

# A TCPA Healthy Homes campaign briefing on the Levelling Up and Regeneration Bill



13 January 2023

## 1 Overview

This briefing sets out the TCPA's overarching concerns about the Levelling up and Regeneration Bill (LURB), ahead of its second reading in the House in the Lords on Tuesday 17 January.

In summary, the TCPA strongly supports the need to tackle the entrenched inequalities identified in the Levelling Up the United Kingdom white paper. However, the LURB does not effectively address these problems, particularly in relation to housing, health, climate change and the cost-of-living crisis.

In some cases, such as the reduction in meaningful community participation and the centralisation of planning power, the LURB runs counter to the white paper's stated objectives of promoting empowered communities and securing their health and wellbeing.

## 2 The Levelling Up and Regeneration Bill (LURB)

The LURB is a complex bill which enables the creation of the levelling up missions, creates new forms of devolution to county councils and includes a range of highly detailed procedural changes to planning law, compulsory purchase and environmental reporting.

### 2.1 The levelling up missions and the bill's omission of substantive measures on health and wellbeing

Part 1 of the bill sets out the process for how the levelling up missions will be set out in a statement of policy. The bill does not contain any levelling up ambitions in the form of statutory objectives or binding duties, and of the bill's 223 clauses only six are related to the creation of the missions.

There are other related measures to create new forms of devolution to county councils, which may have some impact on levelling up, however, the vast majority of the bill relates to previous legislative commitments on planning reform. **As a result, it is accurate to describe this bill as primarily a planning bill with some content on levelling up.** This is disappointing because the objective of levelling up, set as out in the white paper, is a fundamentally important idea which requires a range of actions across environmental, social and economic realms. Indeed, the white paper clearly identified health, wellbeing and human thriving as issues which required specific attention. It noted both: a) the importance of tackling health inequality, and b) that levelling up was as much a moral as an economic imperative.<sup>1</sup>

It is therefore remarkable that the bill itself contains no practical measure which would support communities either in the short-term battle with the cost-of-living crisis or to secure their long-term health and wellbeing. Just one example of this is the lack of any new provisions which might strengthen public health considerations in the planning process. This is despite strong attempts to insert such measures in the House of Commons committee stage, and the fact that the bill finds space for other highly procedural changes which make little or no practical difference to the outcome of planning decisions.

Of the many controversial issues raised by the bill, including the centralisation of planning powers,<sup>2</sup> **it is in fact this gap between the factors that lead to spatial inequality, which are clearly identified in the white paper, and the lack of a practical response to these challenges in the bill, which is most disappointing.**

## 2.2 Practical opportunities to level up health and wellbeing

There is a significant opportunity to close this gap, but it requires two things:

- First, that health and wellbeing are central to the legislation; and
- Second, that the legislation itself contains practical and deliverable measures that will have an immediate impact on the welfare of all our communities.

Such is the current strain being placed on individuals and communities that there is a need for a sense of practical hopefulness. It is disappointing, for example, that there is nothing in the bill to support the immensely valuable work of community organisations addressing food poverty or flood risk.

Such practical actions are vital to people's mental and physical health and wellbeing, and the government should support the kind of enabling actions proposed by a range of community organisations on, for example, expanding local food production.

## 2.3 Heathy homes and places – Lord Crisp's proposed amendments to the LURB

Continuing the above theme, the bill does not contain the standards necessary to ensure that new homes and communities adequately support people's health and wellbeing. Since a decent-quality and affordable home defines a person's life chances such standards should be a non-controversial foundation of the levelling up agenda.

The TCPA is strongly supporting Lord Nigel Crisp's initiative to include a set of statutory Healthy Home standards in the LURB. These would have a transformational effect on people's health and wellbeing and reframe the way we regulate the built environment to make health and wellbeing the key objective. You can find out more about the Healthy Homes campaign [here](#).

The TCPA hopes the Government will accept these measures in the spirit in which they are intended: As a positive contribution that strengthens the levelling up agenda.

## 2.4 Further concerns about planning – public participation, affordable housing, and the planned system

While the TCPA supports the objectives of the levelling up agenda, is strongly opposed to those aspects of the bill which remove local democratic control of planning decisions.

The LURB introduces an entirely new local plan framework which include elements such as joint strategic plans.<sup>3</sup> These parts of the bill positively exclude a right to be heard for the public at strategic plan examinations.<sup>4</sup> New National Development Management Policies will for the first time have a legal status which outranks the local plan. This will decisively move us from a local plan led system to a Secretary of State-led system,<sup>5</sup> in a significant centralisation of planning powers. There are also grave concerns about the practical effect of the national infrastructure levy on the delivery of affordable homes, as well as its potential to undermine levelling up by yielding most investment in high demand areas. Finally, it is unclear how these radical changes to English planning can be delivered by a public planning service gripped by resource and morale crises.

As a result of these concerns the TCPA is seeking support for amendments which aim to:

- Insert the healthy homes principles for all new development;
- Strengthen the requirements for planning to consider public health;
- Strengthen the relationship between planning law and the Climate Act;
- Restore democratic accountability in local decision making; and
- Promote a statutory purpose for planning which makes clear that the objective of the system is sustainable development in the wider public interest.

The TCPA will publish a briefing on Lord Crisp and the TCPA's healthy homes-focused amendments shortly.

### 3 More information

Please see [here](#) for more information about draft amendments and the Healthy Homes campaign, and [here](#) for more information on the TCPA's overall position on the LURB. Alternatively, you can contact:

Dr Hugh Ellis  
TCPA Policy Director  
[Hugh.Ellis@TCPA.org.uk](mailto:Hugh.Ellis@TCPA.org.uk)

---

<sup>1</sup> The executive summary of the white paper gives a useful reminder of the original ambition. [Levelling Up the United Kingdom: executive summary - GOV.UK \(www.gov.uk\)](#)

<sup>2</sup> These concerns are summarised in the briefings by the Better Planning Coalition briefings.

<sup>3</sup> Schedule 7 of the Bill replaces wholesale the current provision of the 2004 Planning Act on the timing, scope, and format of the Local Development Plan.

<sup>4</sup> Schedule 7 clause 15AC (6)

<sup>5</sup> See the legal advice at

[LURB+briefing+note+for+RCA+\(public+participation\)+\(21.11.22\)+\(4\).pdf \(squarespace.com\)](#)

---