
The importance of democratic planning

Evidence from the Town and Country Planning Association for the Planning and Infrastructure Bill committee

April 2025

1 About the TCPA

The Town and Country Planning Association's vision is for homes, places and communities in which everyone can thrive. Our mission is to challenge, inspire and support people to create healthy, sustainable and resilient places that are fair for everyone. We do this by shaping policy and practice internationally, nationally, locally and through working with communities. Informed by the Garden City Principles, the TCPA's strategic priorities are to:

- Work to secure a good home for everyone in inclusive, resilient and prosperous communities, which support people to live healthier lives.
- Empower people to have real influence over decisions about their environments and to secure social justice within and between communities.
- Support new and transform existing places to be adaptable to current and future challenges including the climate crisis.

2 Summary

The TCPA believes that democratic planning is a vital tool for securing socially just and sustainable outcomes in an era defined by the housing, health, nature and climate crises. Planning is not a 'blocker' and consistently approves more planning consents for homes than the private sector can deliver¹. The Planning and Infrastructure Bill could be the platform for the delivery of healthy communities designed to enhance nature and secure healthy and resilient homes. However, to achieve that goal the legislation requires significant amendment to make it more ambitious. Our evidence sets out areas of the legislation we support, areas we are concerned about and, of most significance, the areas where we believe the Bill must be strengthened around health, climate and democracy.

3 The elements of the Bill the TCPA support

The Bill includes some welcome and important measures that could help enable the delivery of a new generation of highly sustainable communities. The measures to modernise development corporations [part 4] and simplify the compulsory purchase process [part 5] are welcome. The TCPA also welcomes the emphasis on strategic planning and the creation of spatial development strategies (SDS), recognising the importance of addressing some issues at strategic level. **It is positive that in preparing a SDS the strategic planning authority must**

1 <https://www.tcpa.org.uk/resources/our-shared-future-a-tcpa-white-paper-for-homes-and-communities/>

have regard to the effect the proposed strategy will have on people's health but regrettable that there is no requirement to improve health outcomes [12G in clause 47].

4 Strengthening the Bill

Currently the Bill has no content on a range of important planning outcomes. For example, the Bill does not contain any measures to secure healthy, high quality affordable homes, create an effective link between the Climate Change Act 2008 and planning decisions, or give planning a positive, visionary purpose around sustainable development and the welfare of future generations. We are particularly concerned there are no positive measures to help rebuild public trust in planning. We believe the following amendments would strengthen the Bill.

4.1 Sustainable development

The Bill should set out a clear purpose for planning that reframes the planning system based on the United Nations principles of sustainable development. This would offer an opportunity to build a new consensus about the value of the planning system and provide a framework for smarter decision making focused on social justice. Planning law currently has an exceptionally weak duty only to 'contribute to the achievement of sustainable development', which is limited only to plan making and is not applied to decision making. The duty contains no definition of sustainable development and makes no reference to the internationally recognised description set out in UN Sustainable Development Goals. In framing a vision for our future development, there should be a specific **requirement placed on the Secretary of State to have special regard to the wellbeing of present and future generations in relation to planning**². This would explicitly recognise the needs of children and young people in both plan making and decision taking.

Proposed amendment:

Part 2, Chapter 1, after Clause 46 insert the following new clause

"The purpose of planning

(1) The purpose of the planning system is to positively promote the spatial organisation of land and resources to achieve the long-term sustainable development of the nation and the health and wellbeing of individuals.

(2) Under the planning acts sustainable development means managing the use, development and protection of land and natural resources in a way which enables people and communities to provide for their legitimate social, economic and cultural wellbeing while ensuring the well-being of future generations.

(3) In achieving sustainable development through the discharge of any function under the planning acts the decision maker must apply the following principles:

- (i) living within environmental limits;*
- (ii) ensuring a strong, healthy and just society;*
- (iii) achieving a sustainable economy;*
- (iv) promoting good governance; and*
- (v) using sound science responsibly."*

² 'Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs': Our Common Future: Report of the World Commission on Environment and Development

4.2 Climate change mitigation and adaptation

There is currently a lack of clarity and priority in planning law and national policy in relation to spatial planning and climate change, creating an unpredictable environment for local plan development and planning decisions. This is because in law there is no mechanism which ties together the provisions of the Climate Change Act 2008 with those of the various Planning Acts. The Planning and Infrastructure Bill provides an opportunity to address this issue by explicitly linking planning and climate change legislation.

The suggested amendment below explicitly requires all elements of the planning system to have full regard to the achievement of the commitments under the Climate Change Act 2008. This new Clause places a duty on the Secretary of State and relevant planning authorities respectively to have special regard to the mitigation of, and adaptation to, climate change with respect to national policy, local plan-making and planning decisions.

Proposed amendment:

Part 2, Chapter 1, after Clause 46 insert the following new Clause—

“Duties in relation to mitigation of, and adaptation to, climate change in relation to planning

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

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

(b) a national development management policy pursuant to section 38ZA of the Planning and Compulsory Purchase Act 2004.

(2) When making a planning decision relating to development arising from an application for planning permission, the making of a development order granting planning permission or an approval pursuant to a development order granting planning permission, a relevant planning authority (as defined in section 85 (interpretation of chapter 1)) must have special regard to the mitigation of, and adaptation to, climate change.

(3) For the purposes of interpretation of this section, and clauses 47 and 80 of this Act,—

“the mitigation of climate change” includes the achievement of—

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

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

“adaptation to climate change” includes—

(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.”

4.3 Healthy and affordable homes

It is essential that new homes and neighbourhoods are built to a high quality to support rather than undermine people’s health, wellbeing and life chances³. Fragmented and weak regulations and a weakened planning system are resulting in poor quality and poorly located new homes that harm people’s health and exacerbate health inequalities⁴. The failings of the current system are all too evident in the poor quality housing being produced through permitted development⁵, as well as car-dependent, substandard new homes being produced around the country. **The Bill should be amended to positively promote healthy homes and neighbourhoods.**

The Bill should also be strengthened to address the urgent need for good quality affordable homes. Access to genuinely affordable and secure homes is the cornerstone for addressing health inequalities and promoting good health⁶. Over 1.3 million people are on council housing waiting lists, and a quarter of a million people live in squalid insecure temporary accommodation, where tragically eighty children and babies died in England in 2024⁷. And increasingly unaffordable rental and housing costs are placing ever more pressures on people, especially those in more deprived areas⁸. Currently, there is no requirement for local planning authorities to plan to meet housing needs and affordability is defined by price not household income which makes many ‘affordable’ homes beyond the reach of those on average and below-average incomes. The proposed amendment would create a duty to meet housing need and have special regard to those on average and below average incomes⁹.

Proposed amendments:

Amendment 1: Part 2, Chapter 1, after Clause 46 insert the following new Clause –

“Duty to promote healthy homes and neighbourhoods.

The Secretary of State must ensure that national planning policy and guidance are designed to secure positive improvements in the physical, mental and social health and well-being of the people of England.”

Amendment 2: Part 2, Chapter 1, after Clause 46 insert the following new Clause –

“Duty on local planning authorities to reduce health inequalities and improve well-being

Local planning authorities must ensure that local planning policy and guidance are designed to secure positive improvements in the physical, mental and social health and well-being of the population”

³ Spatial planning for health: evidence review - GOV.UK

⁴ See, for example, [Understanding how to create healthier places: A qualitative study exploring the complex system of urban development decision-making](#) - ScienceDirect – Le Gouais et al, 2023;

⁵ Permitted development rights, health and housing – parliamentary briefing - Town and Country Planning Association

⁶ ‘and The role of the property sector in improving health. Safe as Houses. Shelter report. Marmot, M., Allen, J., et al (2025) p53-58

⁷ [Child Mortality in Temporary Accommodation 2025](#) - Shared Health Foundation

⁸ [Evidence Review: Housing and Health Inequalities in London](#) - IHE

⁹ [Housing Purchase Affordability, UK](#) - Office for National Statistics; and [Private rental affordability, England and Wales](#) - Office for National Statistics

Amendment 3: Part 2, Chapter 1, after Clause 46 insert the following new Clause –

“Duty on local planning authorities to plan for affordable housing needs”

In section 19 of the Planning and Compulsory Purchase Act 2004 (preparation of local development documents) after subsection (1E) insert— 20

“(1F) Development plan documents must (taken as a whole) include policies designed to meet the housing needs of the local planning authority’s area. In meeting such needs planning authorities must have particular regard to ensuring that housing is affordable to those on average and below-average household incomes.”

4.4 Public trust

There is an urgent need to rebuild public trust in planning. The Bill risks doing the opposite by further eroding the role of people in the planning process. For example, the proposed national scheme of delegation [clause 46] creates extensive powers for the government to determine which kinds of application are determined by local planning committees. This could be used to severely restrict the role of elected members on planning committees and remove democratic accountability at the point consents are granted. This would also remove the right of communities to be heard in committee when decisions are made¹⁰.

If the planning system is to be democratic **it is essential that the public has a voice during the examination of plans. This includes for the new, and powerful, spatial development strategies (SDSs)**. Rather than this being seen as a potential source of delay for plan-making, it should be seen as an important opportunity to galvanise support for development, such as affordable homes, which are vital to our collective future. Government should also address the unfairness in our planning system where only applicants have a right appeal planning decisions. Our suggestion for a strictly limited third right of appeal where decisions are approved contrary to local plan policy. This reflects the minimal opportunities currently available for the public in development management decisions and the frustration caused when decision are made which go against local and neighbourhood plans which have been agreed by communities. To help begin to rebuild public trust we are suggesting three amendments.

Proposed amendments:

Amendment 1: Delegation of planning decisions in England

Page 60, line 12, leave out Clause 46.

Amendment 2: Right to be heard in the examination of Spatial Development Strategies

In clause 47 (12I) subsection (5), the words “No person is to have a right to be heard at an examination in public” shall be omitted and there shall be inserted the words, “Any person who makes representations seeking to change the SDS document must (if they so request) be given the opportunity to appear before and be heard by the person carrying out the examination”

Amendment 3: Community Right of Appeal

¹⁰ The UK ratified the Aarhus Convention in 2005 which requires provisions for the public to access environmental information, to participate in environmental decision-making and to access justice when challenging environmental decisions.

In Part 2, Chapter 1, after Clause 46 insert the following new clause-

“(1) In the Town and Country Planning Act 1990 after section 78 (right to appeal) subsection (2), there is inserted –

2(a) Where a local planning authority approve an application for planning permission where-

- (i) the planning application does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated;
- (ii) the planning application falls within the definition of ‘major applications’, as defined by a person appointed by the Secretary of State for that purpose, certain persons as specified in subsection (2b) below may by notice appeal to the Secretary of State.

2(b) Persons who may by notice appeal to the Secretary of State against the approval of planning permission in the circumstances specified in subsection (2a) above are –

- (i) any persons who have lodged a formal objection to the planning application in writing to the planning authority for the area in which the land to which the application relates is situated;
- (ii) other persons at the discretion of a person appointed by the Secretary of State for that purpose.

(2) Determination of appeals

- 1) Section 79 of the Town and Country Planning Act (determination of appeals) is amended as follows.
- 2) After subsection (7), there is inserted –
 - (8) The Secretary of State shall have a discretion to dismiss an appeal or referral where, having considered the grounds of appeal or referral, the Secretary of State is of the opinion that the appeal or referral –
 - i. is vexatious, frivolous or without substance or foundation, or
 - ii. is made with the sole intention of delaying the development or the intention of securing the payment of money, gifts, consideration or other inducement by any person.”

5 Conclusion

New homes, local democracy and enhancing nature are not incompatible objectives. A democratic planning system with the power to drive delivery can achieve all these goals as part of a vision for sustainable development. In the context of a housing, health, nature and climate emergency communities must be part of delivering solutions that can provide healthy and resilient homes. None of this can be achieved by marginalising the voice of communities over decisions which have a profound impact on their lives.

6 Contact details

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