

Report To:	LOCAL PLAN DEVELOPMENT PANEL
Date:	5TH JULY 2022
Heading:	LEVELLING UP AND REGENERATION BILL
Executive Lead Member:	NOT APPLICABLE
Ward/s:	ALL WARDS
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

To summarise the Levelling Up and Regeneration Bill and the supporting policy documentations. Whilst the Bill covers a range of topics, this report focuses on the changes which relate to strategic planning.

Recommendation(s)

It is recommended that the Local Plan Development Panel note the publication of the Levelling Up and Regeneration Bill and the supporting information in relation to the implications for the strategic planning system.

Reasons for Recommendation(s)

For information in relation to potential changes to the strategic planning system.

Alternative Options Considered

None

Detailed Information

The Levelling Up and Regeneration Bill was published in the House of Commons for its first reading on 11th May 2022. The Bill follows the Levelling Up White Paper (2021) and the Planning White Paper (2020) and includes a number of proposed changes to the planning system. The

Government has set out further information in a Policy Paper Levelling Up and Regeneration: further information and the Government's response to the Levelling Up, Housing and Communities Select Committee report on The Future of the Planning System in England.

The Government states that the Bill is intended to improve the planning process through reforms to enhance the plan-led system; deliver high quality design and protect heritage; enable infrastructure; enhance local democracy; provide better environmental outcomes and enable neighbourhoods to shape their surroundings. The Bill is essentially enabling legislation which provides the primary legislative framework for more detailed regulation through secondary legislation and national planning guidance.

The main aspects of the Bill in relation to strategic planning are set out in the presentation to the Local Plan Development Panel and Appendix 1 provides additional information on the strategic planning proposals.

It is understood from the Secretary of State from the second reading of the Bill in Parliament, that a National Planning Policy Framework prospectus will be published, anticipated to come forward in July 2022.

Implications

Corporate Plan:

The Bill is at an early stage in Parliament, therefore, there are no implications for the Corporate Plan at this time.

Legal:

The are no direct Legal implication from the Bill at this time.[RLD 23/06/2022]

Finance: The are no direct financial resource implications from the Bill at this time. [PH 27/06/2022].

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
No risk arises from the report.	

Human Resources: There are no direct Human Resource implications from the Bill at this time.

Environmental/Sustainability: There are no environmental/sustainability implications from the report.

Equalities: There are no diversity or equality implications from the report.

Other Implications: None.

Reason(s) for Urgency: Not applicable.

Reason(s) for Exemption: Not applicable.

Background Papers

- Levelling Up & Regeneration Bill, available on Parliament's website.
- Policy Paper Levelling Up and Regeneration: Further information, available on the Government's website.
- Government response to the Levelling Up, Housing and Communities Select Committee report on The Future of the Planning System in England, available on the Government's website.

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Appendix 1: Greater Nottingham Joint Planning Advisory Board – Executive Steering Group Report - Item 5 Levelling Up and Regeneration Bill

Joint Planning Advisory Board – Executive Steering Group

Thursday 19th May 2022 at 2:00pm

ITEM 5 **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.

Recommendations

It is recommended that Joint Planning Advisory Board **NOTE** the publication of the Levelling Up and Regeneration Bill and **CONSIDER** the implications 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.

Design Codes

- 2.9 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

- 2.10 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.
- 2.11 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.

Environmental Assessments

- 2.12 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.

Other Matters

- 2.13 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.

- 2.14 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.
- 2.15 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.

Timescales

- 2.16 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 will begin to have effect from 2024.