

# Levelling Up and Regeneration Bill: Implications for Planning and Parish Councils

## Introduction

The Levelling Up and Regeneration Bill was introduced into Parliament on Wednesday 11th May and will now progress through the different stages in both Houses and through Committees, a process expected to last at least until the end of 2022.

The Bill incorporates a wide variety of measures including proposed legislative changes to the planning system, picking up some of the ideas in the previous Planning White Paper. However, many of the more contentious elements have been omitted, such as zoning and granting automatic planning permission to allocated sites. No mention is made in the Bill of the 'standard method' for establishing housing numbers but one of the papers accompanying the Bill<sup>1</sup> states:

*"The Government welcomes the Committee's support for the principle of using a standard method (established in planning policy and guidance) that applies across England. The changes in the Levelling Up and Regeneration Bill will require a new National Planning Policy Framework for England. The Government continues to listen to the representations of MPs, councillors and others on the effectiveness not only of the formula but the surrounding policies. Alongside Committee stage of the Bill, it intends to publish an NPPF prospectus setting out further thinking on the direction of such policies".*

## Briefing

The following briefing note does not attempt to cover every measure in the Bill (which is over 300 pages long) but only those most relevant to Planning and Parish Councils under the following headings:

- National Planning Policy Framework
- Strategic Planning
- Local Plans
- Neighbourhood Plans
- Neighbourhood Priorities Statements
- Infrastructure Levey

## National Planning Policy Framework

- The NPPF will be revised so that it only covers plan-making and a new document produced to cover development management policies. The latter will be part of the statutory development plan for an area.

## Strategic Planning

- There will be a new type of plan called a 'spatial development strategy'. These can be prepared by at least two local planning authorities working together to cover cross boundary issues (which could include the amount and distribution of housing). Importantly they will be independently examined and made part of the statutory development plan, and local

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<sup>1</sup> Government response to the Levelling Up, Housing and Communities Select Committee report on The Future of the Planning System in England.

plans will have to be in general conformity with them. However, they are still discretionary, so local authorities don't have to prepare them.

- The 'duty to cooperate' is to be repealed and replaced by a policy test of 'alignment' between local plans in the NPPF, to be tested through the examination of local plans.

## Local Plans

- Local plans will cover strategic matters for their area, including the amount, type and location of development.
- 'Supplementary plans' will cover more detailed matters including design codes, but will be examined (normally by written representations) and adopted as part of the statutory development plan so will be stronger than current SPDs.
- Local plan policies will not be allowed to conflict with or duplicate the new national development management policies, which will always take precedence if there is any conflict with existing local plan policies.
- Local plans are expected to be prepared and adopted within 30 months (2.5 years) and reviewed every 5 years. Provided the local plan is less than 5 years old there will be no requirement to maintain a rolling 5 year housing land supply (meaning that developers will no longer be able to argue this at every appeal).
- The legal basis for determining planning applications will emphasise the primacy of the development plan by the addition of the word 'strongly' as follows: "the determination must be made in accordance with the development plan and any national development management policies, unless material considerations strongly indicate otherwise".

## Neighbourhood Plans

- Neighbourhood plans will still be able to allocate land and have criteria-based policies, but these policies must not duplicate or conflict with the national development management policies.
- There is a new requirement that neighbourhood plans must ensure that the development and use of land in the neighbourhood area contributes to the mitigation of, and adaption to, climate change.
- Basic condition e (general conformity with the strategic policies contained in the development plan) is to be deleted and replaced by a requirement that a neighbourhood plan does not prevent development from taking place which is proposed in the development plan if it would provide housing. This would address the current problem with basic condition e which some Examiners are interpreting as meaning that neighbourhood plans cannot allocate housing in excess of the adopted local plan (recently Southbourne and Hunston NDPs in Chichester District failed examination on this basis).
- An amendment to Basic condition f (compliance with EU regs) is proposed to include compliance with the new 'Environmental Outcomes Reports' which will replace SA, SEA, HRA and EIA.

## Neighbourhood Priorities Statements

- Introduction of 'Neighbourhood priorities statements' which qualified bodies (including Parish Councils) can produce (with consultation) and LPAs must publish and 'have regard to' in preparing local plans. No examination or referendum required.

## Infrastructure Levy

- Introduction of a new Infrastructure Levy which would replace Community Infrastructure Levy (CIL) and be applied across every local authority area. This would operate in a similar way to CIL in that each local authority would have to adopt a Charging Schedule to set the local rates and collect the money from developers to spend on infrastructure. However, there are important differences including:
  - The levy is compulsory – i.e. local authorities cannot choose to opt out as with CIL;
  - The levy rate would be a percentage of the value of development at the point of disposal rather than per square metre;
  - The levy would include contributions to affordable housing, although these could be provided ‘in kind’ by building them on the development site;
  - Section 106 agreements would be significantly scaled back so they only include matters not covered by the levy.
- The ‘neighbourhood proportion’ will remain – i.e. a percentage of the levy will be passed to Parish Councils with made neighbourhood plans.
- Consultation on Regulations will follow as much of the detail has yet to be worked out. There will also be a staggered implementation to test it out in a few places before rolling it out nationally.

## Next Steps

1. There will be a number of public consultations following on from the Bill which will include:
  - A revised NPPF focussed on plan making and including any revisions to the ‘standard method’ for establishing housing numbers
  - A new ‘national development management policies’ document
  - Draft Regulations to cover detailed matters including for the Infrastructure Levy.This briefing note provides the background for these future consultations and allows the Committee to start thinking through its responses.
2. The proposal for ‘Neighbourhood Priorities Statements’ aligns very closely with the Parish Council’s resolution to prepare a Community-led Plan – intended to refresh the vision, objectives and priorities for the parish to inform the Parish Council’s consultation responses and influence the emerging reviews of the Mid Sussex District Plan and the South Downs Local Plan. There would be advantages (and very little risk) to re-branding this Plan as the **‘Hassocks Neighbourhood Priorities Statement’** as it could potentially attract Government funding as a pilot project and carry more weight in influencing the Local Plan reviews. The Committee’s views are sought.

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