

Levelling Up and Regeneration Bill (LURB)

Planning Policy Committee Thursday, 23 June 2022

Report of: Interim Chief Planning Officer

Purpose: For information

Publication status: Unrestricted

Wards affected: All

Executive summary:

That the Committee note this update on Planning Reforms as set out in the Levelling Up and Regeneration Bill.

This report supports the Council's priority of:

- Creating the homes, infrastructure and environment we need
- Supporting economic recovery in Tandridge
- Becoming a greener, more sustainable District

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Recommendation to Committee:

That the report be noted.

Reason for recommendation:

Many planning matters fall to the remit of the Planning Policy Committee and the forthcoming Planning Reforms are of great relevance to how the Council's planning function may be affected. As such, information on the draft reforms, set out in the Levelling Up and Regeneration Bill, published on 11 May 2022 are set out at Section 2 of the report and further detailed in Appendix A to note..

1.0 Introduction and background

- 1.1 The [Levelling Up and Regeneration Bill](#) ('the Bill'), published after the Queen's Speech at the state opening of parliament (Wednesday 11 May 2022), includes a raft of reforms to planning and infrastructure regulations. It is through this Bill and future iterations that the government will seek to implement the long promised planning reforms, some of which were originally mooted by the government White Paper "[Planning for the Future](#)", in 2020.

2.0 The Levelling up and Regeneration Bill: Planning Reforms

- 2.1 In the context of this committee item, there is no immediate impact for the Council, or its draft Local Plan, but there are some aspects which if included in the final Act, will be relevant to the Council's future plan-making, development management and enforcement processes.
- 2.2 The lengthy Bill is not always explicit in its intentions and the information contained under this item, has been gathered from [the Bill](#) and accompanying [explanatory notes](#), the [government's policy paper and further information](#) and their response to [the Levelling Up housing and communities select committee](#).
- 2.3 The following highlights the areas of the Bill which, while not exhaustive are of relevance to this Committee and the Council's planning function. Further detail is attached in Appendix A.

General Planning

- *Digital transformation of planning services* - The Bill sets out measures to increase the use of high-quality data and digital services in the planning process - including powers a new power to require that electronic planning applications comply with particular technical standards or specifications.
- *Environmental regulations* – There will be a requirement to prepare 'environmental outcomes reports', intended to replace the existing EU 'strategic environmental assessments' and 'environmental impact assessments'.
- *Infrastructure funding* - A new national infrastructure levy would be introduced where locally produced 'infrastructure delivery strategies' will determine where and how infrastructure spending is allocated. This new approach will remove the CIL process, outside of London and Wales and the levy will replace much of the section 106 (s106) payments system.

Planning Policy

- *Local Plans* - Local Plans will be given more weight although in the event of conflict between the development plan and a suite of new national development management policies, the latter will have primacy.

- *Supplementary Plans* - Supplementary Plans would replace supplementary planning documents, with the new version afforded more weight.
- *Duty to Cooperate* - The Duty to Cooperate would be repealed.
- *Assistance from public bodies/Infrastructure providers* - a duty would be placed on public bodies, such as National Highways and other infrastructure bodies, to assist planning authorities in their plan-making.
- *Intervention and Local Plan commissioners* - The government will expect plans to be prepared and adopted within 30 months and once submitted for examination will only be able to be withdrawn by the Secretary of State, or Planning Inspector. Local Plan commissioners would be created to intervene with authorities who are not making expected progress etc.
- *Green Belt* - Policies on issues such as green belt and general heritage protection, will be set out nationally to assist the speed of plan-making through the national development management policies.
- *Design Codes* - Locally informed and clear design standards through locally prepared design codes will be required to be in place in all parts of the country.
- *Neighbourhood priorities statements* – It is proposed that an alternative to neighbourhood plans would be introduced, known as a 'neighbourhood priorities statement'. The government claim this is a simpler and more accessible way to set out their key priorities and preferences for local areas and which would need to be taken into account in plan-making. These statements will not replace neighbourhood plans.
- *Housing land supply* – In an effort to speed up plan-making, encourage local plans and to help stem speculative development the current requirement for a five-year housing where the local plan is up to date, would be removed.

Development Management

- *Fees and capacity*– It is proposed that, subject to consultation planning fees for major and minor applications would be increased by 35% and 25% respectively to assist planning authorities with capacity issues.
- *Commencement notices* – In an attempt to influence market reform, commencement notices will be required when a scheme with planning permission starts on site, addressing perceptions of 'land banking' and slow build out by larger developers.
- *Pre-Application engagement* - Pre-application engagement with communities would be required before a planning application is submitted for specified forms of development, attempting to mitigate against issues that can cause lengthy applications.
- *Street Votes* - The Bill includes new 'street vote' powers, which would allow residents on a street to bring forward proposals to extend or redevelop their properties. If acceptable in planning terms proposals would then be put to a referendum of residents on the street, to determine if they should be given planning permission.

Enforcement

- *Period for action* - The period for taking enforcement action would be increased from 4 years to 10 years in all cases.
- *Warning and stop notices* - There would also be an introduction of enforcement warning notices and the period for temporary stop notices from 28 to 56 days.
- *Financial penalties* – The Bill would increase fines associated with certain planning breaches and double fees for retrospective applications.
- *Appeals against notices* - The scope for appeals against enforcement notices will be tightened so that there is only one opportunity to obtain planning permission retrospectively.

Next steps for the Bill

- 2.4 As it is still early in the Bill process, it is unclear the extent to which the Council would be benefitted by the proposals or whether the resource and capacity impacts of these changes could be managed.
- 2.5 In general the wider planning community and bodies agree that there are a lot of stark and in some cases, radical suggestions made through the Bill with many areas needing greater detail before more thought-out views can be made. Much reference is made to the role of future government consultations and resulting regulations, the Council will need to consider these carefully as they happen. It should be expected, however, that some of the provisions set out in the Bill will be amended, further detailed or removed as is common-place in reform processes.
- 2.6 It is also understood that this will not be a quick process however, and early indications suggest that the Bill will not seek any form endorsement or Royal assent until after the next general election in 2024.
- 2.7 Officers will continue to keep the committee updated on any progress made around the Bill and its reforms.

Key implications

Comments of the Chief Finance Officer

There are no direct finance implications arising from this report. The Bill is not anticipated to be completed and given Royal assent until 2024. This will allow officers to consider what the implications of the new legislation may mean for the Council and if any additional resources and cost implications may well be required.

Comments of the Head of Legal Services

There are no legal implications arising from this report. However, the proposed changes to the UK planning and regeneration system will not be achieved under the Bill alone and changes to other regulations, national policy and guidance will need to support the Bill. Time will tell as to how much will end up in the final Act as it progresses through parliament. It is anticipated that if the Bill, is successful, it will come into force during 2024 to allow time for secondary legislation to be enacted.

Equality

There are no direct equality implications associated with this report.

Climate change

There are no significant direct environmental / sustainability implications associated with this report.

Appendices

Appendix 'A' –Summary of key planning points arising from the Levelling Up and Regeneration Bill

Background papers

None

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