

SUMMARY OF KEY POINTS FROM THE LEVELLING-UP AND REGENERATION BILL (LURB)

Background

The Levelling-up and Regeneration Bill was published on 11 May 2022. The Bill follows on from the 'Levelling Up in the United Kingdom White Paper' published in February 2022 and the Planning for the Future White Paper' from August 2020. It covers a raft of potential changes to law, across a wide range of local government activities. This appendix concentrates on the proposals that will affect planning and plan making.

It should be noted that much of the Bill is 'enabling' legislation, allowing secondary legislation that will set out the detail of how the aims of the Bill will be delivered. Elements of the Bill will also evolve as it moves through the parliamentary process. For these reasons, the precise details of how the measures will affect planning are still to emerge.

The Bill makes several changes to that will affect the preparation and scope of local plans:

- **Plan making** – the Bill requires a single Local Plan to be produced for each local authority, to be prepared within 30 months. The five year review requirement will remain in place.
- **Plan weight** - development plans (local plans, minerals and waste plans, neighbourhood plans) will be given more weight when making decisions on applications, so that there must be strong reasons to override the plan
- **National Development Management Policies** - policies on issues that apply in most areas (such as general heritage protection) will be set out nationally. These will be contained in a suite of National Development Management Policies, which will have the same weight as plans in the decision-making process.
- **Supplementary plans** - A new type of development plan, replacing Supplementary Planning Documents which would be subject to independent public examination, and which could set out policy for individual sites, infrastructure requirements or specific design policies.
- **Design code** - A requirement for local planning authorities to produce a design code for their whole area.
- **Digitisation** - powers in the Bill will allow more standardised and reusable data to inform plan-making, including potential for data compliance for submissions. This should allow both plans and underpinning data to be accessed and understood more easily.
- **Gateway checks** - checks during production will help to identify and address any problems at an early stage.
- **Duty to assist** - there will be a new duty for public bodies such as infrastructure providers to engage in plan making where needed. The current 'duty to cooperate' will be replaced with a more flexible alignment test.
- **Five year housing land supply** - the requirement for authorities to maintain a rolling five-year supply of deliverable land for housing, will be removed where their plan is up to date (adopted within the past five years).
- **Infrastructure Levy** - A new statutory levy (IL), to replace Community Infrastructure Levy (CIL) and to some extent Section 106 agreements (retained to support delivery of large sites). This would see infrastructure and affordable housing provided in new developments, to be deducted from the levy, to be paid on the final value of the development.
- **Infrastructure Delivery Strategy** – This will detail how levy monies will be spent and infrastructure delivered.
- The Bill proposes replacing Strategic Environmental Assessments (SEA, often combined with Sustainability Appraisals) and Environmental Impact Assessments with simpler '**Environmental Outcome Reports**' focused on impacts on the environment.

No timetable for enactment or implementation is available currently, and there are no details about whether there would be transition arrangements for any of the measures. However, there are commitments to consult on various aspects of the measures proposed so full implementation will take some time.