



Changes to the UK Planning System, Levelling Up & Regeneration Bill

The Government has this week announced a number of proposed changes to the planning system which have attracted headlines across local and national press. The apparent watering down of housing requirements has raised significant concern in the industry however it is important to stress that no changes have yet been made to the planning system and these proposed amendments are all subject to consultation and/ or parliamentary review

Michael Gove MP, the Secretary of State for Levelling Up, Housing and Communities, circulated a letter to all MPs on 5th December setting out some of the proposed changes, and this was followed by the publication of an amendments paper to the Levelling Up and Regeneration Bill (LURB), and a Written Ministerial Statement on the 6th December. This all follows a decision to delay the progress of the LURB last month due to a rebellion from a number of Conservative MPs.

The letter to MPs sets out a number of proposed changes, which include changes to the calculation of housing requirements and how these should be applied by Local Plan Inspectors. Whilst the local housing need figures derived from the standard methodology have always been the starting point and never been mandatory, Gove has stressed that these numbers are advisory and the bar for departing for them may seemingly be lowered, with authorities perhaps no longer having to set out exceptional circumstances. Instead, Gove suggests that Local Authorities will be able to self-determine what they consider as realistic for their own area, taking into account Green Belt, heritage assets and other constraints. The letter states that it will be made 'clear' what the circumstances will be for a Council to use their own method for assessing housing needs. Alongside this, the written ministerial statement states that Local Plans will no longer need to be "justified" in terms of how an Inspector assesses the 'soundness' of the Local Plan.

The written ministerial statement sets out the changes that the Government propose to make to the planning system, with the intention of "placing local communities at the heart of the planning system". It also states that "These reforms will help to deliver enough of the right homes in the right places" however there is significant concern in the industry that these changes will do the exact reverse, essentially making it much easier for those who oppose the principle of new housing to prevent much needed new homes being delivered.

The obligation to maintain a five-year supply of land for housing is proposed to be dropped where there is an up-to-date plan. In such circumstances, the presumption in favour of sustainable development and the tilted balance would typically not apply with regards to land supply. LPAs at an advanced stage of plan-making are to be given a two-year grace period to update their plans and their land supply requirement during this transitional period would be dropped from five years to four. The Planning Inspectorate (PINS) will be instructed to not override local decision making so long as it is 'sensitive to local constraints'.

With regards to the Green Belt, the letter to MPs states that Local Authorities will not be expected to review the Green Belt to deliver housing through their Local Plans. A proposed



amendment to the LURB would also add that unmet housing need does not constitute very special circumstances.

There is further expansion on the much rumoured 'Character of a developer test'. Subject to consultation, this will include looking at tackling the slow build out of permissions and giving local authorities the power to stop developers getting permissions, due to their on historic performance.

Other topics set out include:

- Office for Place - Further details will soon be announced regarding the 'Office for Place' that is to be established. It is intended to "champion beautiful, popular and enduring design – supporting local authorities and communities in this important work"
- National Planning Fee increases – including doubling fees for retrospective application where breaches of planning have occurred, and a proposed consultation for increases in planning fees
- Brownfield first – Further incentivisation for brownfield development including an allocation of £800m to mayoral and local authorities to build 60,000 new homes.
- Infrastructure Levy – An anticipated change to replace the Community Infrastructure Levy.

Next steps

A new National Planning Policy Framework Prospectus will be published prior to Christmas and will be subject to a period of public consultation. Separately, the LURB still has a long way to go, as it continues to make its way through parliament.

It is important to stress that no changes have yet been made to the planning system and these proposed amendments are all subject to consultation and or parliamentary review. There is still a long way to go before the changes are implemented, and in the immediate short term there will be an opportunity to comment on the NPPF prospectus consultation. DHA will be well placed to assist with any of our clients in making submissions to this consultation.

DHA will continue to monitor and will provide a further summary in due course.