

**LEVELLING-UP AND REGENERATION BILL – NET ZERO
FOLLOW-UP BY THE PARLIAMENTARY UNDER SECRETARY OF STATE FOR FAITH AND
COMMUNITIES TO SECOND READING DEBATE IN THE HOUSE OF LORDS**

Summary

In her letters of 27 January, Baroness Scott of Bybrook responded to concerns raised in the Second Reading of the Levelling-Up and Regeneration Bill. The planning system's contribution to Net Zero was among the matters in her letter addressing environmental issues. **The Better Planning Coalitionⁱ welcomes the government commitment to review the National Planning Policy Framework (NPPF), but this is insufficient for an effective planning response to the climate emergency.** This briefing explains why.

Kicking the can down the road - the promised review of national planning policy

Improvements to planning policy on climate change **were first promised in 2020** in the white paper, Planning for the Future.ⁱⁱ The following year, the NPPF was revised but failed to recalibrate planning policy with Net Zero. The promise was then restated in the Net Zero Strategy.ⁱⁱⁱ A new set of changes to the NPPF are out to consultation but we're **still waiting for the promised changes on climate change.** Baroness Scott's letter says "we are seeking views on a form of carbon impact assessment". The government's consultation tells us these views "will inform a **further consultation on national planning policy in due course**".^{iv} In the meantime, in 'Mission Zero', the independent review commissioned by government, Chris Skidmore MP has spelt out what continuing delay has meant "One of the starkest messages from hundreds of organisations and individuals is that **the planning system is undermining net zero and the economic opportunities that come with it.**"^v

Policy by itself is insufficient

For over ten years, the NPPF has expected local plans to deliver planning strategies in line with the targets in the Climate Change Act 2008. This has been underpinned by the climate duty on local plan-making rolled forward into this bill. However, research undertaken by CPRE published last year found little evidence in adopted local plans of meaningful action to tackle climate change.^{vi} This is one of several reports by national bodies such as the Climate Change Committee^{vii}, National Audit Office^{viii} and HCLG Committee^{ix} and, now, Mission Zero highlighting that planning should do more to support Net Zero. Where local councils commit to take meaningful action on climate change, experience underlines there is a real risk of being knocked back by the Planning Inspectorate.^x

Meaningful action on climate change requires both the promised update of the NPPF and a purposeful, statutory planning duty. **Both are necessary for an effective planning response, neither is sufficient by itself.** A purposeful duty, in addition to rolling forward the existing duty on plan-making, would require the national planning policy that informs local plan-making and planning decisions, and planning decisions themselves (including those made nationally) to be consistent with national policy and targets for the mitigation of, and adaptation to, climate change.^{xi}

Without a firm legislative footing, planning policy can go backwards. As recently as 2018, the government tried to water-down national policy requiring planning strategies to be in line with the Climate Change Act 2008. Government about-turned in the face of a strong adverse response to the consultation, but there's no guarantee that such policies won't be weakened in the future. Or, where inconvenient to a proposed development, ignored.

Environmental Outcomes Reports

Baroness Scott also leans on the new 'outcomes-based approach' to environmental assessment. Despite such a radical shift in approach to assessing projects and plans, much of the detail is still unclear. We are left to rely on government reassurances. Experience teaches us to be sceptical. For example, existing planning guidance tells us sustainability appraisal "can be used to help shape appropriate strategies in line with the statutory duty on climate change and ambition in the Climate Change Act 2008."^{xii} However, we know there is a **large gap between the government's reassuring words and what actually happens in practice.** Without a purposeful statutory climate change duty for planning, there is no guarantee the new approach to environmental assessment, when applied to the planning system, will be effective in climate-proofing projects and plans.

ⁱ The Better Planning Coalition represents 27 organisations across the environment, housing, planning, heritage and transport sectors with one common goal: a planning system fit for people, nature and the climate. This broad range of organisations formed the Better Planning Coalition to work together to influence the Levelling Up and Regeneration Bill and the review of national planning policy.

ⁱⁱ Paragraph 3.23 "it [the planning system] needs to play a strong part in our efforts to mitigate and adapt to climate change" and proposal 15 "We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits."

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/958421/Planning_for_the_Future_web_accessible_version.pdf

ⁱⁱⁱ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1033990/net-zero-strategy-beis.pdf

^{iv} Paragraph 13 <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy#chapter-7--protecting-the-environment-and-tackling-climate-change>

^v https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1128689/mission-zero-independent-review.pdf

^{vi} <https://www.cpre.org.uk/wp-content/uploads/2022/03/climate-emergency-and-local-plans.pdf>

^{vii} <https://www.theccc.org.uk/wp-content/uploads/2022/06/Progress-in-reducing-emissions-2022-Report-to-Parliament.pdf>

^{viii} <https://www.nao.org.uk/wp-content/uploads/2021/07/Local-government-and-net-zero-in-England.pdf>

^{ix} <https://committees.parliament.uk/publications/7690/documents/80183/default/>

^x For example, last summer, the Planning Inspectorate, working within the current legislative and policy framework, told West Oxfordshire to delete the Net Zero policy from their plan for a new garden village. They were told it was not "consistent with national policy or justified".

<https://www.westoxon.gov.uk/media/5i3bqltb/insp-17-letter-to-council-re-main-modifications.pdf>

^{xi} As, for example, the amendment recently tabled by Lord Teverson.

^{xii} Paragraph: 003 Reference ID: 6-003-20140612 <https://www.gov.uk/guidance/climate-change#how-can-the-challenges-of-climate-change-be-addressed-through-the-local-plan>

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