

## Levelling Up – Soon to be an Act

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*The Government's Levelling Up and Regeneration Bill is finally getting close to being made law. It has passed through the Commons and will soon complete its consideration by the House of Lords. The Bill covers a wide variety of issues and it will include many changes to the planning system, including the following:*

- **Housing land supply** - the Bill amends the National Planning Policy Framework to remove the current requirement for a rolling five-year supply of housing land, where the local plan is up to date (i.e. for the first five years of the plan).
- **Development Management (DM)** - The Bill proposes a number of changes to the DM processes including to increase planning fees for major and minor applications by 35% and 25% respectively, subject to consultation. This is intended to assist in improving capacity within planning departments. Pre-application engagement with communities will be required before a planning application is submitted for specified forms of development.
- **Infrastructure funding** - The Bill introduces a new mandatory infrastructure levy to replace CIL and monetary section 106 contributions in Areas apart from Greater London and Wales. The Levy will be charged on the value of the property at completion per square metre and applied above a minimum threshold. Levy rates and minimum thresholds will be set and collected locally, and local authorities will be able to set different rates within their area.
- **Environmental regulations** - The new legislation will change the process used to assess the potential environmental effects of plans and major projects, through a requirement to prepare 'environmental outcomes reports'. These are intended to replace the existing EU introduced 'strategic environmental assessments' and 'environmental impact assessments'.
- **Local and Supplementary Plans** - Under the proposed legislation, each Local Planning Authority would be required to prepare one local plan, with the content limited to locally specific matters such as allocating land for development, detailing required infrastructure and setting out principles of good design. More weight is to be given to Local Plans and there must be strong reasons to override a local plan policy. The Bill also proposes that Supplementary Plans would replace supplementary planning documents (SPD) that councils produce currently, with the new version afforded more weight than its predecessor.

- **Assistance from public bodies/Infrastructure providers** - there will be a duty on public bodies, such as National Highways and other infrastructure bodies, to assist planning authorities in their plan-making. The public body must do everything it can to help support plan-making so that documents are not held up due to the lack of, or limited involvement of those bodies, which is often so essential. The government believes that the Bill will speed up the plan-making process and it expects plans to be prepared and adopted within 30 months of commencement or implementation of the Bill where no up to date plan is in place.
- **Design Codes** - locally informed and clear design standards will be required in all parts of the country.
- **Street Votes** - the Bill introduces new 'street vote' powers, which would allow residents on a street to bring forward proposals to extend or redevelop their properties in line with their design preferences.
- **Enforcement.** There are a number of changes - the Bill strengthens the powers of planning authorities when dealing with those do not abide by planning rules and processes. One change this is to extend the period within which enforcement action can take place. Currently the period for taking enforcement action against operational development is four years, this would increase to ten years in all cases. The Bill isn't clear what happens to development that is currently lawful, but is less than 10 years old. In addition, there will be the introduction of enforcement warning notices. These could be issued where it appears to the LPA that there has been a breach of planning control, and there is a reasonable prospect that an application for planning permission would be successful. It is also proposed that the duration of temporary stop notices will be extended from 28 to 56 days. Also, the scope for appeals against enforcement notices will be tightened so that there is only one opportunity to obtain planning permission retrospectively.