respective denial and qualification of the automatic right for communities to be heard in relation to these two new documents may seem like a relatively trivial matter. After all, how many people are ever likely to attend a public examination to comment on a joint spatial development strategy or to press for a chance to share their views in person about a supplementary plan at an independent examination? But there is an important principle at stake here.

There are very few civil rights afforded to members of the public within the English planning system. For example, there is no legal right to be heard in relation to individual planning applications and appeal rights are only available to applicants as opposed to objectors. Virtually the only right that members of the public have within the system is that of objecting to and subsequently being heard in person at the examination of a local development plan.

The exercise of that right is not just a theoretical good. It has tangible benefits in terms of good plan making being regularly utilised effectively in relation to local plans to challenge the quality of evidence submitted in support of them, to question witnesses, to allow for the introduction of local knowledge, and to gauge the level of community support or opposition for specific policies within a proposed plan.

As I have mentioned, the Bill is explicit that new joint spatial development strategies and supplementary plans are to have the same weight and legal power over local decision making as the local plan. As such, they will become a core component of the development plan in many local areas. We believe that the public should therefore enjoy the same right to be heard in relation to these new documents as they do in respect of local and neighbourhood plans.

In not explicitly providing them with that right, the Bill will give communities no direct say over important strategic decisions or site-specific design requirements. The public may have greater access to information about these matters as a result of the planning data requirements in chapter 1 of part 3, but no meaningful way of interrogating the quality or content of them because they will have been shut out of the key decision-making forum that is the examination. That cannot be right.

We feel that the denial of the right to be heard when it comes to spatial development strategies and supplementary plans is likely to have very real implications for local plans themselves, and therefore for trust and confidence in the planning system, because it will filter through the system.

**Rachael Maskell:** I am grateful to my hon. Friend for what he is saying and I want to give an example to add some context to his comments. York is due a local transport plan and is behind on the timetable for delivering that, so York Civic Trust set up a process of deliberative democracy and engaged city stakeholders. They have created a plan for the future of our city, which is gaining a lot of interest. That demonstrates that if local people are involved, the plan will be robust and address some of the major challenges that slow down local authorities from engaging in that process. I thought that example would be a useful addition to my hon. Friend’s comments.

**Matthew Pennycook:** I thank my hon. Friend for that intervention, which is a useful illustration of what local people and local community groups can add to the plan-making process.

Our specific concern is that the denial of the right to be heard on the two new documents means that, in important ways, the process of formulating a local plan could be constrained. Let me illustrate what I mean. It should be remembered that these documents are designed to resolve issues such as the local planning authorities' approach to the green belt or strategic infrastructure. Once set, local plans will need to be in conformity with these strategies, but it will be impossible to make use of the right to be heard vis-à-vis a local plan on important issues affecting a community, because it will be in effect impossible to challenge a decision that has already been resolved by means of a spatial development strategy, in relation to which no right to be heard will exist.

The Minister will no doubt be briefed to say that rights to be heard do not apply to other strategic plans, such as the London plan or the now abolished regional plans. That is true, but the justification for the abolition of regional plans was that they were not accountable or trusted by communities. If the aim is to increase participation, why not grant these important safeguards?

On Second Reading, both the previous Secretary of State and the previous Minister championed this legislation in part because they argued that it would tangibly improve local engagement. Why, then, are the Government content to consciously and deliberately shut down the opportunity for such engagement when it comes to new joint spatial development strategies and supplementary plans?

Amendments 88 to 90 would resolve this glaring contradiction in the legislation. Taken together, amendments 88 and 89 would enshrine in the Bill the right to be heard at an examination in public in relation to a joint spatial development strategy, while amendment 90

“would prevent the general rule for hearings for supplementary plans taking the form of written representations and would instead enable the examiner to determine the form of the examination”

as they saw fit. We believe that these amount to simple but appropriate changes to schedule 7 that would restore the right to be heard and thus enable communities to engage fully at every stage of the development plan formulation process. If the Government are genuinely open to further honing and refining the Bill before it is given Royal Assent, as previous Ministers always maintained, they should accept these amendments, and I hope to hear that this Minister is content to do so.

**Tim Farron:** It is worth observing that a previous Government ripped up completely the spatial development strategy process, largely because of the sense that the populations of this country felt that it was utterly disconnected from the plans, desires and priorities of their communities.

If we are to go down this route and not enable a formalised process by which communities can have their voices heard when it comes to spatial development plans, we are just setting ourselves up for the same mistake that the previous Government made. If we want people to feel confident in these plans and believe that they are in their interests and right for the future of their communities, children and grandchildren, we need

to give them the chance to have their voices heard and to have their say. The amendments seem entirely sensible to me.

**Mr Jones:** As we discussed in relation to digital reforms of the planning system, we absolutely share the objective of improving community engagement in all parts of the planning system. It is, however, appropriate to allow different procedures for that engagement, based on the role of the plan or strategy in question.

The current procedure for the examination of spatial development strategies is now well established. It is true that, unlike for local plans, there is no formal right to appear in person. However, we are confident that the current arrangements are fair, proportionate and effective. Experience shows that planning inspectors go to great lengths to ensure that a broad range of relevant interests and views are heard at examinations for spatial development strategies. The Committee may like to know that the most recent spatial development strategy examination, for the London plan in 2019, took place over 12 weeks and the list of participants ran to 27 pages.

The fundamental difference between spatial development strategies and local plans is that they do not designate or allocate specific land for development; that remains the role of the local plan. It should also be remembered that written and oral evidence carry equal weight at examination, and there is no limit on the submission of written evidence.

That brings me to amendment 90. We intend supplementary plans to replace supplementary planning documents, and, once they have successfully passed through consultation and independent examination, to be afforded the same weight as a local plan and other parts of the development plan. We are committed to a fair examination process, which is why we have based it on the arrangements for neighbourhood development plans.

The Bill sets out that, as a general rule, the independent examination of a supplementary plan is to take the form of written representations. That is expected to be more appropriate to their role in setting more specific policies for smaller areas than the local plan. The examiner must, however, hold a hearing if they think that is necessary by virtue of the issues raised or to ensure fairness. We expect there to be a need for guidance to support the independent examination of supplementary plans in general. We have been clear that we will work closely with the sector to refine our implementation plans, and we will be keen to hear views on whether further clarification on the matter of public hearings is necessary.

We have also committed to producing new guidance on community engagement in planning, which will describe the different ways in which communities can get involved and will highlight best practice. The guidance will cover supplementary plans. Given that the processes for both joint spatial development strategies and supplementary plans build on proven existing processes that have been designed to reflect their intended role, I hope the hon. Member for Greenwich and Woolwich will feel able to withdraw the amendments.

**Matthew Pennycook:** As the Minister would expect, I am disappointed by his response. He said that improving community engagement was an objective of the Bill.

[Matthew Pennycook]

I do not see how he can reconcile that with the decision to deny the right to be heard when it comes to the two new documents, which have the same legal status as a development plan in decision making, and, as I have argued, will constrain the local plan in many cases because they will effectively filter what local residents can have a say on in that local plan by already setting out the parameters in, for example, a joint spatial development strategy.

I am not minded to push these amendments to a vote at the moment, but we will come back to the issue. I just say to the Minister that anyone watching our proceedings who is interested in planning from a local perspective will see a pattern here of the Government constraining the ability of residents and community groups to engage, and—this is the most damaging aspect—further undermining trust and confidence in a system where trust and confidence are already at rock bottom. I urge him to reconsider over the summer. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Rachael Maskell:** I beg to move amendment 122, in schedule 7, page 234, line 27, at end insert—

“(j) the timescale for the deliberative democracy process as set out in section [Deliberative democracy: local planning].”

*This amendment along with Amendments 124 and 125 and NC42 will introduce a deliberative democracy process to the local plan timetable.*

**The Chair:** With this it will be convenient to discuss the following:

Amendment 124, in schedule 7, page 238, line 31, at end insert—

“(3A) Prior to establishing a local plan, the local authority must carry out a deliberative democracy process as set out in section [Deliberative democracy: local planning].”

*See explanatory statement for Amendment 122.*

Amendment 125, in schedule 7, page 239, line 14, at end insert—

“(ha) the deliberative democracy process as set out in section [Deliberative democracy: local planning].”

*See explanatory statement for Amendment 122.*

New clause 42—*Deliberative democracy: local planning*—

“(1) Before the preparation of any development or outline plan the local planning authority must undertake a process of deliberative democracy which involving the community to set—

- (a) the balance of economic, environmental, infrastructure and special plans,
- (b) the type of housing to be delivered,
- (c) the infrastructure that is required to be hosted,
- (d) the type of economic space, and
- (e) environmental considerations, including making sites sustainable.

(2) A process of deliberative democracy under this section must—

- (a) invite all residents of the local authority area to apply to be a representative in the deliberative democracy process,
- (b) include measures to try to ensure that there will be a diverse representation of that community in the process, and

(c) provide for a forum of representatives that—

- (i) will determine its terms of reference, number of meetings and agenda at its first meeting, and
- (ii) will produce a report from the deliberative democracy process.

(3) A report under subsection (2)(c)(ii) may determine the scope of development on a site.”

*This new clause would introduce a deliberative democracy forum comprised of members of the public prior to the formation of a new development plan or outline plan.*

**Rachael Maskell:** We have started the conversation and we need to take it to the next level, to strengthen the voice and agency of people in our communities—not just residents but all stakeholders, including businesses, community groups and people working in our public services.

We know from the pilots run by the Department for Digital, Culture, Media and Sport that deliberative democracy is a way of addressing challenging issues with a broad spectrum of the community and drawing out conclusions. The outcomes are more robust, consensus can be built, and challenging proposals can be brought into a place of understanding. People from all parts of the community engage, so we get true agency from different people in it. We want a modern and effective form of democratic engagement. We want to ensure that the planning process is not only robust and refreshing, but will resolve significant issues. That can be brought about by deliberative democracy.

2.30 pm

This afternoon, I ask the Minister to open his mind to exploring amendment 122. I am going to do so through the prism of what is happening York, which is not only an important case study, but an opportunity—I am sure that York would want to pilot such a measure. As Members have heard, York has not had a local plan since 1956: for 76 years. It has become embroiled in a battle based on political grounds. Councillors in York Outer want to push more developments into York Central. York Outer, which traditionally votes Conservative, voted Lib Dem at the last local elections due to the Brexit dividend. The villages and suburbs are mainly settled with house ownership, and the voters do not want expansion near them.

Development is therefore rammed into York Central, which is nearly solidly Labour, and where there are significant levels of deprivation and residents are in the midst of a serious housing crisis. York Central is where the social housing is—or was—and where Airbnbs are expanding at such a rate. It is where developers are exploiting every opportunity to use our precious land to build their profits.

Rather than looking for solutions, the Lib Dems—now in power, propped up by the Greens, who just want green belt, despite our dire housing crisis—are trying to deliver the vast majority of the Government’s housing targets in our urban centre. They are breaking the tradition of our city, which was to use flats sparingly, and instead building high-rises in our city for its future.

Everyone knows the history of housing in York. It is where the Rowntrees developed social housing. The Housing Act 1930, the first Housing Act, came from meetings held in York. York is where New Earswick was built by the Rowntrees as a model of what housing

should be. It remains that model today. York is where Tang Hall grew out and cleared the suburbs and where social plans were put at the heart of housing, making vast improvements to people's quality of life. If people do not know the story, I advise them strongly to do so—I am happy to talk to them about it. It is wonderful and shows what can be done with the creativity of planning and progress.

High-density housing in the middle of York, however, is running roughshod over that story. Land is at such a premium there that it is unaffordable; people are talking about prices higher than Manchester's and getting close to London's. The housing being developed is completely unaffordable. The people affected by the housing crisis in York cannot access it, so gross inequality is occurring. It is a sheer abuse. If the Minister and the hon. Member for Westmorland and Lonsdale thought about what their parties are doing—abusing the situation and locking my people, my constituents, out of housing for their future—they would be ashamed, as I am.

The voice of the whole community has not come together to solve the housing situation, enable real agency in the housing process and enable people to wrestle over the difficult issues and find the right solution. That will be no surprise to anyone in the Committee, because we all know that the people in all our communities who live in the greatest deprivation have the least agency in any process. A process of deliberative democracy would draw people together from all sections of our community, enabling them to work together to find the right solutions. They would listen to one another and work out how to solve the difficult and delicate questions that everyone is asking.

Our housing situation in York now is completely out of control. My casework has gone through the roof. Section 21 notices are being issued by the day. We are seeing family homes turned overnight into Airbnbs. I am sure that you will identify with that, Mrs Murray, coming from Cornwall, because it is a big issue in the south-west. However, I am sure that all Members will recognise that holiday destinations and such places are now extracting the housing and the opportunities from our communities.

Housing then extends poverty and people have become homeless. Young couples cannot afford to purchase housing, and they are pushed out of their city. I could weep—I do weep—over what is happening in the name of political expediency. It is so unjust. It is because of that injustice that we desperately need to find fairness in our planning system. We desperately need people from our communities to have the agency and opportunity to set the direction for the future, and we know that with the power of deliberative democracy that can be achieved and make such a difference. Instead of being pawns in the game, people will be setting the rules and deciding the direction. Instead of their lives being ruined and their mental health being destroyed through a rotten planning system that continues to ignore them, and where they have no voice, no say, no agency and no hope, they will be given a voice and dignity. Instead of contempt and the process being an utter disgrace, it could give them an opportunity and a future.

I beg the Committee to change the planning process. I want the poorest people I look after in York to have a voice in the whole planning process. I trust them. I believe they will make sound decisions, and the same applies to such people wherever they are in the country.

As I have engaged with residents, community groups and even businesses, as well as people who deal with so many of our services, they have been saying that they need a voice because without it they will not have a home in the future.

Parents worry about their children, grandparents about their grandchildren and people about their families. That is breaking our city and our hearts. I have been sent to this place to change that and I am here to do that today. I plead with the Minister to end the situation by placing trust back in the hands of the people we are here to represent and ensuring that their power and voice are returned, so they can be involved in shaping their future, homes and communities, and be given real hope.

If York Central, or the local plan in York, goes ahead in its current format, it will be the ruin of our city and crush people's dreams. Opportunities will be taken away for a generation. If we change course, it could be so much more. Having fought on every platform and having seen my community spurned by those who hold power, I believe the only way through is to establish a process of deliberative democracy and planning. It would be refreshing and world leading. It could work through issues, such as housing shortages, and build accessible and intergenerational family-friendly places. It would make it safe for women to walk our streets and give their children places to play. Local people will conserve our environment and ensure that good jobs come to our city and good homes are built for all—not class-based housing where the poorer someone is, the poorer the quality of their home.

If we look at Derwenthorpe, where again there was good community engagement—another Rowntree development—we see the integration. If we look at New Earswick, we cannot differentiate between social housing and housing that is owned. It is integrated and our communities are integrated, not divided. A process of deliberative democracy would produce a report that would be the basis for the future plans. Instead of a future designed for the rich and those set to extract wealth at every opportunity from my community, the people will be put at the heart of our planning system and we will invest in their future.

Please, Minister: this is where politics can make a difference. I am sure we will talk some more about York and its challenges, but today I trust that the Minister will accept that we need to look closely at new clause 42 and my amendments 122, 124 and 125.

**Matthew Pennycook:** I thank my hon. Friend for tabling this group of amendments, which raise an incredibly important issue that the Bill is silent on.

Debates about whether and how to formalise arrangements for deliberative democracy within the planning system have occupied those engaged in planning policy and practice for some time. I do not intend to try to do justice to those debates or to set out the case for considering amending the Bill to introduce a deliberative democracy process within the local plan timetable—my hon. Friend has admirably made the case for the benefits that deliberative democracy can bring.

All I will say is that we support this group of amendments because we think it is right that we look to do more to encourage public participation in the planning process

[*Matthew Pennycook*]

beyond the existing right to be heard that applies to the examination of a local development plan, if not to the new spatial development strategies and supplementary plans that this schedule gives effect to.

**Tim Farron:** The hon. Member for York Central will forgive me if I do not get into the internal politics of York city, but all the same I think her proposals have real merit.

It seems that the housing market—in York, in the lakes and dales, elsewhere in Cumbria and in other parts of the country as well—has got into such a ludicrous situation that our planning law is just not able to keep up with it or to provide local communities with any kind of protection or agency when it comes to challenging that spiralling, out-of-control housing market.

Fairness in the planning system is essential. It is utterly frustrating—in fact, it is absolutely heartbreaking, as the hon. Member said—when communities see the desperate need for affordable homes for families who either are local or who will become local and for those working in social care, hospitality and tourism, schools and every other part of our economy, but the planning system permits us to build for demand and not for need. Communities must have that power and that agency.

Structured fairness in the planning system is essential, but it will require resourcing because the better planning decisions are those made with the community fully involved and with the planners getting out of their offices and meeting developers and communities semi-formally on site long before a proposal has been put in, so that we end up with a proposal that is, effectively, agreed on almost in advance.

When communities feel they are having things done to them, and when whole neighbourhoods are evicted and expelled through section 21 evictions, which the Government are yet to do anything about, those communities are bound to be desperate to have control and agency, to make sure that we make the best use of the resources and powers we have. What a slap in the face it would be for communities if we went down the deliberative route and then found at the end that communities do not have any power to enforce 100% affordability on any development or the permanent occupancy of houses that are developed.

We need to give communities that proper engagement and involvement, and we need there need to be enough planners, with enough resources, so that they can get out of the office and help to communicate with the community and indeed with developers in a consensual and pragmatic way. However, if we do not have the powers and the control at local planning level, we will find people who have been consulted but who still feel completely and utterly powerless.

**Mr Jones:** I thank the hon. Member for York Central for tabling the amendments and the new clause, because they provide us with an opportunity to talk about community engagement.

The English planning system already gives communities a key role, so that they can take an active part in shaping their areas and, in doing so, build local pride and a sense of belonging. We are strengthening that role

through the Bill. Communities must be consulted on local plans and on individual planning applications. However, we know that current levels of engagement do not match our ambition of community involvement. That is why, through the Bill, we will increase opportunities for the community to get involved in planning for its area, to ensure that development is brought forward in a way that works best for local people.

The Bill reforms the process for producing local plans so that it is simpler, faster and easier for communities to engage with, and a number of measures in the Bill will create wholly new opportunities to engage. Neighbourhood priority statements will make it easier and quicker for local communities to determine priorities for their area, which will need to be taken into account in preparing local plans. Mandatory design codes will ensure that communities are directly involved in making rules on how they want developments to look and feel. Finally, street votes will provide a new way for residents to permit the additional development they want on their streets.

We intend to set out in regulations the minimum consultation periods on local plans, of eight and six weeks respectively, before a plan can be submitted for independent examination, which is longer than the current statutory requirements.

2.45 pm

As we have discussed, our measures to digitise the planning system will transform the way that information about plans, planning applications and the evidence underpinning them is made available. We are also accelerating the adoption of digital engagement tools and services by local authorities across the country to pilot how those solutions can be scaled across a variety of planning contexts.

We have funded 41 pilots, including in councils that have some of the most disadvantaged communities in the country, to demonstrate how digital approaches to engagement can make the planning system more accountable, democratic and inclusive. We are already seeing the impact of that intervention compared with traditional methods. For example, Watford Borough Council has developed a QR code system for residents, allowing them to view an interactive map and to access planning information. The London Borough of Hounslow has created an online 3D map, helping residents to visualise and comment on proposals.

We have also committed to produce, with sector experts, new guidance on community engagement in planning, which will show the different ways in which communities and industry can get involved. The guidance will highlight best practice, including the opportunities that digital technology offers. It will act as a tool to help authorities and developers deliver meaningful engagement. It will also give communities clear information on when and how they can engage.

As an example of innovation and good practice, I highlight how the Liverpool city region is dealing with its spatial development strategy. It has had two rounds of informal engagement, most recently targeting under-represented groups. Of the 2,500 respondents to that engagement, more than 42% were young, which I think we would all agree is a good thing—younger people very rarely get involved in planning processes—and half

were from the 10% of most deprived neighbourhoods, a point on which the hon. Member for York Central noted her concerns. That work won a planning award and—although the SDS is still being drafted and has not yet been examined—it shows what can be done. It is a good example that other areas, including not just combined authority and city region areas, but many other local authorities, can take on board.

I do not want to prejudice the contents of the new guidance on community engagement today. We want to prepare it collaboratively.

**Rachael Maskell:** I will respond more fully shortly, but I just wonder whether the Minister could set out the timescale for the guidance.

**Mr Jones:** I will come back to the hon. Member with the exact timescale on the guidance. We expect it to work in conjunction with the measures in the Bill. As we have discussed, we are keen to see more community engagement. The guidance may well recommend that some of the approaches set out in the amendment are the right things to do. However, it is critical that we ensure that authorities have the flexibility to respond to the needs of their area, and the amendment would impose a top-down structure that might suit some areas but not others. In the light of that and the steps that, as I have set out, we are already taking within and beyond the Bill, I hope the hon. Member will be minded to withdraw her amendment.

**Rachael Maskell:** I am grateful for the debate we have just had. I thank my hon. Friend the Member for Greenwich and Woolwich for his comments, which highlighted the importance that Labour places on community engagement and agency in the planning process.

The hon. Member for Westmorland and Lonsdale made the point for me, when he said that he did not want to engage with the politics. This process should not be about the politics. That is the challenge: this should be about addressing the need that is clearly there in many of our communities. Where we have significant demand and need, we should be able to address that. Ensuring that the resourcing is there is, of course, a challenge for all local authorities at the moment, and we need to ensure that planning gets the injection of resourcing that it needs. We are also losing skills, so we need to ensure that we get them coming through for the future.

I thank the Minister for the consideration he has given to my amendments and new clause. He set out the things that he will bring forward through the planning system, but I still believe we are on the old track, as opposed to looking at new opportunities, so I will look at this guidance with great interest when it is published.

Quickening the process and improving some of the consultation times is of course welcome, but I am talking about a period of 76 years and trying something different after that amount of time. There is still real conflict and pain in York over what is happening with the planning system. We absolutely want to come to a good decision in the future, looking at new opportunities, particularly after all the work that DCMS did. The pilots were successful and did bring people together. It is delightful to hear about the work Steve Rotherham has

been doing in Liverpool. He is really putting young people at the heart of his agenda and ensuring that people from the most deprived communities have real agency and voice. I would expect nothing less of the Metro Mayor in Liverpool, because I know his passion for that great city.

However, there needs to be more from the Minister. There needs to be more in our planning system. There needs to be opportunity and a voice for the people we represent. The Minister said it in his own words: the levels of engagement are still so low. We are engaging in digital and we see the opportunities there, but we also see the barriers to digital. The Minister spoke about QR codes in Watford and 3D models, which are great—they help people like myself, who are more visual, to be able to identify things. I understand all of that. However, it is ultimately about the voice, knowledge and emotion, which we do not often see in planning. That is what actually makes the difference. That is what people bring. We need people to be able to determine and shape their future. As my hon. Friend the Member for Greenwich and Woolwich said, we need to have those reports heard, engaged with and included in the planning system.

Although I will not press my amendments and new clause today, it is my intention to bring this issue back on Report. If the Minister were willing to meet me in the interim to talk about some of the challenges we have and some of the opportunities we want to build for my city of York, I would be happy to do that.

**Mr Jones:** I am sure the hon. Member has not finished her comments just yet. I would of course be willing to meet her to discuss the issues she is talking about. I do not know whether we will be able to squeeze that in before the recess, but the offer is certainly there.

**Rachael Maskell:** I will close now, and I thank the Minister for that offer. I very much hope he will still be in his position—I appreciate that other events might take over. We may have a 24-hour period in September when we are able to meet. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Rachael Maskell:** I beg to move amendment 123, in schedule 7, page 238, line 6, at insert—

“(4A) A local plan may provide that the local planning authority may review and change any outline planning permissions in place prior to the establishment of a local plan, including on sites where work has already commenced, to bring those permissions in line with requirements set out in the plan.”

*This amendment will allow Local Planning Authorities to require Outline Planning Applications to be adjusted where they conflict with Local Plans.*

In my own mind, I have dubbed this the York Central amendment. I am sorry that I am going to talk about a real case study again. It highlights how planning that has been wrongly advanced due to the wrong motivations can be changed. If planning is going to be ruinous for an area, there must be an opportunity for proposals to be reworked.

Stakeholders across my city very much want Government to be able to assist in this matter. There are a number of developments that I can name in York that have been a

[*Rachael Maskell*]

complete disaster, and the features are all the same. Examples include the proposals for the old gas works, Hungate and the old Terry's site. Developers extract what they can for what they want, and do not provide what people need in my city.

York Central is the largest brownfield development site in the country. It is vast. The development is threatening to take premium, valuable economic space next to the station, and it will choke off future economic opportunities—not only for the city of York and North Yorkshire, but for the gateway to the north.

The site is estimated to provide just 6,500 jobs. If we compare this to the Curzon Street, Toton or Crewe developments, those involved have understood the value of sites adjacent to stations of major connectivity. They have understood the opportunity to invest in the jobs that will provide people in my city with a good income in the future. We are a very low-wage economy in York because of the hospitality and tourism sectors. Not only do we want to level up York, but the north too.

I am so excited by the potential of the site, and yet the disaster of placing high-density housing for the super-rich in my low-income city is choking off the opportunity for York to level up or for the Treasury ever to reap its return. With the pace of capital receipt, 2,500 properties, mainly flats, are going to be built on the site. People in York want a home and garden, and 80% of the need is for family housing. However, luxury apartments across the city are going to be for investment, not residential purposes. My residents cannot afford to buy those places. York Central will be far worse, as the land value is higher. Just yesterday, a colleague in this place told me how their acquaintance had purchased seven of these luxury apartments and is turning them into Airbnbs. Is this really what development is meant to be all about?

This is what is really happening, and the Government need to get on top of it. Instead of the site being economically valuable and bringing investment in good jobs for the people of York, it will let property investors extract what they can out of our city. Empty units such as the ones we are seeing across our city, as well as second homes and Airbnbs, are not helping a single resident of York. Worse, they are heating up York's housing market, so that it moves further away from my constituents' dream. House prices are going up, and rent is going up. We have the extraction of housing, wealth and hope. It is a disaster. There are no additional homes in my community, and space is being taken up. High-value jobs will be lost for generations. Instead of my community being levelled up, it is spiralling down into even deeper debt and despair. I say to the Minister, this case study shows what is really happening right now.

We have to be able to work through things if they are wrong and if wrong decisions have been made, even if those decisions were made for political expediency, which they were. It is catastrophic. Even Homes England has said that York Central will become an Airbnb city, yet the Government have ploughed millions of pounds of taxpayer's money into this site. I am not going to talk again about the transport challenges the site will bring as it gridlocks the city and turns it into a car park.

There must be a mechanism to stop disastrous developments. When mistakes have been made, we cannot just keep going on the treadmill, saying that the next

stage is coming, when all it will do is cause more harm. This development could be stopped now, and the Minister should stop it—my amendment would give him that power. If he tells me that he already has those powers, then I earnestly ask why he has not used them. My city and my whole community want to know. Between us, we could fix this. This development could become a badge of pride, not just for my city but for the nation. York Central is a nightmare. I want it to turn into people's dreams. We need to ensure that where poor planning decisions have been made, it is never too late to see change.

3 pm

**Tim Farron:** The amendment is very helpful. I mentioned last week a decision taken recently by the Yorkshire Dales national park authority to ensure that 100% of all new developments will be for permanent occupancy. Although I would like to be wrong, I am pretty sure that it will not be able to enforce that condition. The amendment suggests how the Government might allow planning authorities, be they national parks or local councils, to have that kind of power.

In a community like mine if we build it, they will come. There is no problem meeting demand. If we build a three, four or five-bedroom property anywhere in the lakes, the dales or elsewhere in Cumbria, there will be a person who will pay top dollar for it. It will probably not even be their first home. Meeting demand will always be an answer that developers put forward; the properties will not stand empty—or at least they will not stand unowned. However, we have a planning regime that does not allow communities the agency and control to ensure that we build not for demand but for need.

One of the many blessings of having two national parks in a constituency is that we can compare them and try to encourage one to learn from the other. The Lake district does a great job, but the Yorkshire Dales national park authority has been far-sighted in saying, "These are the houses we need in our community. We don't need more half-a-million, three-quarters-of-a-million or million-pound barn conversions. We need affordable homes for local families—or for those who will become local families."

We are welcoming to offcomers from anywhere if they put down roots and contribute to our community. If the local plan could overrule outline planning permission, so that we can ensure that we deliver the homes, properties and business developments that we actually need rather than those that happen to have a place in the market, that would be a real power for communities like mine. I encourage the Minister to take the amendment seriously.

**Mr Jones:** I thank the hon. Member for York Central for the amendment. I thought she was almost tempting me to work with her during part of her speech. I could not quite understand why she seems to want me gone so quickly from this role.

It is good to have the opportunity to debate the amendment, which seeks to allow local plans to amend the details of existing outlined planning permissions so that they are in accordance with the local plan adopted after the grant of those permissions. Our planning reforms seek to ensure that local plans have a greater influence over individual planning decisions to ensure that development reflects what local communities want. In particular, our new decision-making framework under

clause 82, which the Committee has debated, will lead to a more plan-led system, providing greater certainty to all.

I must say to the hon. Member for York Central that I cannot accept the amendment. To enable local plans to alter existing outline planning permissions, even when development has already started, runs counter to the long-standing position that the grant for planning permission is a development right. That right provides the certainty that developers need to raise finance and implement the permission. Allowing local plans to effectively rewrite permissions, even when they had already started, would create unnecessary uncertainty, and could see developers, especially small and medium-sized builders, faced with significant wasted costs and delays at a time when we need to support them.

Local planning authorities already have channels to revoke or modify existing planning permissions under section 97 of the Town and Country Planning Act 1990. Importantly, those powers cannot affect works previously carried out and require the local planning authority—this is an important point—to pay compensation in respect of expenditure, loss or damage, so their use should be considered only as a last resort.

Furthermore, as developers often seek in practice to amend outline planning permissions, local planning authorities already have the opportunity to take account of new local plan policies when considering section 73 applications to vary planning conditions. That will also be the case under our new route to make minor variations to planning permissions, as set out in clause 98. For those reasons, I am sorry to tell the hon. Member for York Central that we will not be able to accept the amendment.

**Rachael Maskell:** I am grateful for the opportunity to set out why the amendment is so important. I thank the hon. Member for Westmorland and Lonsdale for highlighting the actions taken in national parks.

The amendment is important because sometimes decisions are wrong. If, as is the case in York Central, the spade has not gone in the ground yet, it seems ludicrous to continue with something that will be ruinous to our city and will lead to 2,000 Airbnbs suddenly landing in it. That is not our tradition, it will not help anyone and it will ruin a beautiful city that should be a world heritage site. We are deeply concerned and disturbed by what is being done by developers that have control over our city. I am deeply worried about what is happening, and we need to find a way through it. There will be constant conflict as more and more people become disengaged and disenfranchised in York. The anger will build in our communities, but the Government have the opportunity to do something.

**Mr Jones:** The hon. Lady has returned to the subject of local plans in her area many times during our deliberations over the past couple of days, but do not elected councillors in any area—I am not talking about York—have the responsibility to sort themselves out, get things together and create a local plan in consultation with local people that stops the type of situation she describes?

**Rachael Maskell:** If the Minister could have a word with his party's councillors in York, that might help to move things forward.

**Mr Jones:** Clearly, I am not completely au fait with the political situation in the hon. Lady's city, but my perception from having looked at it quickly is that the Conservatives have not controlled the council since 1980. There have been several short periods over the years in which the Conservatives have had the leader in a minority administration, but it seems squarely down to the Labour party, the Liberal Democrats and the Greens over a number of years—particularly the Liberal Democrats and the Greens.

**Rachael Maskell:** We are not here to talk about politics—well, maybe we are. Before the last election it was a Conservative-led administration with the Lib Dems' support. The Minister is right that the Lib Dems and the Greens are in charge of the administration. Labour has not had control for a significant time, although there are elections next year, so we will see.

The key point is that when there is poor planning, as there is for the site I am thinking of, and we are in a deadlock situation that will be ruinous for the future of the community, we need a resolution and tools that can be deployed to find a solution. As I have described, the site is not providing the housing that our city needs. It will block off the economic opportunity for something that is so valuable for the levelling-up agenda not just for York and North Yorkshire but for the north. We need to find some solutions and stop the exploitation of land on that site.

I thank the Minister for his comments. I will not press this amendment to a vote, but I will consider how we will come back to the issue because it is important that we get it right. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Matthew Pennycook:** I beg to move amendment 99, in schedule 7, page 238, leave out lines 16 and 17.

*This amendment removes the requirement in inserted section 15C(7)(b) that a local development plan must be consistent with national policies at the development plan formulation stage.*

**The Chair:** With this it will be convenient to discuss amendment 100, in schedule 7, page 239, line 19, at end insert—

“(but may not require a local plan to be consistent with any national demand management policy)”

*This amendment would provide that regulations made under inserted section 15C could not require local plans to conform with national policies.*

**Matthew Pennycook:** The amendments relate to a matter that we have already considered at length. As such, I do not intend to detain the Committee for long in speaking to them. Their purpose is simply to draw the Committee's attention to the fact that there are two aspects of the issues that we debated in relation to clause 83, which concerned the Government's intention to accord primacy to national planning policy in the form of NDMPs and, as a result, to provide for a large measure of central control over local development plans.

In stating that any conflict between local development plans and national development management policies should be resolved in favour of the latter, clause 83 relates specifically to the point in time at which any

[*Matthew Pennycook*]

planning application is determined. Proposed new subsection (5A) of the Planning and Compulsory Purchase Act 2004 makes it clear that proposed new subsections (5B) and (5C) are

“for the purposes of any determination to be made under the planning Acts”.

They therefore do not relate to the point at which the local development plan is put together.

In schedule 7, proposed new sections 15C and 15CA of the PCPA 2004 specify that local plans must be formulated in accordance with national development management policies. That matters, because even if we had been successful in convincing the Minister to leave out proposed new subsection (5C) in section 38 of the PCPA, proposed new sections 15C and 15CA would constrain the resulting local flexibility that we would have secured at the point that a planning application is determined, because they provide for a large measure of central control over what can be in a local or neighbourhood plan in the first place.

Amendments 99 and 100 seek to address the issue by removing the provisions in proposed new sections 15C and 15CA of the PCPA that local plans should be consistent with NDMPs. In the same way that amendment 86 to clause 83 sought to give precedence to local plans when a planning application is determined, the amendments seek to ensure that local and neighbourhood plans can have a degree of flexibility within a nationally set planning policy framework at the point that they are developed, rather than the content of local and neighbourhood plans being dictated in large part by central Government.

I know the response that the Minister will give me but I again urge him to reconsider according national planning policy in the form of NDMPs precedence over local development plans—in this instance, in relation to the point in time at which local plans are developed, rather than when planning applications are determined.

**Mr Jones:** I thank the hon. Member for his amendment to the plan preparation provisions in schedule 7 that prevent inconsistency with national development management policies. I feel this is almost like groundhog day on this particular point.

National development management policies would sit alongside those in local plans when certain planning decisions are made, and have clear statutory weight. National development management policies will primarily be nationally important policies used for making decisions, such as green belt protection. At present, local plans take too much time to produce and are too long, and they are often hard to digest. Notably, there can be a lot of overlap with policies in the national planning policy framework of common importance, such as flood protection and the green belt, where the protections are rightly uniform throughout the country.

A critical objective of our proposed changes to the planning system is to reduce the time it takes for local plans to be produced. Reducing the need to repeat common policies on nationally important matters in local plans removes an unnecessary burden on local authorities while underpinning key national policy

protections with statutory weight such as policies for controlling development in the green belt, which I have mentioned several times.

Preventing plans from being inconsistent with national development management policies will also allow local plans to focus on the issues that matter to local communities, which will be enabled to focus on crafting local policies that are tailored to local circumstances. We have heard about one set of local circumstances at some length; clearly we want to make sure that local people and their representatives can craft local policies that are tailored to local circumstances.

3.15 pm

At the same time, our approach will strengthen the power of common nationally important policies, such as protecting the green belt, so that they cannot be challenged by developers through the local plan process. That is particularly crucial because we wish to use national policy to drive higher standards, especially on the environment and to tackle climate change. We intend to seek views on what national development management policies could cover in the prospectus that we intend to publish this summer—I am sure I will hear about that again before the end of Committee proceedings. I hope that, although he is slightly sceptical, the hon. Gentleman will, with those reassurances, withdraw his amendment.

**Matthew Pennycook:** As I said, I expected that answer. The Minister said our exchanges feel somewhat like groundhog day; it will start to feel like that, because we will return to this issue. We all know how the film “Groundhog Day” ends: when the main character, Phil Connors, reforms his ways. I hope the Minister can find it in his heart to change and to shift on this issue. I will not press the amendment to a vote but we will return to this issue, at the root of which is the status and scope of local plans, on Report. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Rachael Maskell:** I beg to move amendment 126, in schedule 7, page 239, line 14, at end insert—

“(ha) Environmental Outcomes Reports.”.

*This amendment would require local planning authority to have regard to Environmental Outcomes Reports in preparing a local plan.*

I will be brief because we are going to say more about this issue when we deal with the environmental outcomes reports later in the Bill. If the amendment is not made, too little consideration will be given to the assessment of environmental impact. Nothing can be more important than to look at what is happening with the climate challenge. On Monday, many of us had the privilege to listen to top scientists talk about the climate risk and sketch out the profoundly troubling outcomes. We have struggled to get through this week because of the heat and people we know in our neighbourhoods are dying because of it.

We have to ensure that all outcomes seriously consider how we mitigate the climate catastrophe that we are living through. The planning process has a central role to play in that, whether in respect of transport, home heating, housing design or the industrial impacts that are having a great effect. As we all know, the current situation is not sustainable, and the Government have

to focus on that at every turn. We have flooding and droughts side by side. I have tabled amendments for further discussion later in the Bill. Clause 116(2) sets out why this amendment is so important and why we must protect and restore our natural environment.

**Matthew Pennycook:** I thank my hon. Friend for tabling the amendment which, as she has set out, seeks to ensure that the Bill makes it clear that local planning authorities should have regard to environmental outcomes reports in preparing their local plans. We support any practical revisions to the Bill that are aimed at strengthening and enhancing the delivery of environmental outcomes. If the Government will not accept my hon. Friend's amendment, I hope to hear from the Minister not only a convincing argument as to why but an explanation of how the Government believe the new EOR regime that is set out part 5 will interact with the preparation of local plans.

**Mr Jones:** The Government are clear that environmental outcomes reports will form part of the consideration of whether a local plan is adopted. The Bill already includes provisions in clauses 118 and 117 to define which plans will require assessment and how such plans should be taken into account. Although the list of plans that require assessment will be set out in secondary legislation, our commitment to the non-regression of environmental protection makes it clear that the relevant local planning authorities will need to produce an environmental outcomes report as part of their local plan adoption process. The reports will ensure that environmental outcomes are taken into account during the preparation and adoption of local plans.

The regulations will set out which projects and plans will require the preparation of an environmental outcomes report. The exact list of projects and plans that will require assessment will be worked out through consultation with the sector and relevant stakeholders. That will ensure that we can capture and use expert feedback in the design of the system.

In writing the regulations, we will be constrained by our commitment to non-regression on environmental protections. In line with that commitment, local plans will require environmental assessment, as they do in the existing system. Setting out the exact list in regulations, rather than in primary legislation, will allow flexibility, which is key, given the type of changes we see. Flexibility will mean that we can take into account new situations and the emergence of new technologies or development types. With that explanation, I hope that the hon. Member will withdraw her amendment.

**Rachael Maskell:** I thank my hon. Friend the Member for Greenwich and Woolwich for his comments, and for his pertinent questions to the Minister. This issue is central not just to planning, but to the future of our planet. The climate crisis is at a point where non-regression is not enough. I appreciate that the Minister is new in his role, but I very much hope that he is brought up to speed quickly. Our climate is changing with such rapidity that we will have to do much more than not regress if the next generation, let alone future generations, are to have a place on this planet.

This is a deeply troubling time, and I am glad to hear that the EORs will have a role in local planning, but that role and the relationship need to be strengthened. I

very much hope that the Minister and his officials can find ways to achieve that, and to do much more. We simply do not have time to do only what the Minister said. We will certainly return to the issue. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Rachael Maskell:** I beg to move amendment 127, in schedule 7, page 241, line 14, at end insert—

“(1A) To have effect a supplementary plan must be agreed within 5 years of the commencement of preparation of the local plan to which it relates.”.

*This amendment requires supplementary plans under inserted section 15CC to be agreed within 5 years of the commencement of the local plan process.*

I will try not to dominate the afternoon's proceedings, but I have tabled a number of amendments. This amendment is similar to a previous one. It seeks to ensure that supplementary plans are agreed within five years, so that we have the up-to-date data that is necessary for shaping local plans. The theory is obvious: something as important as a local plan needs to be built on rock-solid, up-to-date evidence and data. I am staggered that the planning process does not necessarily embrace that theory.

For example, on Tuesday, I referred to transport planning in York, and detailed how data from 13 years ago was determining how our local plan should be developed for the future. I have raised that point with the inspectors in York again this week. We cannot depend on something so out of date. Data must be up to date, whether it is mineral and waste plans, reports from the Environment Agency, local transport plans or any number of other reports.

We have just had a census, which has set out the demographic changes in our constituencies. We need to draw on up-to-date data to understand the rhythm of what is happening in planning and in our communities, and to ensure that they are in sync. The first stage of that is supplementary plans, on which local plans are built. They need to be secure and timely.

The amendment would ensure that, within existing constraints, supplementary plans remain relevant and up to date. In York, they simply are not, and I am sure that is the case in many other places, too. When local plans are put together, the opportunity should be taken to bring in wider considerations. For instance, right now, we need another hospital in York, but there is no facility to even think about how we can sequence that into the planning system. These things do not happen immediately; we need to plan in a timely way for the future. We must not lock out opportunities as we create green belts and everything else, important though they are. We must think our way through this. We should think about the structure of supplementary plans, ensure the data is up to date, and ensure their relevance. That should feed into the local planning process, and strengthen local plans and the planning process. My amendment 127 seeks to achieve that.

**Tim Farron:** This is one of many really helpful amendments being put forward today. I hope the Minister will seriously consider it.

In communities such as mine, there is a housing catastrophe—“crisis” is not an adequate word for it. There is a huge change in the demographic, as well as in the nature and the usage of the housing stock; I am sure that

[*Tim Farron*]

the situation is similar in your constituency, Mrs Murray. The nature of rural and holiday-destination communities has put us in a desperate state, so there is a need for urgent action.

One of the reasons why I am delighted to be a member of this Bill Committee is that it gives us the opportunity to talk about policies that could lead to urgent change. We do not have the time to be deliberative, and to take forever over all this; the crisis is happening now. The horses are leaving the stables at a canter. We need to shut the stable door at the very least, and then put some more horses in, if hon. Members do not mind me flogging a dead horse of a metaphor.

We need to think about this very seriously because so much has changed in the last few years. The timeliness of local plans is critical. We would make poor decisions if we used demographics on housing tenure and demand from 10 years ago; actually, we would probably make poor decisions if we made them on the basis of the way things were three years ago.

The recent census results show that in my community, there has been a 30% rise in the proportion of people who are retired—brilliant! But there is a drop in the number of people in the working-age population. It is therefore unsurprising that we face an absolute care crisis. We cannot find staff to provide support for people in their older age, or at other points in their life when they need care or support. Likewise, there would be 60,000 people working in the hospitality and tourism industry, which is utterly fundamental and the biggest employer in Cumbria, if we could fill the vacancies.

There has been a clear and very quick change in the nature of our demographic, with whole clearances of the working-age population. Long-term rentals are collapsing, and at least 50% of those properties are moving into the short-term Airbnb sector. We need to ensure that plans for development in our communities are based on live, current data. That is essential, so I hope the Minister will take this amendment seriously.

**Mr Jones:** In the new planning system, supplementary plans will replace supplementary planning documents. Once they have successfully passed through consultation and independent examination, they will be afforded the same weight as a local plan under the parts of the development plan.

Supplementary plans will provide local planning authorities with the flexibility to make policies for specific sites, or groups of sites, quickly. That could help to address urgent site-specific matters, for example in response to a new regeneration opportunity that had not been identified through the local plan, or to set out design policies outside the normal local plan process. We envisage a connection between local and supplementary plans in some cases—for example, where a local plan allocates a site-specific plan, and the supplementary plan sets out a design code for that site.

However, imposing an arbitrary tie between local and supplementary plans, as proposed by this amendment, could fetter the ability of authorities to use supplementary plans to respond positively to changes in their area at pace in the way that was intended. We have made clear our intention to bring forward in regulations a requirement

for all local plans to be updated at least every five years. It is therefore not necessary to require supplementary plans to be made within five years of a local plan being adopted.

**Rachael Maskell:** I am conscious that some local transport plans date back 10 years. The local plan process may move forward at a different pace from supplementary plans. That is why I think that the Minister's point strengthens the argument for the amendment.

3.30 pm

**Mr Jones:** I hear what the hon. Lady says, but this plan is there to provide local planning authorities with the flexibility to bring forward policies for sites or groups of sites quickly. That is different from the example that she gave. Again, requiring supplementary plans to be made every five years after a local plan is adopted is not necessary. I hope that my assurances will enable the hon. Member to withdraw her amendment.

**Rachael Maskell:** I am grateful once again for the opportunity to debate this issue, and to hear the Minister's arguments. A theme is starting to emerge: the question of how to do planning in a timely way. We all recognise that: the hon. Member for Westmorland and Lonsdale set out clearly how rapidly our communities can change—demographic, housing and transport changes. We want to ensure that we keep up with that. As we become more digitised, technology can, in many respects, ensure that we stay current in setting local plans. That is another theme running through the Bill, which I would like to consider as it progresses. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Rachael Maskell:** I beg to move amendment 139, in schedule 7, page 250, line 15, at end insert—

“(8) For a period of 6 months following a local election, a local planning authority may review a local plan that has already been adopted and submit a proposal to an examiner to change or adjust their plan.”

*This amendment would allow newly elected Councils to amend local plans following an election.*

Briefly, I understand that the whole point of a local plan is to create stability, and to ensure, based on evidence, that a plan delivers for a community. However, a plan adopted by a previous administration could strangle an incoming administration, and prevent it from delivering economic or housing opportunities for their community. Their hands could be tied for the whole period of the administration.

A local plan should not be discarded. As I have said before, we should start thinking about planning as being about evolution rather than revolution; plans should be updated and should move forward rapidly. A new administration, whether in Government or local government, want to make a difference for their community, and to demonstrate that they can respond to need. We have talked so much—and will do so again—about the rise of Airbnbs and the many new and growing challenges. We need a rapid change in direction.

I want to give new authorities, of whatever colour, the opportunity to consider new structures and mechanisms for delivering for communities. Being able to look at a local plan at that moment could be a powerful intervention.

**Matthew Pennycook:** I welcome the amendment, because it probes the Government on an intriguing, if not uncontroversial, issue of whether a formal mechanism should be put in place to ensure that local plans can be revised in line with the local electoral cycle. She made the case that that would give us the flexibility to adjust to new political priorities. Also, one of the potential benefits of allowing for a six-month review period following a local election would be that political parties in a given local authority area would at least have an incentive to raise the issue of the local development plan as part of the democratic process, thereby raising public awareness of and engagement with it.

Given the steps being taken to ensure that every local plan is reviewed at least once every five years—the Minister spoke to that—the electoral cycle as a period of time is not too out of alignment with the time period we are talking about for the review. On that basis, I welcome the amendment as a way of probing the Government on the issue, and I look forward to hearing the Minister’s response to the case that my hon. Friend made.

**Mr Jones:** I welcome the opportunity to discuss the Government’s proposals to get more up-to-date local plans in place. Paragraph 15GA in schedule 7 already enables a local planning authority to revise its plan at any time once it has come into force, irrespective of whether the authority has recently changed political control. My concern, however, is that by explicitly making a link between local elections and planning, the amendment risks turning a local plan into a political football. The hon. Member for York Central has told us all about what she thinks was a political football situation in her area.

For authorities that have elections in thirds, rewriting plans on the basis of election results could lead to updates three times every four years. That could lead to a constant change of direction. It would leave communities and other interested parties in a permanent state of uncertainty about what development should take place and where. Our reforms will provide welcome predictability in the local plan-making process; there will be a requirement for plans to be prepared within 30 months, and updated every five years. We think that is the right balance. I hope I have provided sufficient reassurances for the hon. Member for York Central, and that she will withdraw her amendment.

**Rachael Maskell:** I am grateful for the comments from my hon. Friend the Member for Greenwich and Woolwich. We have heard from both sides about the positives of more engagement with local planning, but also about the politicisation of local planning. Ultimately, we want something that is robust, flexible and fit for purpose. I thank the Minister for pointing out that in schedule 7, paragraph 15GA, local authorities have flexibility of review. I am therefore happy to beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Rachael Maskell:** I beg to move amendment 140, in schedule 7, page 252, line 24, at end insert—

“(c) consult with relevant stakeholders, including residents, via a deliberative process.”

*This amendment would require the Secretary of State to consult local stakeholders on the local plan.*

**The Chair:** With this it will be convenient to discuss amendment 141, in schedule 7, page 262, line 7, at end insert—

“(1A) A neighbourhood priorities statement must be prepared with the input of local stakeholders and community groups.”

*This amendment would ensure that community groups and stakeholders are involved with the development of a neighbourhood priorities statement.*

**Rachael Maskell:** I have gone into detail on why the Government should consider deliberative democracy. I will not repeat myself, but there is a real opportunity to enable deadlocks to be broken and to move forward with a process of engagement, so that we have a strong voice in setting neighbourhood priorities and can strengthen community voices in the planning process. I will say no more on that now, but I will return to the subject on Report. I welcome the opportunity to raise the issue again.

**Matthew Pennycook:** Briefly, I have made it clear on previous occasions that we support any measures in the Bill that increase local democratic control over engagement with the planning process, principally as a means of restoring trust and confidence in the planning system. Although the Bill requires a body preparing a neighbourhood priority statement to publish the proposal in draft so that people who live, work or carry on business in the neighbourhood to which it relates can comment on it, I appreciate that the thrust of the amendments is to ensure that a degree of proactive consultation takes place at the point when the proposal is being put together, rather than providing the opportunity to comment on it once it is finalised. On that basis, we are happy to support the amendments, which would ensure that local stakeholders and community groups were treated as statutory consultees in the preparation of those statements.

**Mr Jones:** It is of course vital that communities are given every opportunity to have their say on draft local plans and supplementary plans. The English planning system already gives communities a key role, so that they can play an active part in shaping their areas and, in doing so, build local pride and belonging. In the Bill, we are not changing that; in fact, we are strengthening it. I have set out elsewhere how that will be achieved.

The powers we are discussing have been used only sparingly in the past. That is expected to remain the case under the reformed plan-making system. However, they act as an important safety net to ensure that all areas can benefit from having up-to-date plans in place. I provide reassurance that were the Secretary of State or a local plan commissioner ever to take over plan preparation using the powers in the Bill, the plan would need to undergo public consultation, like any other plan. Like other procedural requirements, that will continue to be set out in secondary legislation, akin to the existing Town and Country Planning (Local Planning) (England) Regulations 2012, using powers set out elsewhere in the Bill. Incorporating the amendment into proposed new section 15HA is therefore unnecessary.

The hon. Member for York Central raises the important issue of engagement with the community on the preparation of neighbourhood priority statements. I hope that I can

[Mr Marcus Jones]

reassure her that the amendment is not necessary. The purpose of neighbourhood priority statements is to provide communities with a simpler and more accessible way to set out their priorities and preferences for the local area, including in relation to the use and development of land, housing, the economy, the environment, public spaces and local facilities.

Proposed new section 15K(6) under the schedule gives the Secretary of State powers to set out in regulations the procedures that neighbourhood planning groups must follow when preparing their neighbourhood priority statements. The Government's intention is to use the power to set out the requirements that neighbourhood planning groups must meet in order to ensure that they engage widely. We are testing different approaches to community engagement through our simpler approach to neighbourhood planning pilot, which got under way earlier in the year.

I hope that I have provided sufficient reassurances for the hon. Member to withdraw the amendment.

**Rachael Maskell:** I think that we have to part ways on the issue of the planning process. I am not satisfied that it gives residents their rightful voice. I will not press the Committee to a Division, but giving our communities the opportunity to have a real say will be a major theme on Report. The Government are taking away their voices, but we want to empower them. After all, when people said, "Give us back control", it was these very issues—their lives, communities and neighbourhoods—that people wanted control over. The Government have not heard that message, whereas we clearly want to respond. Even though my amendment would have enabled us to address why plans run into difficulty and fail to progress, I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Matthew Pennycook:** I beg to move amendment 109, in schedule 7, page 262, line 7, at end insert—

"(1A) A local planning authority must have regard to the content of any relevant neighbourhood priorities statement in the exercise of its planning functions."

As we have just discussed, proposed new section 15K introduces a new neighbourhood planning tool, the neighbourhood priorities statement. According to the Bill's explanatory notes, these statements will allow communities to identify key priorities for their local area, including their preferences in relation to development, with the intention of providing a simpler and more accessible way for communities to participate in neighbourhood planning.

The provision is clearly a response to the fact that the vast majority of the 1,061 neighbourhood plans made to date have emanated from more affluent parts of the country, where people have the time and the resources to prepare and implement them, rather than from less affluent areas and more complex urban environments. We very much welcome the fact that the Government are engaging with this real problem.

3.45 pm

However, although we certainly welcome the intent, providing community groups with the power to make these neighbourhood priority statements raises a host

of questions. For example, how much flexibility will community groups have in formulating neighbourhood priority statements, given that proposed new section 15LE makes it clear that regulations

"may provide for the form or content"

of them

"to be determined by the Secretary of State"?

Alternatively, are these statements seen as a replacement for a neighbourhood plan where the creation of one is unlikely to take place, or are they seen as a precursor to the development of a full neighbourhood plan?

To my mind, the most important question is this: what is the status of neighbourhood priority statements? Will they be documents that community groups can put together but that a local planning authority can ignore entirely if it wishes to do so, or will local planning authorities have to treat them seriously as a material consideration?

The policy paper that accompanies the Bill says of neighbourhood priority statements that

"the local authority will be obliged to take into account when preparing its local plan."

What does "take into account" mean in these circumstances and in practice? What is the impact of any neighbourhood priority statement in an area that already has a local plan?

The Minister can correct me if I am wrong, but I can see nothing in the Bill that indicates what the status of these new statements will be or that clarifies how local planning authorities must take them into account. Will he therefore tell the Committee—and I would like an answer to this question—the precise extent to which these statements should be considered in plan making, and what level of material weight will they have in development management decisions on applications? For example, will they have the same weight as the NPPF?

As a means of probing the Government's intent further, amendment 109 would insert into proposed new section 15K the stipulation:

"A local planning authority must have regard to the content of any relevant neighbourhood priority statement in the exercise of its planning functions."

I look forward to hearing whether the Minister feels that the Government can accept this amendment. If not, as I expect will be the case, I would like to know why and for him to explain what refusing to insist that local authorities must have regard to neighbourhood priority statements implies about their status.

**Tim Farron:** This is a wise amendment and I hope that the Minister will take it seriously. I mentioned earlier the fact that fewer than 1% of the county's population engaged with a consultation on local government reorganisation in Cumbria. The fact that they were ignored probably explains why people do not engage so much: never have we been more consulted as a society, and never have we been less listened to.

It is important to flesh out the status of neighbourhood priority statements. When people make representations on the future of their communities, we need to know

whether they hold any status whatsoever. For example, a parish might identify a specific need for supported living for younger people with learning disabilities or for older people. There may be a specific need, as is the case in many parishes in my constituency, for on-farm agricultural dwellings for farmers to retire to or for agricultural labourers to live in while working on site. Such special needs identified by district and parish absolutely should be incorporated into the planning process.

Furthermore, neighbourhood priority statements should be taken into even greater consideration in planning discussions and decisions in those areas where the planning committee is not elected. I mentioned national parks earlier. Not a single member of the national park planning boards in England and Wales is directly elected. They are good people—most of them are very good people—who do their very best, but it does not seem right that people who make decisions are not directly accountable to those affected by them. That should be addressed in other ways, but in the meantime it is important that even greater consideration is given to neighbourhood priority statements in those communities where democracy is not part of the planning process.

**Mr Jones:** I welcome the Opposition's support for neighbourhood planning. However, I do not agree that the amendment is necessary to ensure that neighbourhood priorities statements are properly considered in the planning process. The amendments made by schedule 7 set out that local planning authorities must have regard to any neighbourhood priorities statements in their areas when preparing their local plans. That will be tested independently at examination, which I think is an important point. The new local plan will be informed by any neighbourhood priorities statements and, alongside any neighbourhood plans in force, will form the basis for decisions on individual planning applications and enforcement decisions.

To respond to the hon. Member for Greenwich and Woolwich, the intent is not for neighbourhood priority statements to replace a community's ability to engage and form a neighbourhood plan. However, we do not want to create another layer to the formal development plan by turning priorities statements into a form of plan. That would make the planning system more complex and go against what we are trying to achieve with our reforms.

We are clear that the planning process must be more democratic, which is why we are making it easier and simpler for communities to engage. In addition to neighbourhood priorities statements, communities will be able to engage through new measures, including mandatory design codes, allowing communities to be directly involved in making rules on how they want developments to look and feel, with a much greater emphasis on environmental sustainability; street votes, allowing residents to propose developments on their street and for a vote to be held on whether planning permission should be given; and measures on street names, removing a local authority's ability to impose street name changes on a community and instead requiring it to first obtain support from a majority of the local electorate on the street.

We are clear that communities should be at the heart of the local plan-making process, which is why we intend to include a requirement for two rounds of

community engagement, for a minimum of eight and six weeks respectively. That is longer than the current statutory minimum.

We will create new guidance on best practice in community engagement, including digital approaches to engagement with sector experts, to provide local authorities and developers with a toolkit to improve local engagement. We will ensure that all members of the community have the opportunity to engage if they wish, supported by digital tools to make engagement easier and more accessible, bringing the current system into the 21st century. On that basis, I hope that the hon. Member for Greenwich and Woolwich will withdraw his amendment.

**Matthew Pennycook:** I welcome the Minister's response and the clarification he provided. I am largely reassured, although I am still not entirely clear on the weight that those statements will have in development management decisions on individual applications. I will, however, review what he said, so on that basis, I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Matthew Pennycook:** I beg to move amendment 101, in schedule 7, page 270, line 31, at end insert—

“(4) In this part—

‘mitigation of climate change’ means compliance with the objectives and relevant budgetary provisions of the Climate Change Act 2008;

‘adaptation to climate change’ means the achievement of long-term resilience to climate-related risks, including the mitigation of the risks identified in relation to section 56 of the Climate Change Act 2008, and the achievement of the objectives of the relevant flood and coastal erosion risk management strategy made pursuant to section 7 of the Flood and Coastal Water Management Act 2010.”

*This amendment requires references to climate change mitigation and adaptation in the inserted sections on plan making to be interpreted in line with the Climate Change Act 2008.*

The debates we have had so far in relation to planning have focused heavily on the detailed procedures for how plans are made. We have spent far less time considering the practical outcomes that we want the planning system to help achieve and its role in enabling us to meet a number of significant challenges that we face as a country. I recognise that we will have time to do so after the summer recess, when we consider any proposed new clauses on the purpose of planning. However, we feel it is important that we also seek to amend those parts of the Bill that touch on some of those challenges but that do not necessarily ensure that we are doing what is necessary to meet them.

Of all the challenges we face, the most pressing is that of runaway global heating. Despite the desire of several Conservative party leadership candidates to abandon it, there is broad public support for bold climate action, and a strong cross-party consensus about the importance of the UK's net zero target. Yet, in its latest annual progress report, the Committee on Climate Change found that the current Government's policies

“will not deliver Net Zero”,

[*Matthew Pennycook*]

that the country is on track for only eight of 50 key indicators of progress, with 11 significantly off track, and that no credible plans exist for 61% of required emissions cuts.

When it comes to planning, one can point to a few exemplar development schemes across England, but, in general terms, we have failed to ensure that the planning system is playing its full part in tackling the climate emergency. Indeed, one might go so far as to argue that it is actively hindering our ability to mitigate and adapt to climate change in myriad different ways, whether that be planning decisions enabling the building of new homes in places prone to flooding or unplanned development resulting in new communities that are entirely dependent on cars. More must therefore be done to ensure that the planning system effectively contributes to the delivery of our emission reduction targets and that new development produces resilient and climate-proofed places.

The amendment seeks to achieve that aim by ensuring that the process of plan making is fully aligned with the commitments set out in the Climate Change Act 2008 and the Flood and Water Management Act 2010. It would do so by clarifying the meaning of climate change mitigation and adaptation in the Bill in such a way as to tie them directly to those Acts, thereby strengthening the duty placed on plan making via a 2008 amendment to the Planning and Compulsory Purchase Act 2004 that ensured that all plans contribute to the mitigation and adaptation of climate change.

By ensuring that there is genuine coherence between the country's planning system and its climate commitments, the amendment would also provide the foundation for more detailed national policy on how planning will contribute to achieving net zero emissions by 2050 and mitigating climate change as fully as possible in the forthcoming NPPF review. I hope that, in his response, the Minister will be able to pick that up and provide us with an update on when we might see that issue addressed in that NPPF review.

To conclude, we all know that the planning system must be aligned with net zero if we are to achieve our legally binding interim targets. I can think of no reason whatsoever that proposed new section 15LH, set out in schedule 7, should not be amended to give effect to that objective in relation to changes made to plan making in the Bill. On that basis, I hope that the Minister will accept the amendment.

**Tim Farron:** I, too, am deeply concerned by the noises from some of those seeking to become leader of the Conservative party, and therefore Prime Minister, on issues to do with climate change and net zero. I think that they are unwise, politically. When all is said and done, the public are convinced of the need to take serious and radical action. They recognise it as the biggest earthly threat that we face. We must face it together, or we will indeed fall together.

This is where local authorities have the opportunity to make a huge difference in the planning process. I am going to pull out two examples to illustrate why it is so important for the planning system to be tied very closely to the need to comply with the terms of the Climate

Change Act 2008. The first is, of course, zero-carbon homes. When we are building new buildings, whether they be homes for us to live in or business properties, we should ensure that they are all compliant. We know that planning committees currently want to make new developments zero carbon, to ensure that they are contributing to renewable energy and minimising any wastage of energy whatsoever, and yet in the final analysis they cannot do so, because it is not enforceable. This Committee has the ability to make the law so that they could do that. Why would we not do that? Why would we not give communities the power and agency to actually enforce zero-carbon homes and buildings in our communities?

As I said earlier, at some point in August—after an eight-month delay—we expect the inspector to announce whether the UK will open its first coalmine for 30 years, in west Cumbria. We obviously should not do that. We will wait and see what the inspector says, and then we will wait and see what the Secretary of State says in response. It should be a no-brainer. If we are acting in line with the terms of the Climate Change Act, we are not going to be sanctioning the digging up of more fossil fuels for any purpose at all.

Those powers should be held by local authorities so that planning authorities can put in practice what we as a national community and family have agreed are our priorities. That power is not present. This amendment, I hope, provides the possibility that it could be.

4 pm

**Mr Jones:** I am sure we all agree that climate change is one of the central issues of our time. It is therefore critical that the reformed planning system addresses that issue effectively. That is why the Bill sets out that local plans

“must be designed to secure that the development and use of land in”

the local planning authority areas

“contribute to the mitigation of, and adaptation to, climate change.”

I think we can all see from the last few days and what is likely to happen early next week that things have changed even since a few short years ago, when you and I first came into this House, Mrs Murray. Also, the national planning policy framework already requires local planning authorities to plan in line with the objective and provisions of the Climate Change Act 2008. But we recognise the need to do more. That is why the Government also made a commitment to update the framework to ensure that it contributes to climate change mitigation and adaptation as fully as possible. I heard what the hon. Member for Greenwich and Woolwich said. I have undertaken previously during this sitting to write to him about the review of the national planning policy framework, and I will include the response to the question that he has just asked.

We will also be consulting on this as part of wider changes needed to deliver on the Bill's ambitions after Royal Assent, and we will consult shortly on some immediate changes to deliver on commitments in the British energy security strategy, to help lower energy bills and increase our energy security.

Therefore, although I understand the spirit of this amendment, the Government must oppose it to ensure that this important issue can be properly considered

and addressed through a review of national policy, which will go out to consultation next year, but I will come back, with further information, to the hon. Gentleman. On that basis, I hope that he will withdraw his amendment.

**Matthew Pennycook:** I thank the Minister for that detailed response, but what I did not hear was a convincing argument as to why the Government cannot accept this amendment, which would simply alter the definitions of climate change mitigation and adaptation in the Bill so that they aligned with the legislation that we have been talking about. We feel quite strongly on this matter, and I will press the amendment to a Division.

*Question put,* That the amendment be made.

*The Committee divided:* Ayes 5, Noes 8.

**Division No. 8]**

**AYES**

Farron, Tim  
Lewell-Buck, Mrs Emma  
Maskell, Rachael

Norris, Alex  
Pennycook, Matthew

**NOES**

Atherton, Sarah  
Benton, Scott  
Johnson, Gareth  
Jones, Mr Marcus

Moore, Robbie  
Mortimer, Jill  
Nici, Lia  
Vickers, Matt

*Question accordingly negated.*

*Question proposed,* That the schedule be the Seventh schedule to the Bill.

**Mr Jones:** On the basis that we have today spent significant time debating the content of schedule 7, I would like to commend schedule 7 to the Committee.

*Question put and agreed to.*

*Schedule 7 accordingly agreed to.*

*Ordered,* That further consideration be now adjourned.  
—(Gareth Johnson.)

4.5 pm

*Adjourned till Tuesday 19 July at twenty-five minutes past Nine o'clock.*

**Written evidence reported to the House**

LRB25 BPS Chartered Surveyors

LRB26 Shelter



