

Meeting:	JOINT COMMITTEE ON STRATEGIC PLANNING AND TRANSPORT
Date:	10 June 2022
From:	Joint Officer Steering Group

LEVELLING UP AND REGENERATION BILL

1.0 SUMMARY

- 1.1 The Government published the Levelling Up and Regeneration Bill on 11th May 2022. The Bill follows the Levelling Up White Paper (2021) and the Planning White Paper (2020) and includes a number of changes to the planning system. Whilst the Bill covers a range of topics, this report will focus on summarising the changes which relate to strategic planning. It should be noted that, for a number of items, further detail is still to be produced and will be subject to secondary legislation. The contents of the Bill may also change as it proceeds through the legislative process.
- 1.2 The changes are expected to begin to take place from 2024, once the Bill has royal assent and associated regulations and changes to national policy are in place.
- 1.3 This report provides the Committee with a brief summary of the key implications of the Bill for Strategic Planning.

2.0 Levelling Up and Regeneration Bill and Strategic Planning

Local Plans

- 2.1 Local plans will be given more weight when making decisions on applications through imposing a new duty on decision makers to make planning decisions in accordance with the development plan and national development management policies unless material considerations strongly indicate otherwise.
- 2.2 The ‘duty to cooperate’ contained in existing legislation will be repealed and replaced with a more flexible ‘alignment test’ set out in national policy. It is unclear at this stage what this test may involve.
- 2.3 To incentivise plan production and ensure that newly produced plans are not undermined, the requirement for authorities to maintain a rolling five-year supply of deliverable land for housing will be removed, where a plan is up to date (adopted within the past five years).

- 2.4 Regulations will be updated to set clear timetables for plan production with the expectation that they are produced within 30 months and updated at least every five years. During this period, there will be a requirement for two rounds of community engagement before plans are submitted for independent examination. There will also be new guidance on community engagement in planning, which will describe the different ways in which communities can get involved. Any new digital engagement tools will sit alongside existing methods of engagement, such as site notices and neighbour letters.
- 2.5 There will be a series of 'Gateway' checks during production to help to spot and correct any problems at an early stage. New Local Plan Commissioners may be deployed to support or takeover plan-making if local planning authorities fail to meet their statutory duties.
- 2.6 Policies on issues that apply in most areas (such as general heritage protection) will be contained in a suite of National Development Management Policies, which will have the same weight as plans so that they are taken fully into account in decisions. Further consultation will be undertaken regarding what these policies will cover. This will also include revising the National Planning Policy Framework so it is more streamlined and focuses on setting out the principles to be taken into account in plan-making.
- 2.7 Local planning authorities will have a new power to prepare 'supplementary plans', where policies for specific sites or groups of sites need to be prepared quickly or to set out design standards. These plans will replace supplementary planning documents.
- 2.8 Digital powers in the Bill will require more standardised and reusable data to inform plan-making and there will be a new duty for infrastructure providers to engage in the process where needed.
- 2.9 There is to be a set of national development management policies which will help local plans focus on making specific proposals. These will be given the same status as the development plan in any decision, which is a major shift in planning practice.

Spatial development strategies

- 2.10 The Bill creates a new power for at least two local planning authorities to produce a Spatial Development Strategy (SDS). These will be known as participating authorities. The power is available to all local planning authorities that aren't Combined Authorities, Mayoral Combined Authorities, or part of Greater London. The power is optional and can be used in a similar way to mayoral powers. Members of the Committee will be aware that Derby City Council, Derbyshire County Council, Nottingham City Council and Nottinghamshire County Council have submitted initial proposals to negotiate a combined devolution deal including proposals for an East Midlands Mayoral Combined Authority.

Design Codes

- 2.11 The Bill will require every local planning authority to produce a design code for its area. These codes will have full weight in making decisions on development, either through forming part of local plans or being prepared as a supplementary plan.

Developer Contributions

- 2.12 The Bill will replace the current system of developer contributions with a locally determined Infrastructure Levy. Levy rates and minimum thresholds will be set and collected locally, and local authorities will be able to set different rates within their area. The Government states it is committed to the Levy securing at least as much affordable housing as developer contributions do now.
- 2.13 The Bill will require local authorities to prepare infrastructure delivery strategies. These will set out a strategy for delivering local infrastructure and spending Levy proceeds. The Bill will also enable local authorities to require the assistance of infrastructure providers and other bodies in devising these strategies, and their development plans.
- 2.14 It is understood that the Government will adopt a “test and learn” approach to implementation - rolling it out steadily and piloting it in certain local authorities first. The Levy has the danger of funding infrastructure retrospectively as it is based on the eventual sales value of the development so will only be payable when the development is completed. Developers will still be able to use S106 to deliver “in kind” contributions through delivery of on site infrastructure which will be deductible from the Levy.

Environmental Assessments

- 2.15 Strategic Environmental Assessment (including Sustainability Appraisals) and Environmental Impact Assessment will be replaced by ‘Environmental Outcome Reports’. Local Plans will be tested against a set of environmental outcomes which have yet to be determined. To create more certainly, make worthwhile and measurable process.

Other Matters

- 2.16 Neighbourhood plans will have greater weight in planning decisions. The Bill also allows parish councils and neighbourhood forums to produce a simpler ‘neighbourhood priorities statement’ which the local authority will be obliged to take into account when preparing its local plan.
- 2.17 The Bill also includes new ‘street vote’ powers, allowing residents on a street to bring forward proposals to extend or redevelop their properties in line with their design preferences. Where prescribed development rules and other statutory requirements are met, the proposals would then be put to a referendum of residents on the street, to determine if they should be given planning permission.

- 2.18 The Bill enables the creation of Locally Led Urban Development Corporations which will have the potential to be designated as the Local Planning Authority for both plan-making and planning decisions.
- 2.19 The Bill will give heritage elements with uncertain status in planning more statutory significance – world heritage sites, battlefields and historic gardens.
- 2.20 The Bill also seeks improvements to planning enforcement measures to tighten up time limits from 4 to 10 years to achieve a successful enforcement resolution with the prospect of unlimited fines for those who do not comply.
- 2.21 The Bill will enable and foster the greater digitisation of the planning service to improve accessibility and involvement in the planning process.

Timescales

- 2.22 The Government will put in place a transition plan for Local Planning Authorities based on the expectation that the changes set out in the Bill, once enacted will begin to have effect from 2024. It is understood that the Bill will go into Committee stage before the summer recess and DLUHC are hoping that the Act will receive Royal Assent in 2023.

3 RECOMMENDATION(S)

3.1 That the Joint Committee note this report.

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