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Public Bill Committee

LEVELLING-UP AND REGENERATION BILL

Twenty Sixth Sitting

Thursday 20 October 2022

(Morning)

CONTENTS

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Monday 24 October 2022

The Committee consisted of the following Members:

Chairs: Sir Mark Hendrick, † Mr Philip Hollobone, Mrs Sheryll Murray, Ian Paisley

† Bradley, Ben *(Mansfield)* (Con)
† Cartlidge, James *(South Suffolk)* (Con)
† Davison, Dehenna *(Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities)*
† Farron, Tim *(Westmorland and Lonsdale)* (LD)
† Fletcher, Colleen *(Coventry North East)* (Lab)
Gibson, Patricia *(North Ayrshire and Arran)* (SNP)
† Huddleston, Nigel *(Lord Commissioner of His Majesty's Treasury)*
† Jupp, Simon *(East Devon)* (Con)
† Lewell-Buck, Mrs Emma *(South Shields)* (Lab)
† Maskell, Rachael *(York Central)* (Lab/Co-op)
† Moore, Robbie *(Keighley)* (Con)
† Mortimer, Jill *(Hartlepool)* (Con)
† Norris, Alex *(Nottingham North)* (Lab/Co-op)
† Pennycook, Matthew *(Greenwich and Woolwich)* (Lab)
† Rowley, Lee *(Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities)*
† Smith, Greg *(Buckingham)* (Con)
† Vickers, Matt *(Stockton South)* (Con)

Bethan Harding, Kevin Maddison, *Committee Clerks*

† attended the Committee

Public Bill Committee

Thursday 20 October 2022

(Morning)

[Mr Philip Hollobone *in the Chair*]

Levelling-up and Regeneration Bill

11.30 am

The Chair: Before we begin, I have a few reminders for the Committee, which Mr Speaker has asked me to read out. Please switch electronic devices to silent. No food or drink, except for the water provided, is permitted during sittings of the Committee. *Hansard* colleagues would be grateful if hon. Members emailed their speaking notes to hansardnotes@parliament.uk.

New Clause 44

Mission on environmental equality

"(1) When preparing a statement of levelling-up missions under section 1, a Minister of the Crown must include a mission on environmental equality.

(2) The environmental equality mission must include the objective of ensuring equitable access to high quality natural spaces."—*(Rachael Maskell.)*

This new clause would require the Government to include a mission on environmental equality, incorporating equitable access to nature in particular, within the levelling up programme.

Brought up, and read the First time.

Rachael Maskell (York Central) (Lab/Co-op): I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 46—*Nature restoration duty*—

"(1) It is the duty of relevant Ministers to identify and maintain a network of sites for the purposes of restoring and protecting the natural environment in local areas.

(2) By 2030 and thereafter, the network must include at least 30% of land in England that is protected, monitored and managed as a ″protected site″ or other effective area-based conservation measures for the protection and restoration of biodiversity.

(3) For the purposes of subsection (2), 'protected site' means a site that satisfies the following conditions—

(a) habitats, species and other significant features of the natural environment with biodiversity value within the site are strictly protected from direct and indirect harm;

(b) management and monitoring provisions are made to ensure that habitats, species and other significant features of the natural environment with biodiversity value within the site are restored to and maintained at favourable condition and are subject to continuing improvement; and

(c) provision is made to ensure that conditions (a) and (b) are met in perpetuity.

(4) In carrying out duties under this section, the Secretary of State must be satisfied that—

(a) any areas of special interest for biodiversity in England as defined in section 28 of the Wildlife and Countryside Act 1981;

(b) all irreplaceable habitats; and

(c) areas identified in Local Nature Recovery Strategies that are protected in the planning system and managed for the recovery of the natural environment

have been identified and designated as a protected site."

This new clause would require relevant Ministers to identify and maintain a network of sites for nature to protect at least 30% of the land in England for nature by 2030. The clause defines the level of protection sites require to qualify for inclusion in the new network and requires key sites for nature to be included within it.

Rachael Maskell: It is a pleasure to serve with you in the Chair, Mr Hollobone, on the final day of our proceedings on this incredible Bill. I want to place on record my thanks to all the Clerks for the support they have given the Committee, particularly when writing our amendments.

There are omissions in the levelling-up agenda. Future generations, let alone the current one, will not forgive a levelling-up plan that fails to focus on the natural environment and to ensure that people have equal access to our greatest assets. Equitable access to the environment needs to be in the Bill through a specified mission. Some 70% of UK adults have said that being close to nature improves their mood, saving the NHS at least £100 million a year, with a nature-rich space leading to healthier and happier people. One in three people in economically deprived areas does not have access to green spaces within 15 minutes of where they live. These measures are therefore vital for our mental and physical health. It is often those who live in urban, deprived communities with the least connection to our natural environment who suffer the most. Making tacking that issue a central mission of the levelling-up agenda would prove that this Government understand that enrichment is for everyone and would bring Government focus to it.

I have constituents who have never been to the country, children who have never run along a beach and adults who have never climbed a mountain, never got lost in a forest and never been to a place where they can breathe the cleanest air. Without nature, our wellbeing is impaired, productivity falls and poverty rises—that is inequality, not levelling up. Access to the natural environment must therefore be a central mission if levelling up is to have any purpose at all.

New clause 46 would place a duty on Ministers to identify and maintain a network of sites for nature, to protect at least 30% of the land in England for nature by 2030, and that land must be monitored and managed for conservation and restoration. If, like me, you miss hedgehogs—perhaps they have no connected corridors—or birds, bees and butterflies, which we have failed to protect from pesticides and whose habitats we have failed to save, you will understand why this new clause is important. If you live somewhere like York and see more and more severe flooding because grouse moor shooting practices have damaged the upper catchment, you will want to see that practice stopped and the land restored. Our incredible natural environment was created to be in perfect balance, but our interference has caused so much harm.

We have a serious duty to monitor the natural environment, end the harm and restore nature before it is too late. Homing in on key sites must be our priority. We have heard so much this year about the climate emergency, and COP15 is highlighting the ruinous state of our natural environment. Just over the weekend, I

was reading a WWF report that states that, on average, 69% of populations of mammals, birds and fish have vanished since 1970. We have to stop and save. My new clause would be the first step in that and would show that the Government were serious, not grandstanding, on such a serious issue.

The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Dehenna Davison): It is a pleasure to serve under your chairmanship again, Mr Hollobone. I am again delighted to find some common ground so early in the Committee sitting; I think we were three minutes in when the hon. Member for York Central mentioned her love for hedgehogs—something that I definitely share. I thank her for these proposals, which aim to address the importance of the environment within the levelling-up framework.

New clause 44 concerns the inclusion of a specific mission on environmental equality. While I fully appreciate the sentiment behind it, the missions as depicted in the levelling-up White Paper are the product of extensive analysis and engagement already. They are supported by a clear range of metrics, which will be used to measure them at the appropriate levels of geography. They take into account the wider range of inputs, outputs and outcomes needed to drive progress in the overall mission. They cover a wide range of policy issues that are all clearly linked to the drivers of spatial disparities.

The Government have already explicitly acknowledged the importance of natural capital in the White Paper. As an asset, it underpins sustainable GDP growth, supports productivity over the medium term and provides resilience to future shocks. Natural capital has been estimated to be worth £1.2 trillion in the UK alone. It also has a place under the 25-year environment plan, which sets out the Government's plans to help the natural world regain and retain good health. It pursues cleaner air and water in our cities and rural landscapes, protection for threatened species and provision of richer wildlife habitats. Importantly, the Environment Act 2021 already contains provision for the setting of long-term environmental targets for England, which is also referenced in the levelling-up White Paper, so the Government's commitment to the environment is incredibly clear.

The Bill is designed to establish the framework for the missions, rather than the individual missions themselves. The framework provides an opportunity to scrutinise the substance of the missions and further environmental protections against a range of existing Government policy.

New clause 46 aims to establish a duty on relevant Ministers to identify and maintain a network of sites for nature. The Government have already committed to protecting 30% of land for nature by 2030 and to developing the most appropriate approach to increasing and enhancing protected land as we do so. Protected sites are our best existing areas for nature, providing places within which species can thrive, recover and disperse. The nature recovery Green Paper sought views on how the protected site system in England could be improved to better deliver our domestic and international biodiversity objectives, including our commitment to protect 30% of land by 2030 and wider species recovery. We are considering responses to the Green Paper and will be publishing our response in due course. This is the means through which the Government will implement and identify sites for the 30 by 30 commitment, but I hope the Government will be given the opportunity to respond on the Green Paper first. On that basis, I hope I have provided enough reassurance for the hon. Member for York Central not to press her new clauses.

Rachael Maskell: I have to disagree with the Minister that such priority is being given to the natural environment. This has to be a central mission, not least because of the recognition that she has given to the value of natural capital. While the 25-year environment plan sets out an ambition, it is weak on targets and monitoring. We need to go far further, which is what this proposal will do if it is a central mission in levelling up.

On new clause 46, I note that the Government are consulting on the issue, and I am interested in the responses. I will not push these new clauses today, save to say that the natural environment does not have high enough priority in this legislation, but it is essential for our future. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 45

General duty to reduce health inequalities and improve well-being

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

(2) A public authority which has any functions exercisable in relation to England must prepare and publish a plan to be known as a health inequalities and well-being improvement plan.

(3) A relevant planning authority must have regard to the general health and wellbeing objective and that plan when preparing relevant plans, policies and strategies.

(4) A relevant planning authority when making a planning decision must aim to ensure the decision is consistent with achieving the general health and well-being objective.

(5) In complying with this section a relevant planning authority must have special regard to the desirability of—

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

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

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

(7) Where the relevant authority is a local authority, in complying with this section, the authority must—

(a) include specific objectives for access to natural spaces and ensure that those objectives are met;

(b) ensure that the objectives established under subsection (a) set out standards for high quality accessible natural green and blue spaces, using Natural England's Accessible Natural Greenspace Standards as a baseline, and going beyond these standards where possible; and (c) implement and monitor the delivery of those objectives."—*(Rachael Maskell.)*

Brought up, and read the First time.

Rachael Maskell: I beg to move, That the clause be read a Second time.

[Rachael Maskell]

We are a sick nation physically. Our health outcomes are regressing and we are sinking into a mental health quagmire. Levelling up has to address this agenda, or else it has no purpose. The new clause recognises the inequality and demands change. It should be welcome and should integrated into the Bill, not least with the health disparities White Paper scrapped. If we have poor planning, residential or economic, people's health is impacted. If we have poor transport planning, pollution reduces their life expectancy. If someone has a cold, damp house or faces housing insecurity, they will have poor educational outcomes and a poor job, poor pay and poor prospects, and they will get trapped in a cycle. Levelling up should break them free of that.

In his 2010 "Fair Society, Healthy Lives" review, Professor Sir Michael Marmot understood this. It is his life's work to consider how planning, transport, environment and housing must come together to address wider health determinants. The new clause seeks to heed his work and to act. Planning has the most significant role to play, yet it does not have statutory engagement with this agenda. We urgently need to address inequality and shape sustainable, thriving and healthy places for physical activity and mental wellbeing—natural places for walking, cycling and wheeling that have clean air and that are accessible. Although there is an existing legal duty on local authorities and the Secretary of State to improve public health in England, there are no corresponding legal duties to reduce health inequalities and improve wellbeing in local authorities, but they are the delivery vehicle of this agenda.

A health inequalities and wellbeing improvement plan must integrate health, planning, transport, environment and housing to address social determinants. Let us make one. Delivering 20-minute neighbourhoods would not only change the way we live our lives, but build community for all, creating, as a planning purpose, opportunities for active travel and natural space, enhancing wellbeing and economic output, and levelling up. Building in natural green and blue spaces is therefore vital to the planning and levelling-up agendas.

We have talked for years—decades—but talking does not make anything happen. We need action, infrastructure, obligations and a further levelling-up mission. Let us legislate and support the new clause.

Tim Farron (Westmorland and Lonsdale) (LD): It is a pleasure to serve under your guidance today, Mr Hollobone. On this last day of the Committee, I want to put on record my thanks to the Clerk here and those who are not present for their work and support throughout the Committee. I also thank colleagues on both sides. Although I have been disappointed that the Government have not accepted amendments from the Opposition or from their own Back Benchers, I have nevertheless appreciated the courtesy with which that has been done. I have enjoyed this time on the Committee with all Members present—I genuinely mean that.

I have a few words to say on the new clause. Health inequalities are hugely significant for levelling up, and I want to pick just two issues that affect rural communities—not just mine, but others too. I will start with GPs. In my constituency alone there has been a 17% drop in the number of GPs in the past five and a half years—that is more than one in six GPs gone—and the average GP there serves 403 more patients than they did in 2016. Any Government criticism or implied criticism of GPs not seeing people quickly enough needs to be seen in that context. Let us support our GPs with the resources they need, rather than lambasting them.

It is worth pointing out that that period coincides with the time since the Government got rid of the minimum practice income guarantee, and I am going to argue that those things are connected. The minimum practice income guarantee was money that supported small, often rural, surgeries to ensure they were sustainable. Its removal has led to the closure of a number of surgeries, including the current threat to the Ambleside and Hawkshead surgeries in my constituency. A new small surgeries strategic rural fund could support those surgeries, make sure we do not lose more and bring some back.

The second issue is about cancer. In the north of Cumbria, 59% of people with a cancer diagnosis are not seen within two months of their diagnosis—they are not being treated for the first time for more than 62 days after diagnosis. In the south of Cumbria, the figure is 41%. Either way, that is outrageous. People are dying unnecessarily.

There are a whole range of reasons for that. One is the lack of easy access to radiotherapy. According to the Government's national radiotherapy advisory group, any patient who has to travel more than 45 minutes one way for radiotherapy treatment is in receipt of "bad practice". That information was published a few years ago now, but it still absolutely stands, clinically and in every other way. There is not a single person living in my constituency who can get to treatment within 45 minutes—not one. Mobile or satellite units at places such as Kendal and Penrith are absolutely essential. If we are going to tackle levelling up and health inequalities between rural areas and others, we need to ensure that small rural surgeries are properly funded and that there are satellite radiotherapy units.

Dehenna Davison: I am grateful to the hon. Member for York Central for raising this incredibly important issue. All hon. Members will agree that it is vital that we safeguard the health and wellbeing of our nation. The Health Secretary talked about the ABCD of national priorities—ambulances, backlogs, care, and doctors and dentistry—and giving her time to tackle them is incredibly important. That is why the Government have introduced a new approach to co-ordinating local efforts to improve health outcomes, and why we have already set clear expectations through planning policy.

11.45 am

From 1 July, the Government established new commissioning bodies called integrated care boards to take over the commissioning responsibility of clinical commissioning groups. In each integrated care system, an integrated care partnership will be required to draw up a strategy, which will draw on local place-based joint strategic needs assessments. They are produced by local health and wellbeing boards so that the needs and priorities of people living in the area can be addressed.

In turn, the integrated care board and its partner local authorities must have regard to this strategy when executing all their relevant functions. Integrated care

boards are also under a duty to have regard to the need to reduce inequalities in access to and outcomes from NHS services. Moreover, a triple aim will bind NHS bodies to have regard to their decisions on the health and wellbeing of the people of England, quality of services provided or arranged by NHS bodies, and sustainable use of NHS resources. That explicitly includes giving attention to inequalities in health and wellbeing, and the benefits from the quality of services. The new Office for Health Improvement and Disparities and the UK Health Security Agency will also have an important role in supporting strategies and plans in that regard.

Turning to the heart of the new clause, health is also a key consideration in the planning system. The national planning policy framework, which local planning authorities must have regard to as a matter of law, is clear that planning policies and decisions should aim to achieve healthy, inclusive and safe places. This should support healthy lifestyles, especially where that would address identified local health and wellbeing needs. That could be through the provision of safe and accessible green infrastructure, local shops and layouts that encourage walking and cycling.

The Government have taken several steps to improve walking and cycling provision, which can have benefits for health and wellbeing. The transport decarbonisation plan already promotes the principle of 20-minute neighbourhoods, which the hon. Member for York Central referred to. In addition, Gear Change committed to setting up Active Travel England, whose key function will be as a statutory consultee within the planning system. The Government are also updating the "Manual for Streets", which places the needs of pedestrians and cyclists at the top of the hierarchy of street users. That is expected to be published later this year.

As we outlined when we debated a previous amendment, access to nature, green spaces and green infrastructure networks can provide benefits for health and wellbeing. The levelling-up White Paper set out that ensuring that natural beauty is accessible to all will be central to our planning system. The national model design code provides guidance on the production of local design codes, including how new development should enhance biodiversity and green infrastructure. This references the national framework of green infrastructure standards, which, when published, will provide further detail on principles to guide design. The Bill will make design codes mandatory for all areas.

Although I understand the spirit of the new clause, the Government must oppose it because the new approach to co-ordinating local efforts to improve health outcomes and policies in place as part of the planning system already ensures that those important issues are considered by public authorities. I kindly encourage the hon. Member for York Central to withdraw her new clause.

Rachael Maskell: I am incredibly grateful to the hon. Member for Westmorland and Lonsdale for raising the situation in Cumbria, including the shocking statistics about what is happening around cancer care in that area, of which he is an incredible champion.

My challenge to the Minister is this. The Government have lots of initiatives, but no co-ordination, focus and drive to deliver, which is why creating a duty to address health inequalities is important. ICSs are distracted by the crumbling of the NHS and have so many priorities placed on them. The planning expectations are just not being met and delivered, as there are other pressures and priorities that come through the planning system.

Public health is an important issue for all of us, but it does not fall within the ABCD of the Secretary of State's priorities for the health services. This is another missed opportunity to create a mechanism to measure and manage health inequalities and disparities through the planning system. It absolutely belongs within levelling-up legislation; it is a shame that the Minister will not support that.

I will not push the new clause to a vote, but I hope the Minister will take on board those points and see how they can be further integrated into the Bill. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 47

CHURCHES AND CHURCH LAND TO BE REGISTERED AS ASSETS OF COMMUNITY VALUE

"(1) The Assets of Community Value (England) Regulations 2012 (S.I. 2421/2012) are amended as follows.

(2) After regulation 2 (list of assets of community value), insert—

'2A Parish churches and associated glebe land are land of community value and must be listed.'"—*(Rachael Maskell.)*

This new clause would require parish churches and associated glebe land to be listed as assets of community value, meaning communities would have the right to bid on them before any sale.

Brought up, and read the First time.

Rachael Maskell: I beg to move, That the clause be read a Second time.

New clause 47 raises quite a niche issue, but none the less an important one. The post office is long gone; the village shop has closed; the pub is now holiday lets. Some may not realise that the Church of England is currently looking to dispose of 356 churches. They were paid for and built by parishes and are now under threat. They are the very last community space, sucked out by the secularisation of society. The need for financial prudence over community value and a spiritual space within a community has never been more apparent. Having met with the Save the Parish campaign, I believe that these spaces are too important to just go to the market. Instead, parish churches and associated glebe land should be designated as land of community value.

Greg Smith (Buckingham) (Con): I am curious as to why the hon. Lady is defining this as narrowly as parish churches. For example, a church in my constituency was never a parish church—it was attached to a mental health facility that has long closed—but it is just as architecturally beautiful and as much a piece of heritage as the nearby parish churches. There are many similar chapels out there; in many cases they were attached to hospitals or military facilities. They also add community value and need saving. Will the hon. Lady expand her scope to include those premises?

Rachael Maskell: I am incredibly grateful to the hon. Member for Buckingham for raising that issue. He is absolutely right; we need to look at the broadest possible

[Rachael Maskell]

scope. This particular issue has been raised within the Church of England, but he is right—there are many places of worship that should be marked as community assets.

When those assets are disposed of, communities should have a right to access them and bid for them, as we have discussed during previous stages of the Bill, rather than them going straight to market sale. That leaves communities devoid of any assets whatsoever. It is so important for communities to have the option to maintain an asset and use it for multiple purposes, including as a place of worship or as a place to serve the community.

The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Lee Rowley): I thank the hon. Member for York Central for putting forward the new clause. She powerfully made her point about the importance of church properties and church land at the centre of our communities. We have all recently seen buildings that have brought communities together for decades and centuries, very sadly, no longer able to continue in the way that they have previously, and they may be released for other purposes. I accept that; we all regret it and many people in the communities regret it. I have an example in my constituency: there was a long-standing campaign for St Andrew's Parish Church in Barrow Hill, which concluded only a few months ago. It was an early version of a church built along the lines of the arts and crafts movement. It has significance, and yet it looks as though it will leave ecclesiastical aegis.

I completely understand the hon. Member's sentiment and she has made a cogent case for the new clause, but the challenge—and why I will ask her to withdraw it—is that the assets of community value scheme allows local communities to make applications to retain community assets where they think it is reasonable and proportionate. On balance, while I accept her point, it would be better to allow local communities to continue to make those decisions. When the challenges that she highlighted arise, I hope that communities try to ensure that churches are protected as much as possible.

James Cartlidge (South Suffolk) (Con): This is an issue dear to my heart.

It is a very good new clause. I cycle every year in Suffolk churches' "Ride and Stride" to raise money to protect their incredibly expensive infrastructure. We have wool churches in South Suffolk, which are very beautiful, but whether beautiful or not, they are very important to their communities.

In 2015—I think—we had the church roof fund, which was used where there was very serious degradation. We then had a spate of lead theft, which further undermined churches. We may be rejecting new clause 47, but are the Government considering specific measures, and perhaps working with the Church of England, to see what more we can do?

Lee Rowley: I am grateful to my hon. Friend for his intervention. He is absolutely right that, historically, we have attempted to address such issues, both through the continuation of the asset of community value process, which allows local communities to try to intervene should they feel that appropriate, and the community ownership fund, which is £150 million of taxpayer subsidy that supports communities to save at-risk assets.

Although I accept the point made by the hon. Member for York Central, my personal preference, and that of the Government, is that local communities reserve the right to request assets of community value and to go through that process. Automatically designating churches as assets of community value may not be appropriate in all circumstances. I ask that the hon. Lady kindly withdraw the motion.

Rachael Maskell: I want to pick up on a couple of points. I thank the hon. Member for South Suffolk for raising his concerns. Considerable public money is invested in many such historic buildings before they end up at market, so we need to consider that opportunity. However, churches are not just ordinary buildings; they are very special buildings in our communities. We must consider the broader value that such places bring to our communities. Although I will not press the motion to a Division, I hope that the Minister will regard this as a new issue on his desk and that, when we have debates on later stages of the Bill, he will look further at how we can protect these vital community assets. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 48

REQUIREMENT TO HOLD A REFERENDUM FOR LARGE AND STRATEGIC SITES

"(1) A planning application which a local planning authority has received is subject to approval by residents in a referendum in either of the following cases—

(a) the planning application is for a site of two hectares or over, or

(b) the planning application is for a site of one hundred housing units or over.

(2) The local planning authority may not approve an application under section (1) unless the result of the referendum is to approve the application.

(3) Where the result of the referendum is not to secure an application the applicant may resubmit an application to the local planning authority if the following conditions are met—

(a) they have carried out further public consultation on the plan, and

(b) the plan has been substantively revised as a result of this consultation."—*(Rachael Maskell.)*

This new clause would require planning applications for large and strategic sites to be subject to approval by residents in a referendum.

Brought up, and read the First time.

Rachael Maskell: I beg to move, That the clause be read a Second time.

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

New clause 49—*Requirement to hold a referendum where planning permission has been granted*—

"(1) A planning application which a local planning authority has received is subject to approval by residents in a referendum in either of the following cases—

(a) where outline planning permission has been granted, all applications for sites with over fifty housing units that have been in place for five years or more without the approved development being completed, or

(b) where full planning permission has been granted, all applications for sites with over fifty housing units that have been in place for three years or more without the approved development being completed.

(2) The local planning authority may not approve an application under section (1) unless the result of the referendum is to approve the application.

(3) Where the result of the referendum is not to secure an application the applicant may resubmit an application to the local planning authority if the following conditions are met—

(a) they have carried out further public consultation on the plan, and

(b) the plan has been substantively revised as a result of this consultation."

This new clause would require that applications which have already been granted are subject to approval by referendum after a certain period of time for large sites.

New clause 50—*Requirement to hold a referendum: affordable housing targets—*

"(1) A planning application which a local planning authority has received is subject to approval by residents in a referendum if—

(a) the planning application is for a site of fifty housing units or more, or

(b) the planning application is for a site identified for housing in an adopted or draft Local Plan

and the application fails to meet the local planning authority's quota for the delivery of affordable housing.

(2) The local planning authority may not approve an application under section (1) unless the result of the referendum is to approve the application.

(3) Where the result of the referendum is not to secure an application the applicant may resubmit an application to the local planning authority if the following conditions are met—

(a) they have carried out further public consultation on the plan, and

(b) the plan has been substantively revised as a result of this consultation."

This new clause would subject planning applications for less affordable housing to approval by residents in a referendum.

Rachael Maskell: Communities are very much removed from the planning system, as I have mentioned multiples times to the Committee. However, what comes before a local planning authority is the future of a community's homes, jobs, streets and town centres. On larger sites, that can have even more significance. The new clause provides that, on sites of more than 2 hectares or of over 100 housing units, the public would be given a meaningful say over developments.

York Central, which will become Airbnb central before long, is a development of 2,500 units on a 45 hectare site. The units are too costly for local people, and the wrong kind of housing for my community, so they will simply be assets for investors. No one in York wants the development to go ahead as planned, but no one has had a say. In fact, the community has been ignored and snubbed, while all those who will gain capital receipts, and our inept council, nod it through. People need a say, and how better than through a public vote? They want the site to be developed, but with homes and jobs for them. Where developers have not advanced their planning, they too should be given an opportunity to have a say over those sites. People in communities should be at the heart of planning; they are instead ignored.

I have one objective: for people to be given back their communities. Communities should have homes, jobs and natural assets that benefit them, and be empowered and valued. Instead, landowners—public and private—developers, and poor planning ride roughshod over them. They extract what they can for their gain, rather than for investment for others. That has to stop, and new clause 48 seeks to stop it. New clause 50 would change the balance of housing developed, so that, rather than market profiteering, the community determines its own gain. Through a public vote, communities would be able to deliver affordable housing.

I believe that we are all on one side in wanting that outcome; it is just that Labour plans to do something about it. My earlier new clauses, through which I sought a process of deliberative democracy, would of course be more powerful, as the right solutions would be achieved from the very start.

12 noon

Lee Rowley: This is an interesting set of new clauses, on which I could detain the Committee for many hours, although I wonder whether it would be keen on that. In the interest of brevity, I will limit my comments, because the clauses go to a philosophical question about where and how decisions should be made, and about the rights of individuals to at least propose activities on their own property with their own capital.

A single principle that has been part of the planning system for many decades is that people have the right to make applications within an existing and approved framework or, if that existing and approved framework is not in place, within the broader national planning policy framework, and for them to be heard. Although I understand the point made by the hon. Member for York Central, that important principle should be upheld.

There is a broader question about whether we should seek to disintermediate the planning system more generally in terms of public involvement, but that is probably one for another forum. I would be happy to debate that question with the hon. Lady, as it raises a number of broader and more interesting issues. As an expert in this area, she will know that it is important to note that the significant number of interventions currently in the planning system allow people to have their say.

I do not necessarily think that the system is broken, but a lot of people feel that their voices are not heard at the right time or in a substantive way, and I completely appreciate their frustration, even if I am not sure about the kind of structural reforms that the hon. Lady proposes. Fundamentally, if local councillors do not consistently do the right thing on planning—if they fail to bring forward local plans, fail to be clear about what should or should not go into plans and where things should or should not go, and fail to create a framework because there has been no local planning, or the framework is wrong—residents should vote them out and replace them with councillors who will. That is what happened in North East Derbyshire in 2019, and I encourage all local residents who feel that their councillors are not consistently doing the right thing on planning over many years to look at whether they have the right leadership in place.

Although the hon. Lady made a strong point—with which I agree—about the importance of democracy in the planning system, I hope that she will not press the new clauses, as I do not think they are necessarily the way to go at this time.

Rachael Maskell: I am sure the residents of York will heed the Minister's advice in May and ensure that they have a council that engages with them and listens to

[Rachael Maskell]

their needs. While we wait for that event, I think it is clear that, across the planning system, communities may have a voice but they do not have the power to influence decisions. We need to ensure greater democratisation of our planning system, which should be about people and communities, and their homes, futures and jobs. At the moment, the planning system is insufficient in helping people to level up, which is what the Bill is all about.

The Minister has heard my arguments, and I am sure that we will debate this further, but I trust that, in the interim between this stage and Report, he will give further consideration to how that balance can be tipped more towards communities, ensuring that they have a proper say, so that that the Bill does not become another developers' charter under which developers hold all the cards and all the power. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 51

DISPOSAL OF LAND HELD BY PUBLIC BODIES

"(1) The Local Government Act 1972 is amended in accordance with subsections (2) and (3).

(2) In section 123 (disposal of land by principal councils), after subsection (2) insert—

'(2ZA) But the Secretary of State must give consent if the disposal is in accordance with section [Disposal of land held by public bodies] of the Levelling-up and Regeneration Act 2022.'

(3) In section 127(3) (disposal of land held by parishes and communities), after '(2A)' insert ', (2ZA)'.

(4) The National Health Service Act 2006 is amended in accordance with subsection (5).

(5) After section 211 (acquisition, use and maintenance of property) insert—

'211A Disposal of land held by NHS bodies

Any power granted by this Act to an NHS body to dispose of land is exercisable in accordance with section [Disposal of land held by public bodies] of the Levelling-up and Regeneration Act 2022 as if the NHS body were a local authority.'

(6) Subject to subsection (8), a disposal of land is in accordance with this section if it is in accordance with the Local Government Act 1972 General Disposal Consent (England) 2003 published in Department for Communities and Local Government Circular 06/03, as amended by subsection (7).

(7) Those amendments to the Local Government Act 1972 General Disposal Consent (England) 2003 are—

(a) after paragraph 1 insert—

'(1A) This consent also applies to any NHS body in England as if it were a local authority in accordance with section 211A of the National Health Service Act 2006;';

(b) in paragraph 2(b), for '£2,000,000 (two million pounds)' substitute '£3,000,000 (three million pounds) or 40% of the unrestricted market value, whichever is greater';

(c) for paragraph 3(1)(vii) substitute—

'(viii) a Police and Crime Commissioner established under the Police Reform and Social Responsibility Act 2011;';

(d) for paragraph 3(1)(ix) substitute—

'(ix) the Mayor's Office for Policing and Crime;';

(e) for paragraph 3(1)(x) substitute—

'(x) the London Fire Commissioner;';

(f) after paragraph 3(1)(xii) insert—

'(xiii) a combined authority;

(xiv) a mayoral combined authority;

(xv) the Greater London Authority;

(xvi) any successor body established by or under an Act of Parliament to any body listed in this sub-paragraph.'."

(8) The Secretary of State may, to reflect inflation, further amend the cash value that the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal must not exceed.—*(Tim Farron.)*

This new clause would bring an amended and updated version of the Local Government Act 1972 General Disposal Consent (England) 2003 into primary legislation, extends its application to NHS bodies and clarifies that the Consent applies to Police and Crime Commissioners, MOPAC and the London Fire Commissioner.

Brought up, and read the First time.

Tim Farron: I beg to move, That the clause be read a Second time.

New clause 51 addresses an outdated element and we hope that the Government will take it on board. Land and property sold by local authorities, the NHS, the fire brigade and police forces should, where possible, be prioritised for public services and social and affordable housing, which benefit the local communities that those buildings previously served. As things stand, however, the law is ambiguous and outdated when it comes to the sale of publicly owned assets below what is known as "best value", which is defined as the market value—the highest price achievable on the open market.

This situation has been illuminated by the case of Teddington police station, a publicly owned asset in the constituency of my hon. Friend the Member for Twickenham (Munira Wilson), where local residents have thrown their support behind a bid to turn what is now a disused building into affordable housing and new premises for a GP's surgery, so that the building can keep serving the local community.

The Mayor of London has consistently argued that he has a statutory duty to achieve best value and is minded to favour the highest bidder. That is likely to be a property developer with deep pockets looking to turn the former Teddington police station into luxury flats. The Mayor's Office for Policing and Crime is currently seeking legal advice, for which we are grateful, on whether they can legally sell the site for less than its maximum market value where it achieves social value, following a campaign led by my hon. Friend the Member for Twickenham.

Doubt has arisen, because the original law allowing the sale of public sector assets below market value is obsolete. It includes public authorities that have long since ceased to exist, but not their successors—their current equivalents. It allows a difference of price of £2 million, a sum that has not increased with inflation over the past two decades, or almost two decades. It is long overdue an update and an upgrade.

So, the new clause would be that much-needed update, ensuring that local authorities and other public bodies can once again place the good of local communities at the heart of the process when selling off assets. The new clause seeks to do four things. First, it would include

new local authorities created since 2003, such as police and crime commissioners and indeed the Mayor's Office for Policing and Crime, and it makes it clear that any future iterations of those authorities would also be covered.

Secondly, the new clause would expand the list of public authorities to include the NHS, combined authorities and the Greater London Authority. Thirdly, it would increase the maximum difference in value that a public authority can accept for a bid that benefits the local community, raising it from £2 million to £3 million, to account for inflation since 2003. Finally, it would introduce a percentage value difference in addition to the cash value, to level up across the board and take variations of land prices across England and Wales into account.

This seems a wise and timely new clause, which we hope the Government will accept, and I commend it to the Committee.

Rachael Maskell: I, too, want to support the new clause and briefly draw attention to the way that we need to ensure that public land is used for public good. Whether it has been NHS Property Services, which has been selling off land to private developers, or Network Rail, which has been using its land to maximise capital receipts, or the Ministry of Defence selling off much of its estate, which we know has not gone well for the Government, we need to ensure that this type of land is used to build the homes that people need now and in the future. I can cite many examples of places in York where it feels that the city is, bit by bit, being sold off—not for the public benefit, but for the benefit of developers. That is why I will support this new clause today.

Lee Rowley: I thank the hon. Members for Westmorland and Lonsdale and for York Central for expressing their views on this new clause.

The legislative framework governing the disposal of surplus land is, as the hon. Gentleman outlined, a long-standing one and it is designed to protect taxpayers' money. The starting point is that land should generally be disposed of at the best price that is reasonably obtainable. However, as he also indicated, there are on occasions the opportunity to dispose of land for less than its maximum value where that creates wider public benefits, such as facilitating community projects. Therefore, it is possible, with the Secretary of State's consent, for local authorities to dispose of land at less than best consideration in some circumstances.

As the hon. Gentleman also indicated, a general consent is in place for disposals where there would be a loss of value of up to £2 million, and in those cases it is at the discretion of local authorities, and above this threshold—as he also indicated, because he is seeking to change it—disposals require a specific application to the Secretary of State for consent. The legislative framework is designed for local authorities and other locally accountable bodies. It already includes the fire commissioner, and other bodies are accountable in different ways to different regimes.

So, while I completely appreciate the sentiment that the hon. Gentleman expressed, and I have read the correspondence from the hon. Member for Twickenham—although I cannot comment on individual cases, I know that she is making a very clear case regarding a particular instance within her Twickenham constituency—I ask him whether he would be prepared to withdraw the new clause. I know that it seeks to offer solutions.

As a new Minister, I would be interested to understand in more detail from the hon. Member for Twickenham the specific problems that she sees, and while I cannot give her any guarantees, if she wants to write to me with that detail I will happily read it and go through it in more detail. However, at this time I ask him whether he would consider withdrawing the new clause.

Tim Farron: I appreciate the Minister's response. I am also grateful for the remarks from the hon. Member for York Central. This is a huge issue for all of us and there is much public land, particularly in a community such as mine, with multiple local authorities and, indeed, predecessor local authorities, national parks and all the other parts of the public sector that are present. Sometimes, that land becomes available and there are opportunities for us to make good public use of those other properties in ways that get far more lasting value to the community than a slightly inflated cash value upfront that could then be spent filling a black hole, no doubt, for next year's budget.

I will not press this to a vote, as the Minister asks, but I encourage him to engage with my hon. Friend. If I could push him, I am sure she would be very grateful to have a sit down with him to talk through the issue to see whether he could provide additional guidance. All we are really asking for here is that the Government update the list of what counts as a public body and accept that there has been some inflation since 2003. They are not big asks, and I ask that the Government take those things into account. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 56

Annual pubs reports

"(1) Each tier 2 local authority in England must produce an Annual Pubs Report.

(2) A report under this section must consider the latest trends in pubs and on-licensed establishments across the authority.

(3) The Secretary of State may by guidance suggest the contents of such reports.

(4) Central government must provide funding to local authorities to cover the costs of this new responsibility."—*(Alex Norris.)*

Brought up, and read the First time.

Alex Norris (Nottingham North) (Lab/Co-op): I beg to move, That the clause be read a Second time.

One area of consensus that we have definitely been able to build over the last one day short of four months of the Bill—not that I am counting—is a belief that pubs are a core part of our communities and a general sadness about the trend of loss of those community assets in all sorts of communities, whether rural, urban or suburban. That is not least because they are attractive for a change of use—it being easier for a shop to set up and get an alcohol licence on the site of a former pub. That has happened up and down the country and we all have examples of that. It seems there is a never-ending

[Alex Norris]

loss of traditional pubs and we know that loss is felt deeply by our constituents. As well as affecting the social wellbeing and social interest of affected communities, studies have also shown that pubs are important in bringing people together, tackling loneliness and reducing social isolation. That, I would argue, is more important than ever.

We should take great comfort from the fact that up and down the country micropubs are fighting back, often in places that we would not necessarily have thought of. That may be part of the reimagining of retail premises in the future, and it is a good thing. However, we know that the experience of the environment in which those micropubs may seek to set up or communities may seek to stop the closure of an existing pub is not consistent, and some local authorities are much better at creating an economic, administrative and social environment where pubs are valued as a community amenity.

We are posed with a challenge of what we can do. This is a matter for local leadership, but what do we do to encourage all local authorities to adopt good practice and play an active role? That is what I have attempted to do with new clause 56, by requiring the production of an annual pubs report, which would set out how a council's policies and strategies deliver a good environment for local pubs to operate in. In that regard, a benchmark would be set against which the success and failings of those policies could be measured and assessed.

The report could include an obligation to publish information on licensing, planning, local plans and enforcement, heritage and tourism, community engagement and assets of community values, and much more, all in a single overarching policy. I hope it would encourage local authorities to look at their pubs environment in a more holistic way and take the chance to identify pub deserts and reflect on licensing and planning trends and practices. The report would also inform the citizen and Government at a national level by allowing comparisons and aggregate understanding. I hope that is of interest to the Government. It may be that primary legislation is not the mechanism for this, but I am interested in the Minister's views about what we might be able to do.

12.15 pm

Dehenna Davison: The shadow Minister is absolutely right: this is an area where we have found a lot of common ground in the few days that I have been serving on Committee. Long may that common ground continue. We can all recognise the incredible value of our hospitality businesses. I am sure that for many of us in this room, myself included, it is where we got our first experience of the job market in our first roles that gave us some of the skills that we needed to move through our careers. For many people, as the shadow Minister rightly outlined, it is not just a pub or a restaurant; it is somewhere we go to have a bit of company, to have a chat, to celebrate or commiserate, so it is right that we do all we can to get hospitality businesses through what has been a really difficult few years. That is why we have recently taken steps through the energy bill relief scheme to try to provide support for hospitality businesses and recognise the unique challenges that they face. That will be a vital tool to ensure they get through this difficult winter; and through kickstart we are helping businesses to recruit more staff.

On the specifics of the amendment, data on the hospitality sector is already available. The Office for National Statistics publishes a range of regional data, including on the output of the sector, the number of hospitality businesses and the number of workers they employ. I am keen not to duplicate the incredible work of trade bodies such as UKHospitality, the British Beer and Pub Association and the British Institute of Innkeeping, as well as organisations such as Statista and IBISWorld, who provide regular updates and industry statistics and reports detailing the state of the hospitality sector from its position of incredible expertise.

I am concerned that if we implemented the amendment, we would create an extra reporting requirement, putting an additional requirement on businesses at a time when they are already facing unprecedented costs and challenges. As I have already outlined, the Department has established a new spatial data unit to drive forward the data that we have in central Government. That could have a role to play when it comes to the hospitality business. More broadly, the amendment is unnecessary, so I ask the hon. Gentleman to withdraw it, although we are all on the side of hospitality businesses at this difficult time.

Alex Norris: I am grateful for that answer. I have a slight concern that relying on the data alone might make us a little reactive in this space, but I hope the Minister will think more about the idea of having it as part of a spatial data suite. That would be a valuable thing. I note her previous commitment to meet the Campaign for Real Ale, which is very interested in this. On that basis, I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 57

REVIEW OF ENGLAND'S PUBLIC CONVENIENCES

"(1) The Secretary of State must, within 6 months of the day on which this Act is passed, appoint commissioners to consider the level of need for public conveniences in England and the extent to which current provision matches that need.

(2) The Secretary of State must publish the report of the Commissioners before the end of the period of 12 months beginning with the day of their appointment."—*(Alex Norris.)*

Brought up, and read the First time.

Alex Norris: I beg to move, That the clause be read a Second time.

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

New clause 58—*Public convenience plans*—

"(1) Each tier 2 local authority in England must produce a Public Convenience Plan for their authority.

(2) A plan under this section must be formulated in consultation with local partners and the public.

(3) Such a plan much consider—

(a) the current level of public convenience provision,

(b) the current level of demand for such conveniences,

(c) what gaps there are in provision, and

(d) the needs of communities with protected characteristics under the Equality Act 2010.

(4) Central government must provide funding to local authorities to cover the costs of this new responsibility."

New clause 59—*Business rate relief scheme for business making toilets publicly available*—

"The Secretary of State must by regulations make provision for a scheme under which if a business liable to business rates permits non-customers to use their toilets as a public convenience, the area of the premises containing the toilets is discounted from the calculation of the premises' overall rateable value."

Alex Norris: Across England there has been a steady decline in the availability of public toilets—something that does not get a lot of airtime in this place, so this is a good opportunity to rectify that. I do not intend to press new clause 59 to a Division. I wrote the new clauses a long time ago—we have been doing this for a long time—and I did not anticipate that it would be quite so close to a Budget or whatever we call the 31 October event. I do not think the Minister will be keen to make spending commitments prior to that, and I also know that our shadow Treasury team would not be keen for me to make a commitment on its behalf. However, it is an interesting idea and one worthy of discussion.

In 2016 a BBC report highlighted that local authorities had closed one in seven public toilets between 2010 and 2013. The report identified 10 areas in England and Wales with no council-run toilets at all. By 2018, the follow-up report found that the number of areas without any public conveniences had increased to 37. That is a trend likely to accelerate with the pressures on local authorities. It has led to closures or transfers to perhaps voluntary groups or charities. The good will engendered in that is a welcome thing, but it means that accountability for that essential social infrastructure has been lost. We have to be clear about this. I do not think public toilets are a "nice to have". Lack of adequate facilities disproportionately affects all sorts of groups, including people who work outdoors, people with ill health or disability, the elderly and the homeless. Such essential facilities can make the difference between being able to confidently leave the house or not.

In June this year, the Bathroom Manufacturers Association published results of a survey of 2,000 members of the public. They had been asked about toilet provision in their area. The results were significant: 58% of those surveyed said that there were not enough toilet facilities in their community, and 43% did not believe that there were enough for disabled people, for example. If we are to reimagine our high streets—a theme of some of our debates—encourage mobility, meet equality ambitions and level up communities, improving public toilets will be part of that.

Rachael Maskell: My hon. Friend is making a powerful speech. Public toilets are also a public health measure. We have to look at them within that agenda. Changing places are also important, so that disabled people can access public toilets too.

Alex Norris: Yes, changing place toilets are hugely important. I pay tribute to Martin Jackaman, the pioneer of those places and a Nottinghamian. Where available, changing places have been life-transforming for some of the most profoundly challenged families in the country. We want more such places, and to be clear that everyone going out in their city or town centre should have access to such provision—with a hoist and all those things that make the difference. That is why the issue is important.

On my new clauses, first, new clause 57 proposes a review of public conveniences. The Government would be asked to form an independent panel to assess the level of need for public conveniences within various communities and, having determined that need, to assess the level of provision. If there is a gap—I suspect there might well be—the panel should ascertain its root causes and make recommendations about what might be done to rectify the situation. I hope that the Government will encourage the devolved Administrations to undertake similar exercises.

Secondly, as addressed in new clause 58, one of the barriers to improving provision is a bit of a gap in ownership of the problem. Therefore, my new clause suggests that there should be a new duty on tier 2 councils to produce a local public convenience plan. That is not to dictate how councils use their resources, but it seems reasonable to have a plan for provision in the area. One would hope to work with partners for public convenience provisions and accountability.

Thirdly, new clause 59 is one proposal that could close the gap more quickly. Where businesses—we should recognise that many businesses up and down the country already do this—allow their toilet facilities to be used by non-patrons, that is a wonderful thing. If they do so, that could be reflected in the business rate. I am interested in the Minister's views. My new clause might not be ready for the legislation today. That range of things would help close the gap in provision. We cannot afford to do nothing in this area. The gaps should close, but they continue to be a limiting factor on our high streets and in our town centres. I am interested to hear the Minister's views.

Dehenna Davison: I have just taken the Committee on a virtual trip to the pub, so it only seems right that we should go to a public toilet on the way back. We know how important public toilets are for all of us, but in particular for some of the more disadvantaged groups, such as the disabled or those with young children. The shadow Minister was right to outline some of the particular challenges.

I thank the hon. Member for York Central for talking about changing places. As she will know, in the past year we have introduced a £13 million changing places fund, which has been fantastic in allowing local authorities to improve their provision. We all recognise that public conveniences are incredibly important, but they are very much a local issue. Local areas know best what provision they need—be that of public toilets or other amenities—alongside other local priorities that they hope to deliver.

New clause 57 would require the appointment of a commissioner to consider the level of need for conveniences, and public convenience plans would be required under new clause 58. Such changes would risk increasing bureaucracy, while decreasing the importance of local decision making. The shadow Minister will have heard me banging on in Committee about this, but it is

[Dehenna Davison]

certainly not what the Bill is about; it is about empowering local decision making and local leaders. It would be disproportionate for the Government to legislate on such a fundamentally local issue. Many local authorities already operate local community toilet schemes to encourage cafés and other businesses to open their toilets to the public. The Government welcome that and we encourage all local authorities to consider whether such a scheme would be beneficial in their area.

I will keep my points on new clause 59 brief, because the shadow Minister said that he did not intend to press it today. However, I pay tribute to my hon. Friend the Member for North West Durham (Mr Holden), who does not sit on the Committee but campaigned passionately to have business rates removed from public toilets. He ran an incredibly successful campaign, and it was implemented through the Non-Domestic Rating (Public Lavatories) Act 2021.

On the amendment generally, our concern is that we would legislate on this, but the impact on the overall business rates bill would be incredibly minimal given the relatively small floor space. On that basis, we do not think the clause is necessary or proportionate at this stage. I hope the shadow Minister will withdraw his new clause.

Alex Norris: I am grateful for those answers. On the point about increasing bureaucracy, I do not think it would be a huge increase. I also think areas might benefit from a bit more bureaucracy and professional interest. I accept the points on localism, which has been a theme of many of the amendments we have moved. I think when we seek to understand and configure the state here—and we can talk for hours about devolution—it is about local leadership and circumstance, but there also has to be something about the national environment setting. I felt that the clause had passed that test.

This issue is not going to go away. I hope the Minister will keep reflecting on it as she spends longer in her brief. There are many interesting stakeholders in this space, who I know will be keen to meet with her. I suggest that they get in touch. I do think this is an important issue, and I do not think the current circumstances reflect that, nor will they get better if left alone. At some point, we will have to enter this space, but it probably is not today. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 63

MINIMUM CARBON COMPLIANCE STANDARDS FOR NEW HOMES

"(1) The Secretary of State must make Building Regulations under section 1 of the Building Act 1984 providing that new homes in England must meet the full requirements of the Future Homes Standard from 1 January 2023.

(2) A local authority in England may choose to require and enforce minimum carbon compliance standards for new homes in its area which exceed the Future Homes Standard from that date." *—(Tim Farron.)*

This new clause would bring forward from 2025 the date for which the Government's Future Homes Standard for carbon compliance of new homes would apply. It would also give local authorities the option of imposing higher standards locally.

Brought up, and read the First time.

Tim Farron: I beg to move, That the clause be read a Second time.

The crises we are going through at the moment—the political one in this place, the cost of living crisis, and even the appalling Russian-inspired war in Ukraine—are secondary compared to the threat of climate change to our species and way of life. The buildings we live, study and work in are the single biggest contributors to greenhouse gases in this country and in others. The role of central and local government in ensuring we minimise and reduce to zero carbon emissions from our buildings and in particular from our homes, existing and new, has to be an absolute imperative.

The Government's failure to tackle this in any meaningful way over the last few years does not only have lasting and terrifying climate consequences; it also has consequences today, as people are feeling in their pockets the cost of paying for energy bills. The Government through programmes have sought to champion our existing building stock. The green homes grant, for instance, was meant to help 600,000 homes and would on today's prices have saved £1,800 a year, but 600,000 homes were not helped—only 43,000 were. That lack of ambition in central Government's plans to insulate the stock that already exists is matched by a lack of ambition out there in the country when it comes to new builds.

Most local authorities, certainly ours in Cumbria, are determined to ensure that new builds are built with zero-carbon specification, yet they are not allowed to. If they seek to enforce zero-carbon homes when it comes to insultation, heat pumps, solar panels or a variety of other mechanisms that will ensure there is literally a zero carbon footprint from that property, the developers can object if they think they will incur an unreasonable expense, and the council or planning authority are powerless to do anything about it. It is incredibly frustrating.

This new clause is significant, as it will genuinely empower local authorities to do the right things, which they desperately want to. It breaks the heart of councils of all political parties when they see what they need to do and are not allowed to enforce it. The clause will allow them to do the right things, and more importantly even, it will do something to reduce energy costs and make a meaningful contribution to the battle against climate change. This is a really important clause, so I will seek to push it to a vote, because I think the Government have had plenty of time to take action of their own initiative over the last few years. I commend the new clause to the Committee.

Lee Rowley: I am grateful to the hon. Gentleman for outlining the new clause. I am afraid the Government will not be able to accept it, so we will no doubt have a Division in a moment, although I ask him to consider not pushing it to a vote. If he wishes to do so, that is of course his right.

12.30 pm

I completely accept the challenge that the hon. Gentleman lays down. We have made a clear commitment as a country, and increasingly around the world, that we will deal with issues of climate change by moving to net zero over a period of time. That requires all elements of what we do in our world to be looked at, changed and amended, which is probably the biggest single human

endeavour that will be required over four centuries of industrialised activity. We have to accept that that will take time. We have set ourselves a target of 28 years, having already reduced the amount of carbon emissions in this country by more than 40% over the past 30 years. We have a further 28 years to hit net zero.

Although I completely understand the hon. Gentleman's sentiments and applaud him for pushing us to move as fast as possible, it is reasonable and proportionate that the building sector and construction sector have the opportunity both to comment on how we do that, which is what a consultation will seek to do in due course, and to amend their working practices in order to get to a place where they are able to adhere to the standards in a way that ensures that we address the hon. Gentleman's points and can continue to build the houses that we all want to see, so that our constituents can have good roofs over their heads. I understand his point but ask him to withdraw the new clause. If he does not, I look forward to the Division.

Tim Farron: I thank the Minister for his comment, which were a clear commitment to cut no carbon. Refusing local communities the right to make decisions themselves and to have agency does not fit with anything that the Government claim about devolution and empowering local communities. I hear and respect what the Minister says, but I wish to put the new clause to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 8.

Division No. 20]

AYES

Farron, Tim	Maskell, Rachael
Fletcher, Colleen	Norris, Alex
Lewell-Buck, Mrs Emma	Pennycook, Matthew

NOES

Bradley, Ben	Moore, Robbie
Davison, Dehenna	Mortimer, Jill
Huddleston, Nigel	Rowley, Lee
Jupp, Simon	Smith, Greg

Question accordingly negatived.

New Clause 64

LOCAL AUTHORITIES TO BE ALLOWED TO CHOOSE THEIR OWN VOTING SYSTEM

"(1) The Secretary of State must by regulations provide that local authorities may choose the voting system used for local elections in their areas.

(2) When determining whether to seek to introduce a new voting system a local authority must have regard to the benefits of reinvigorating local democracy in its area.

(3) Regulations under this section must provide that local authorities may choose to elect councillors—

(a) by thirds, or

(b) on an all-out basis.

(4) Regulations under this section must provide that local authorities may choose to elect councillors using—

(a) first-past-the-post;

(b) alternative vote;

(c) supplementary vote;

(d) single transferable vote;

(e) the additional member system;

(f) any other system that may be prescribed in the regulations.

(5) Regulations under this section may make provision about—

(a) how a local authority may go about seeking to change its voting system,

(b) the decision-making process for such a change,

(c) consultation, and

(d) requirements relating to approval by the local electorate."—*(Tim Farron.)*

This new clause would enable local authorities to choose what voting system they use for local elections.

Brought up, and read the First time.

Tim Farron: I beg to move, That the clause be read a Second time.

In the least surprising development of this entire Committee, I will talk about electoral reform, which, on the day after the centenary of Lloyd George's leaving office, seems like the entirely right and appropriate thing to do. If only he had done it when he had the chance.

This is a serious point about devolution. The reality is that we have been permitted over the past few years to have different electoral systems, such as the supplementary vote used for electing Mayors and police and crime commissioners. In Scotland, the single transferable vote operates successfully for local government, and Northern Ireland has its own separate arrangements. If we trust local people, and if the Bill is about devolving power to local communities, it seems entirely reasonable to suggest that the Government allow local authorities to choose from a range of reasonable options the system that they deploy—and to do nothing more than use the system that the Conservative party normally uses for electing its leader. I point out that I am moving the new clause only because the Government chose recently to remove the supplementary vote from the election of Mayors and police and crime commissioners.

Before I shut up and sit down, I wish to reflect on the fact that in the past couple of years the Government have demonstrated an interesting example of changing the electoral system without a referendum. That makes one think, does it not? If the party or parties who form the next Government have a commitment to electoral reform in their manifestos, there is no need for a referendum. It is a precedent that the Government may wish they had not set.

Dehenna Davison: If it is no surprise to the Committee that the hon. Gentleman brings up electoral reform, it will be no surprise to him that I stand to ask him kindly to withdraw his new clause, because the Government absolutely cannot accept it. We are all clear about the merits of first past the post as a robust and secure way to elect representatives. It is well understood by voters and provides for strong and clear local accountability, with a clear link between elected representatives and those who vote for them, in a manner that other voting systems may not.

It is important that the voting system is clearly understood by electors and they have confidence in it. We have spoken a lot in Committee about local confidence in

[Dehenna Davison]

local politics. Ensuring confidence in the voting system is paramount. Having different systems for neighbouring areas risks confusion for electors. We are a very mobile population: we could work in one area and have family in another. That confusion could be a real risk and could weaken public confidence in the local electoral process.

There is also the risk of political manipulation. For example, the current controlling group on the council could seek to choose and implement a system that it believes would favour it. Although I accept that there could be various safeguards to mitigate that risk, I do not consider that it could be entirely removed.

Elections are the foundation of local democracy, which is central to our values and to our being a free society; we should protect and nurture it. I could talk about this all day, but I will not detain the Committee any further. I ask the hon. Gentleman to withdraw the new clause.

Tim Farron: I will not press the new clause to a vote, but I will comment on the irony of the Minister saying that parties should not support electoral systems that advantage them, and of suggesting that there is some kind of automatic stability and clarity about Governments that are elected via first past the post. It is all going swimmingly at the moment.

There is this idea that there may be confusion between different systems. As a Cumbrian, I can completely cope with the fact that the Scots, just over the border, have a totally different electoral system for local and parliamentary elections. My Conservative friends in Westmorland and Eden are perfectly capable of voting by alternative vote for their leader and by first past the post for their Member of Parliament or councillor. The arguments made by the Minister do not hold water, but I will not trouble the Committee by pushing the new clause to a vote. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 65

REVIEW INTO BUSINESS RATES SYSTEM

"(1) The Chancellor of the Exchequer must undertake a review of the business rates system.

(2) The review must consider the extent to which the business rates system—

(a) is achieving its objectives,

(b) is conducive to the achievement of the levelling-up and regeneration objectives of this Act.

(3) The review must consider whether alternatives of local business taxation would be more likely to achieve the objectives in subsections (2)(a) and (b).

(4) The review must in particular consider the effects of business rates and alternative local business taxation systems on—

(a) high streets, and

(b) rural areas.

(5) The review must consider the merits of devolving more control over local business taxation to local authorities.

(6) The Chancellor of the Exchequer must lay a report of the review before parliament before the end of the period of one year beginning with the day on which this Act is passed."—*(Tim Farron.)*

This new clause would require the Secretary of State to review the business rates system.

Brought up, and read the First time.

Tim Farron: I beg to move, That the clause be read a Second time.

Me again—sorry. The Government have made quite a thing recently about their investment zones, which are interesting. We talked about them earlier in Committee. One idea behind them is that they create a low-tax environment, which misses the major point that faces most of Britain and certainly the whole of the north of England: business rates are the high tax that destroys high streets, puts off entrepreneurs, snuffs out young and small businesses and damages local economies, rural and urban alike.

New clause 65 would require a review of the business rates system to ensure that business rates are reformed and, indeed, replaced. They are harmful to our economy. They directly tax capital investment in structures and equipment, rather than taxing the profit of a fixed stock of land. We should abolish the business rates system and replace it with a commercial landowner levy, shifting the burden of taxation from tenant to landowners. That would benefit deprived communities in particular. In terms of business rates, the whole of the north is over-rated—I should be very careful: it is over-business rated. It is not over-rated; it is of course the best part of planet Earth.

Kendal, Windermere, Penrith and communities throughout Cumbria are thriving compared with many places—we are lucky to have so many independents—but the gaps that we have in our high street we have in large part because business rates are totally unfit for purpose. They are a drag on investment and snuff out entrepreneurial zeal. If the Government really wanted to create investment zones, they would create them on every high street in the country by scrapping or reforming business rates.

Dehenna Davison: I am grateful to the hon. Gentleman for raising this issue, about which we have all had local businesses, shop owners, shop workers and other constituents contact us. I am sure the hon. Gentleman will be aware that the Government reported on the business rates review, which was published with the 2021 autumn Budget. We will respond to the ongoing technical consultation in due course. At the Budget we also set out a range of measures to reduce the burden of business rates on all firms, including freezing the business rates multiplier, new support for businesses that are improving and greening their properties and additional support for high street businesses. It was a package worth more than £7 billion to businesses over the next five years.

I will keep this relatively brief. I understand the hon. Gentleman's intention, but I suggest that the provision is unnecessary. Should the Government wish to undertake a further review of business rates, we would not require legislation to do so. I fear that putting that requirement into primary legislation would be unduly restrictive, create unhelpful bureaucracy and actually slow the possible rate of change.

Tim Farron: The Government do not need legislation to do most of what is in the Bill—just get on with it. Levelling up is something they can just crack on with. Business rates are a massive drag on investment in our high streets. If I heard in what the Minister said any commitment to look at that seriously, so that the obvious

burden was addressed, those with the wealth to pay business-related taxes pay more, and communities in the north of England as well as those struggling in the south paid a fairer and lower rate through a new system, I would be prepared to withdraw the motion. On the condition the Government are seriously looking at that, I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 66

DISABILITY ACCESSIBILITY STANDARDS FOR RAILWAY STATIONS

"(1) The Secretary of State must take all reasonable steps to ensure that railway stations in England—

(a) provide step-free access from street to train, and

(b) meet in full and as soon as possible the disability access standards in the Design Standards for Accessible Railway Stations Code of Practice published by the Department for Transport and Transport Scotland in March 2015.

(2) Any requirements made in conjunction with that duty may not make any exemptions or concessions for small or remote stations.

(3) In undertaking the duty in subsection (1) the Secretary of State may—

(a) make an application to the Office of Rail and Road under section 16A (provision, improvement and development of railway facilities) of the Railways Act 1993;

(b) revise the code of practice under section 71B (code of practice for protection of interests of rail users who are disabled) of the Railways Act 1993;

(c) amend the contractual conditions of any licenced railway operator;

(d) instruct Network Rail to take any action the Secretary of State considers necessary in connection to the duty.

(4) The Secretary of State must report annually to Parliament on performance against the duty." *—(Tim Farron.)*

This new clause places a duty on the Secretary of State to ensure that railway stations meet disability access standards.

Brought up, and read the First time.

Tim Farron: I beg to move, That the clause be read a Second time.

This is the last provision of a suite from me, and it is really important to me as a person with members of their family who have disabilities and as someone who many years ago worked for Lancaster University in a role supporting students with a range of disabilities.

At the time that the Disability Discrimination Act 1995 came into force, one of the glaring errors was that many older buildings were allowed to continue to be thoroughly inaccessible. I am particularly concerned about railway stations, of which there are many in my community. We are blessed with the Settle to Carlisle line; the Lakes line; the Furness line; and, of course, the main line through Oxenholme to Penrith and beyond. I am deeply concerned that there are stations throughout our country, but particularly in my community, that are not just slightly inaccessible but totally inaccessible.

In particular, I am concerned about Staveley station, which is on the Lakes line from Oxenholme to Windermere. Staveley is the first village in the Lake district. It is a beautiful and vibrant place, with a young community. It is a community that, often, lives there but works elsewhere. There are 41 steps up to Staveley station. There is zero accessibility, not just for people with a disability but for people with pushchairs or anybody who has any baggage with them. That is outrageous.

Because Staveley is a relatively small station, the Government's schemes and funds such as Access for All, as well as those of previous Governments, were never in a million years going to give it any money. In the end, it is outrageous that one of our railway stations—I could also mention Arnside in my constituency and Ulverston in the constituency of my neighbour, the hon. Member for Barrow and Furness (Simon Fell)—has serious accessibility problems. It is outrageous that just because these are not huge main line stations they are inaccessible for many people in our community.

New clause 66 seeks to prevent the kind of bidding game that we will always lose because the station is too small. It makes it compulsory for there to be direct decent access to railway stations for people with disabilities and other mobility issues.

Lee Rowley: I thank the hon. Member for tabling the new clause. I completely accept that access to railway stations—and his particular point about smaller railway stations—is hugely important, and over a long period of time we absolutely must seek to improve accessibility where we are able to do so.

12.45 pm

The hon. Member raised the issue of Staveley station. There is also a Staveley in North East Derbyshire that I share with the hon. Member for Chesterfield (Mr Perkins). We are currently in the process of encouraging the reopening of the railway station there through the reverse Beeching proposals. I am pleased that if it can be reopened, it will come with additional accessibility requirements. I absolutely understand the point the hon. Member made about historic stations; they are often acutely difficult, but that does not mean they should not be considered for accessibility.

This is a policy area that is primarily led by the Department for Transport, but it is none the less in scope. I will highlight some things that I know the hon. Member will be aware of but that are important to put on the record. The DFT has already subsidised nearly £400 million under the Access for All programme, with more due to come beyond 2024. That means that broadly during the period the hon. Gentleman has been in Parliament step-free accessible routes have been delivered at more than 200 stations, and smaller-scale access improvements at more than 1,500 stations.

New design standards for accessible railway standards were introduced in 2015, which means that when we intervene at existing railway stations and facilities are installed, renewed or replaced, new standards should be applied. The plan for rail published a year and a half ago, in May 2021, sets out further reforms that seek to transform the railway industry's understanding of the approach to accessibility. Although I completely accept the point that the hon. Member made, and he is absolutely right to have made it, I hope he will consider withdrawing the new clause. While recognising that we have much progress to make, I hope we can make further progress in the coming years.

Tim Farron: This issue is within the scope of the Bill, as the Minister rightly said. It may be a transport matter, but it is a Department for Transport matter that will not see a resolution for my constituency or for any other small station of the sort I mentioned. Unless the Access for All fund is quadrupled in size, the chances of a small Lake district station, with a well-above-average number of people using it who have disabilities and are older, ever getting the kind of support it needs is close to zero. It will take legislation to get this moving forward, just as the Disability Discrimination Act 1995 did in the first place for many places. This is of huge concern to me: I have no confidence that the Government will tackle this issue in a way that reaches small stations that are totally inaccessible. It is important that the Government are held to account, so I wish to press the new clause to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 8.

Division No. 21]

AYES

Farron, Tim	Maskell, Rachael
Fletcher, Colleen	Norris, Alex
Lewell-Buck, Mrs Emma	Pennycook, Matthew

NOES

Bradley, Ben	Moore, Robbie
Davison, Dehenna	Mortimer, Jill
Huddleston, Nigel	Rowley, Lee
Jupp, Simon	Smith, Greg

Question accordingly negatived.

New Clause 67

VACANT HIGHER VALUE LOCAL AUTHORITY HOUSING

"(1) The Housing and Planning Act 2016 is amended as follows.

(2) Leave out Chapter 2 of Part 4 (Vacant higher value local authority housing)."—*(Matthew Pennycook.)*

Brought up, and read the First time.

Matthew Pennycook (Greenwich and Woolwich) (Lab): I beg to move, That the clause be read a Second time.

As we are approaching the end of this Committee's life, I will take the opportunity to thank the Clerks, Doorkeepers, *Hansard* reporters and House staff for facilitating our work over what I must say has felt—I do not disparage the Committee in saying this—like a lot longer than four months. We are, thankfully, near the end. This is a simple, straightforward and, I hope, unproblematic new clause for the Government, so I do not need to detain the Committee long in speaking to it.

Despite the strong arguments made by the Opposition at the time—I recall them personally because I served on the Bill Committee—the Government were determined to include within the Housing and Planning Act 2016 provisions requiring local authorities to sell higher-value council homes as they fell vacant, and to remit the income generated from such sales to the Treasury to fund the extension of the right to buy to housing association tenants. The sections of that Act that required local authorities to make a payment in respect of their vacant higher-value council homes came into force on 12 May 2016, but the consequential determinations were never made.

Having, one assumes, finally appreciated the severe impracticalities of the measure, as well as, one hopes, the social consequences of further reducing England's already depleted social housing stock, the Government announced in their 2018 social housing Green Paper that they would no longer require local authorities to make higher-value-asset payments. In the words of that Green Paper, the sale of high-value homes

"should be a decision to be made locally, not mandated through legislation"

as they had previously felt was necessary.

However, in addition to making it clear that the Government would not bring those provisions of the 2016 Act into effect, the 2018 Green Paper said that the Government would look to repeal the relevant legislation, "when parliamentary time allows". Yet, with four years having passed, and all manner of legislation having been taken through the House during that time, the Government have still not repealed those provisions.

New clause 67 simply seeks to have the Government finally implement the decision that they made and outlined in the 2018 Green Paper, and thereby undo the mistake that they made six years ago.

Mr Hollobone, we both know that Ministers have been clearly told to resist all amendments to this Bill, however sensible they might be, but I hope that the Under-Secretary of State for Levelling Up, Housing and Communities, the hon. Member for North East Derbyshire, might see, on this occasion, the soundness of the new clause. I do not think that there is any credible or justifiable reason why this Bill cannot be the legislative vehicle to undo the provision, which the Government have decided should not have been in the 2016 Act. However, if he will not do that, will he please tell us when and how the Government intend to do what they committed, in 2018, to do?

Lee Rowley: As the hon. Gentleman anticipates, I will not be encouraging the Committee to accept this amendment, although I understand the points behind it, which the hon. Gentleman has already articulated. In the spirit of his brevity, I will seek to be so, too.

The Government have made a number of commitments previously and stand by those commitments. As the hon. Gentleman has indicated, the provisions laid out in chapter 2 of part 4 of the Housing and Planning Act 2016 have not been brought into effect, and there is no intention of doing so. The provisions lack a regulatory framework to underpin the policy, so there is no risk of local authorities being subject to them before we are able to legislate in the future.

The Government remain of the view that legislation will be brought forward, but do not believe that the Levelling-up and Regeneration Bill is the best vehicle for that, as it does not largely address social housing. We therefore wish to focus on the measures within this Bill, while recognising that there will be no change to the status quo—the reality for local authorities around the country—on this matter. We will bring forward further consideration of this point in due course.

Matthew Pennycook: I welcome that response from the Minister, and particularly his clarification that there will be no change to the status quo. However, I am slightly puzzled because I cannot think of a Bill better placed to deal with a housing and planning provision in a previous Act. The Minister says that such legislation is forthcoming. There is no sign of when that is, or what it might be. I think that we may return to this at a later stage, but I will not divide the Committee on it this morning. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 68

REVIEW OF PERMITTED DEVELOPMENT RIGHTS

"(1) The Secretary of State must establish a review of permitted development rights under Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

(2) The review should include an assessment of:

(a) the past effectiveness of permitted development rights in achieving housing targets;

(b) the quality of housing delivered under permitted development rights;

(c) the impacts of permitted development on heritage, conservation areas and setting;

(d) the estimated carbon impact of the use of permitted development rights since the expansion of permitted development to demolition;

(e) the relative cost to local planning authorities of processing permitted development compared to full planning consents;

(f) potential conflict between existing permitted development rights and the application of national development management policies;

(g) the impact of permitted development rights, or other policies in this Bill designed to deliver streamlined consent, on the efficacy of levelling-up missions.

(3) The Secretary of State must publish a report of the recommendations made by this review no later than twelve months after this Act comes into force."—*(Matthew Pennycook.)*

This new clause would commit the government to carrying out a comprehensive review of permitted development rights within 12 months of the Bill securing Royal Assent.

Brought up, and read the First time.

Question put, *That the clause be read a Second time.*

The Committee divided: Ayes 6, Noes 8.

Division No. 22]

AYES

Farron, Tim	Maskell, Rachael
Fletcher, Colleen	Norris, Alex
Lewell-Buck, Mrs Emma	Pennycook, Matthew

NOES

Bradley, Ben	Moore, Robbie
Davison, Dehenna	Mortimer, Jill
Huddleston, Nigel	Rowley, Lee
Jupp, Simon	Smith, Greg

Question accordingly negatived.

New Clause 70

CHIEF PLANNING OFFICERS

"(1) The Town and Country Planning Act 1990 is amended as follows.

(2) After section 1 insert—

'1A Planning authorities: chief planning officer

(1) Each planning authority must have a chief planning officer.

(2) The role of an authority's chief planning officer is to advise the authority about the carrying out of—

(a) the functions conferred on them by virtue of the planning Acts, and

(b) any function conferred on them by any other enactment, insofar as the function relate to development.

(3) The Secretary of State must issue guidance to planning authorities concerning the role of an authority's chief planning officer.

(4) A planning authority may not appoint a person as their chief planning officer unless satisfied that the person has appropriate qualifications and experience for the role.

(5) In deciding what constitutes appropriate qualifications and experience for the role of chief planning officer, a planning authority must have regard to any guidance on the matter issued by the Secretary of State.'".—*(Matthew Pennycook.)*

This new clause would place a duty on local planning authorities to appoint a Chief Planning Officer to perform planning functions and requires them to appoint sufficiently qualified persons to perform them with regard to guidance from the Secretary of State.

Brought up, and read the First time.

Matthew Pennycook: I beg to move, That the clause be read a Second time.

The proceedings of this Committee over the many months of its existence clearly detail the unwillingness of Ministers to address the issue of inadequate funding, which is the root cause of many of the challenges local planning authorities face. However, the Government have conceded that those authorities have performance and service quality issues that need to be addressed, and they have committed to developing a planning skills strategy for local planning authorities as a result—an issue I will return to when we discuss new clause 71. With a view to making the planning system more effective at a local level, new clause 70 seeks to probe the Government on a proposal included in their 2020 "Planning for the future" White Paper, as well as older studies such as the Building Better, Building Beautiful Commission's final report and the Barker review of land use planning—namely, making it a requirement that each local planning authority appoints a chief planning officer or place-maker.

In the immediate post-war decades, the corporate and strategic influence of planners in local government was institutionalised in the senior position of the chief planning officer. However, despite planning being a statutory function, a combination of factors over recent decades has led to a situation where only a minority of councils now employ a head of planning who is a member of the senior management team and reports directly to the chief executive. Analysis undertaken by the Royal Town Planning Institute suggests that one in 10 local authorities does not fund a head of planning role of any kind. That progressive downgrading of the status and prominence of planning officers within local planning authorities, entailing a loss of skills capacity and the dilution of planning as a strategic function, has had a detrimental impact on planning outcomes, including in terms of design standards and quality.

Placing a duty on local planning authorities to appoint a chief planning officer, as provided for by new clause 70, would help ensure not only that councils attract

[Matthew Pennycook]

professionals with the necessary high-quality expertise on creating places, connecting communities and spatial planning but that the spatial implications of other local authority functions are properly considered when it comes to planning decisions and local plans, thereby making the system more effective and ensuring that all aspects of place-making are properly considered at a corporate level.

Rachael Maskell: This is a really important new clause. York no longer has a chief planner, which means that planning decisions are often delayed and that the challenge is not brought to developers that are trying to bring forward their plans for fear of litigation. That is a serious consideration for local authorities, which is why this is such an important new clause.

Matthew Pennycook: That example perfectly illustrates the pressures that planning departments are under. There is a general resourcing issue. We know that applications can be delayed by months, if not years, because of a lack of staff. When planning officers move on, applications and all the knowledge around them can be delayed.

There is a wider point, in addition to those general resource pressures, which is that employing chief planning officers with the necessary skills, who sit at an appropriately senior level within the local authority, would have a number of benefits and would help the Government implement the new measures and the burdens they are placing on those authorities through this Bill. As the Minister will know, the Scottish Government introduced legislation in 2019 that requires each planning authority in Scotland to have a chief planning officer, and new clause 17 would achieve the same outcome in relation to England. We believe inserting such a requirement into the Bill would not only assist local planning authorities in implementing the new planning and regeneration measures it contains but would help improve the overall functioning of the planning system, and on that basis, I hope the Minister will give it serious consideration.

1 pm

Lee Rowley: I am grateful to the hon. Gentleman for this new clause, yet unsurprisingly we will be asking him to withdraw it, too. I understand the sentiments behind it. I think we would all agree that we want a planning system that works and is effective, efficient and expedited where possible, and that appropriate consideration should be given at local level to ensure that placemaking is at the heart of what it does, but this particular new clause is, in my view, too prescriptive. This almost takes me back to my pre-parliamentary days when we were doing organisational design within individual companies. The one thing that we had as a principle was that organisational design needed to be flexible between different organisations, depending on their needs and requirements at the time and the areas that they needed to focus on.

Of course planning should always be a focus, but it is another question whether we need to put formal lines between particular officers and the chief executive, if there even are chief executives in certain local authorities—there are not all the time—so there is a secondary level of conversation about whether it would be section 151 officers or would be dealt with elsewhere. But I do not want to get too lost in the weeds. Although I accept the sentiment of the hon. Gentleman, I do not think it is proportionate to mandate these kinds of elements. I absolutely agree with him that local councils should discharge their responsibilities adequately, carefully and expeditiously. I hope that they will do that. We will continue to consider, in the Department, what we can do to ensure that that happens. But on this occasion, I hope that the hon. Gentleman will consider withdrawing the new clause, given that I do not think it is necessary.

Matthew Pennycook: I thank the Minister for that response. I take on board and appreciate the point that he makes about proportionality and whether this new clause is too prescriptive in that regard. I hope that he at least sees the concern that we have tried to highlight with the new clause, which is not only, as I said, the general issue with skills capacity but the status of planning officers within local authorities as a whole and whether that has an impact on planning outcomes. I hope that, given what I have said, the Minister will go away and give the issue some further consideration, not least in terms of what we will come to shortly, which is the skills strategy that the Government are outlining, but I do not intend to press the new clause to a Division. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 71

COMPREHENSIVE RESOURCES AND SKILLS STRATEGY FOR THE PLANNING SECTOR

"(1) The Secretary of State must, within 12 months of this Bill securing Royal Assent, publish a comprehensive resources and skills strategy for the planning sector.

(2) The strategy published under subsection (1) must—

(a) include an assessment of the effectiveness of local planning authorities and statutory consultees in delivering upon their existing duties and functions,

(b) include an assessment of the additional resource required for local planning authorities and statutory consultees to carry out new responsibilities and duties established by this Act,

(c) set out a funding strategy for a minimum five-year period that meets the assessed resource need under paragraph (2)(b),

(d) include an assessment of the skills and capability of the planning sector and statutory consultees to carry out new responsibilities and duties established by the Act, and

(e) explain how the Secretary of State intends to address the skills and capability needs of the planning sector as set out under paragraph (2)(d)."—*(Matthew Pennycook.)*

This new clause would commit the Secretary of State to publishing a comprehensive resources and skills strategy for the planning sector within 12 months of the Bill securing Royal Assent and would specify what such a strategy should include.

Brought up, and read the First time.

Matthew Pennycook: I beg to move, That the clause be read a Second time.

Me again, Mr Hollobone. New clause 71 is in my name and those of my hon. Friends the Members for Nottingham North and for Coventry North East. As I

made clear just now, the Government have promised to bring forward a planning skills strategy for local planning authorities, and the commitment to do so is set out in the policy paper that accompanies the Bill. We believe that a strategy to address the skills gap is essential to improving the planning system and we support the Government's efforts in this area. Not only is there an existing problem—as we have just discussed—when it comes to skills shortages within local authority planning departments, but, as we have discussed in many previous sittings, the Bill will require the implementation of entirely new processes; an increase in planning staff with specific specialist skills such as design; and improved capabilities, not least in terms of a mastery of digital and geospatial data and technologies. Therefore, additional pressures are coming down the line as a result of this legislation.

However, the commitment included in the policy paper accompanying the Bill refers only to a planning skills strategy rather than the

"comprehensive resources and skills strategy"

proposed in the 2020 "Planning for the future" White Paper. We believe that that is problematic. As we have debated on numerous occasions during this Committee's proceedings, there is a clear need for additional resources for local planning authorities—a need that the many new burdens and duties provided for by the Bill will only serve to render more acute. We therefore believe that the Government were right in the 2020 White Paper to commit to a more comprehensive strategy that encompassed both skills and resources. New clause 71 would place a duty on the Government to publish that more comprehensive strategy within 12 months of the Bill securing Royal Assent and would specify what such a strategy should contain. I look forward to hearing the Minister's response.

Lee Rowley: This is an interesting new clause but one that I ask the hon. Gentleman to withdraw. I think we share the underlying objective, which is to ensure that our planning system is well resourced, well managed and well executed, but there is the general question of whether we need to legislate for these things, and my view is that we do not need to legislate in the depth that he suggests. I hope he will take some assurance from the fact that this has been discussed several times in my short period in post, including as recently as yesterday, when I spoke to the chief planner on this matter. We continue to consider it in what I hope the hon. Gentleman would think is the detail it deserves. However, I hope he will withdraw the new clause, because I am of the view that the issue does not require legislation in order for the discussion to continue.

Matthew Pennycook: I appreciate the Minister's response. The new clause was probing, as he will have seen, and I therefore do not intend to press it to a vote. I am reassured that he has already discussed the issue—several times, I think he said—in his short time in post. I hope he will take away the points that I made. We think we need a skills strategy, and I urge him to think about how planning departments in local authorities might be better resourced to do what they need to do. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 72

LOCAL CONSENT FOR ONSHORE WIND PROJECTS IN ENGLAND

"(1) The Secretary of State shall within six months of this Bill securing Royal Assent remove from the National Planning Policy Framework the current restrictions on the circumstances in which proposed wind energy developments involving one or more turbines should be considered acceptable."—*(Matthew Pennycook.)*

This new clause would commit the Secretary of State to revising the National Planning Policy Framework within 12 months of the Bill securing Royal Assent to remove the onerous restrictions it currently places on the development of onshore wind projects by deleting footnote 54.

Brought up, and read the First time.

Matthew Pennycook: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 82—*Onshore wind planning applications*—

"(1) The Planning Act 2008 is amended in accordance with subsection (2).

(2) In section 15 (generating stations), leave out subsection (2)(aa).

(3) Before Chapter 2 of Part 3 of this Act comes into force, the Secretary of State must publish a statement of the Government's plan to revise national planning guidance to support local planning authorities to grant onshore wind applications below 50MW.

(4) For the purposes of subsection (3), 'national planning guidance' includes—

(a) the National Planning Policy Framework and any subordinate, subsequent or successor guidance for local planning authorities;

(b) the Planning Practice Guidance on Renewable and Low Carbon Energy;

(c) the National Planning Policy Statement for Renewable Energy Infrastructure.

(5) No later than one month after this Act comes into force, the Secretary of State must publish a report setting out the Government's plan to encourage and support community energy projects.

(6) The Secretary of State must lay a copy of the report in subsection (5) before both Houses of Parliament."

Matthew Pennycook: I tabled new clause 72 some time ago, with a view to pressing the Government to remove the de facto moratorium imposed for many years on the development of onshore wind. The growth plan, published late last month, committed the Government to doing just that, by bringing onshore wind planning policy into line with planning for other forms of infrastructure. As hon. Members know, most of the measures set out in that growth plan have been junked as part of the humiliating mini-Budget U-turn, but having seen no evidence to the contrary—the Minister might disappoint me again in this regard—we assume that the decision to remove onshore wind planning restrictions is one of the few to have survived the cull. Even if that is the case, it remains unclear how the Government intend to deliver on that commitment, so that this cheap form of renewable energy generation can be deployed more easily across England. New clause 82 probes the Government on that point.

[Matthew Pennycook]

Three categories of onshore wind project are needed in large numbers: first, projects that are larger than the 50 MW threshold for nationally significant infrastructure projects; secondly, projects that are below that 50 MW threshold; and, thirdly, smaller community energy projects. Each is addressed specifically by new clause 82. Proposed new subsections (1) and (2) would unpick the 2016 regulations that removed onshore wind in England from the nationally significant infrastructure projects process set out in the Planning Act 2008, meaning that proposed onshore over 50 MW could secure consent through the development consent order system. Subsections (3) and (4) would require the Government to set out in a written ministerial statement how national planning guidance will be amended quickly to enable local authorities to determine applications for onshore wind projects below 50 MW. Finally, subsections (5) and (6) would require the Government to bring forward a plan clarifying how smaller community energy projects will be supported.

To meet our emissions reduction targets and the predicted increase in demand for electricity in coming decades, as the decarbonisation of our economy advances, there is a pressing need to increase our onshore wind capacity rapidly. The Climate Change Committee recommended the installation of between 22 GW and 29 GW by the end of this decade. As Labour Members will continue to argue, doing that at pace would have the added benefit of reducing bills, creating good jobs and bolstering our energy security.

I hope that the Minister will engage thoughtfully with the new clauses, and perhaps provide the Committee with some answers as to how the Government intend to implement the decision set out in the growth plan in respect of onshore wind.

Lee Rowley: The hon. Gentleman has received some assurances since he tabled new clause 72. The Government have looked at the issue again, and I am grateful for his acknowledgment of that. I am afraid that I will disappointment him. I completely understand and accept the importance of the issue, while acknowledging that it is a sensitive one in certain parts of the country. I accept that the Committee has been in existence for many months, debating many important things, but given the salience and importance of this policy issue to our broader national discourse, I suggest that it be considered more broadly than simply in this Committee. We will bring forward further information about our continuing commitments and intentions in this area in due course. However, that is not something I can do in Committee.

Matthew Pennycook: The Minister is determined to disappoint me in our exchanges, but I accept that he feels unable to opine on the Government's intentions regarding the onshore wind that they have committed to allowing via the planning system and the various routes that I have mentioned. I hope that the situation will be clarified at a later stage. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 73

DUTY WITH REGARD TO CLIMATE CHANGE

"(1) The Secretary of State must have special regard to achieving the mitigation of and adaptation to climate change when preparing—

(a) national policy or advice relating to the development or use of land,

(b) a development management policy pursuant to section 38ZA of the PCPA 2004.

(2) The Secretary of State must aim to ensure consistency with achieving the mitigation of and adaptation to climate change when exercising a relevant function under a planning enactment.

(3) A relevant planning authority when—

(a) exercising a planning function must have special regard to, and aim to ensure consistency with, achieving the mitigation of and adaptation to climate change, and

(b) making a planning decision must aim to ensure the decision is consistent with achieving the mitigation of and adaptation to climate change.

(4) For the purposes of subsection (3), a relevant planning authority is as set out in section 81 (a) and (b) and (d) to (j).

(5) For the purposes of subsection (2) a relevant function is a function that relates to the development or use of land.

(6) For the purposes of subsection (3) a planning function is the preparation of—

(a) a spatial development strategy;

(b) a local plan;

(c) a minerals and waste plan;

(d) a supplementary plan; or

(e) any other policy or plan that will be used to inform a planning decision.

(7) For the purposes of subsections (3) and (6) a planning decision is a decision relating to—

(a) the development or use of land arising from an application for planning permission;

(b) the making of a development order; or

(c) an authorisation pursuant to a development order.

(8) In relation to neighbourhood planning, a qualifying body preparing a draft neighbourhood plan or development order must have special regard to achieving the mitigation of and adaptation to climate change.

(9) For the purposes of this section, achieving the mitigation of climate change shall include the achievement of—

(a) the target for 2050 set out in section 1 of the Climate Change Act 2008, and

(b) applicable carbon budgets made pursuant to section 4 of the Climate Change Act 2008.

(10) For the purposes of this section, achieving adaptation to climate change shall include the achievement of long-term resilience to climate-related risks, including—

(a) the mitigation of the risks identified in the latest climate change risk assessment conducted under section 56 of the Climate Change Act 2008, and

(b) the achievement of the objectives of the latest flood and coastal erosion risk management strategy made pursuant to section 7 of the Flood and Coastal Water Management Act 2010."—*(Matthew Pennycook.)*

This new clause would place an overarching duty on the Secretary of State, local planning authorities and those involved in neighbourhood plan-making to achieve the mitigation and adaptation of climate change when preparing plans and policies or exercising their functions in planning decision-making.

Brought up, and read the First time.

Matthew Pennycook: I beg to move, That the clause be read a Second time.

It is fitting that new clause 73 is the last that I will move, because it deals with an issue that I care deeply about. I have been at pains, throughout our more than 20 sittings, to highlight that from our point of view, the Bill is a missed opportunity to fully align the planning system with our climate mitigation and adaptation goals.

The Committee has discussed climate change in debates on several amendments, but not in any great detail. Runaway global heating is by far the most significant challenge faced by the country and the world, so I return to the subject to try once again to convince Ministers to amend the Bill to improve how the planning system responds to the climate emergency.

As I have argued, although there are exemplary English development schemes, they are notable exceptions, and it is patently obvious that the planning system in general is not playing its full part in responding to climate change. Indeed, in numerous important respects, it is actively hindering our ability to mitigate and adapt to global heating. The Labour party's strong view is that more must be done to ensure that the planning system contributes effectively to the delivery of our emissions reduction targets, and that new development produces resilient and climate-proofed places. That view is shared by the Climate Change Committee; its 2022 progress report recommends that

"Net Zero and climate resilience should be embedded within the planning reforms that are expected as part of the Levelling Up and Regeneration Bill."

We take that view because it is clear that existing duties and requirements, which set out how the planning system should help to achieve net zero, are not producing the required results.

The national planning policy framework requires planning to

"shape places in ways that contribute to radical reductions in greenhouse gas emissions".

In addition, local planning authorities have a statutory duty under the Planning and Compulsory Purchase Act 2004 to include in local plans policies to ensure that development and use of land mitigates and adapts to climate change. They also have powers, under the Planning and Energy Act 2008, to require new developments to source a proportion of their energy requirements from renewable and/or low-carbon and local sources, and, under the Neighbourhood Planning Act 2017, to prioritise measures to tackle climate change at a plan-led level as a strategic priority.

Despite that plethora of duties, requirements and powers, the planning system regularly throws up decisions that are seemingly incompatible with the need to make rapid progress toward net zero emissions by mid-century. To give the Committee a topical example, the Planning Inspectorate recently told West Oxfordshire District Council to remove from the area action plan for a new garden village at Salt Cross requirements to demonstrate net zero operational carbon on site through ultra-low energy fabric specification, low-carbon technologies and on-site renewable energy generation, on the basis that they were not justified or consistent with national policy.

It is clear not only that Ministers have never prioritised the issue of how the planning system can drive climate action, but that the duties and requirements in legislation are insufficiently robust and fail to consistently shape the decisions of local planning authorities, or of the planning inspectors examining plans or appeals. Similarly, the national planning policy framework does not ensure that national policy contributes fully to climate change mitigation and adaptation. Although the Government promised to review it with a view to strengthening guidance on net zero, there is still no sign of the NPPF prospectus that one of the previous Housing Ministers who served on the Committee—forgive me; I forget which one—promised us would materialise this summer. As we argued many sitting ago during the debate on amendment 101 on plan making, the Government should overhaul the Bill to ensure that both national policy and local planning align fully with the commitments in the Climate Change Act 2008, and with statutory frameworks that provide for resilience to climate impacts, such as flooding and heatwaves.

Although there are commendable examples of local authorities seeking to bring forward local plans that include quantified, strategic-level carbon reduction targets, they are few and far between. That is likely to remain the case until the Government produce clear and unambiguous national policy guidance and a purposeful statutory framework to align every aspect of the planning system with net zero. The former requires the production of a revised NPPF that fully supports the drive toward net zero, but the latter can be accomplished by the Government accepting new clause 73, which would place an overarching duty on the Secretary of State, local planning authorities and those involved in neighbourhood plan making to achieve the mitigation and adaptation of climate change when preparing plans and policies, or exercising their functions in planning decision making.

1.15 pm

With optimism of the will as my watchword, I hope that the new Minister with responsibility for housing will see the value in the new clause and accept it, but if he does not, I think that he at least owes the Committee a convincing account of precisely how the Government believe that the planning system should help to deliver net zero, and of what further legislative and non-legislative changes they intend to make to ensure that it does.

The Chair: I know it is a bit cheeky of me, but does the Minister have a long speech or a short one?

Lee Rowley: I will happily give a short speech.

The Chair: I call the Minister!

Lee Rowley: In the spirit of the brevity that you have requested, Mr Hollobone, let me say that I am grateful to the hon. Gentleman for the new clause, and I share his optimism about our ability to deal with climate change, but I also recognise that that it will take time, as we outlined in debate on previous clauses. Consequently, I will resist the new clause.

As the hon. Gentleman outlined in a number of ways that I will not repeat, there are already significant legal requirements on local authorities to consider climate change, as well as a national policy requiring local planning authorities to take a proactive approach to

[Lee Rowley]

climate change. I cannot give any guarantees, but I will certainly consider his points, because that is an important part of the housing brief. On this occasion, however, the new clause is unnecessary, and I ask him to withdraw it.

Matthew Pennycook: The Minister will appreciate that I find that response disappointing; there is a clear difference of opinion. We think that the existing duties, requirements and guidance are not having the intended effect that he outlined, and we feel strongly that there is a case for amending primary legislation to ensure that the planning system aligns fully with the Climate Change Act and other statutory frameworks.

I know that we are on the clock, Mr Hollobone, so I will not labour those points, which have been made before, but to drive home how important we feel the issue is, I will press the new clause to a Division.

The Committee divided: Ayes 6, Noes 8.

Division No. 23]

AYES

Farron, Tim	Maskell, Rachael
Fletcher, Colleen	Norris, Alex
Lewell-Buck, Mrs Emma	Pennycook, Matthew

NOES

Bradley, Ben	Moore, Robbie
Davison, Dehenna	Mortimer, Jill
Huddleston, Nigel	Rowley, Lee
Jupp, Simon	Smith, Greg

Question accordingly negatived.

Ordered, That further consideration be now adjourned. *—(Nigel Huddleston.)*

1.18 pm

Adjourned till this day at Two o'clock.