

THE LEVELLING UP BILL. THE CPRE VIEW... so far.

There are one or two things we should give a cautious welcome to in the Bill, in particular putting planning enforcement procedures on a firmer footing and strengthening Compulsory Purchase powers, which may improve the prospects for brownfield sites to be developed. Design codes will become mandatory, and we're already seeing good design gaining traction on decision-making in planning cases, so that seems a step forward. Encouragement for self build.

The really worrying aspect of the Bill is a dramatic power grab by central government through the introduction of national development management policies that will have the power to override local plan and neighbourhood plan policies.

National Development Management Policies.

Section 83 5b and 5c

This is a very major change which would reduce the role of the Local Adopted Plan as it stands at present.

All plans would have to be consistent with the NDMPs; Local Plans, Supplementary Plans, Design Codes, Neighbourhood Plans.

NDMPs would have primacy over Local Plans and Neighbourhood Plans.

It is proposed that the NDMPs would require consultation but not face an Examination and Scrutiny. Local Plans. At present these are mandatory and subject to public examination; could these be reduced to a site allocations plan and drawing up of Design Codes?

Will Neighbourhood Plans have to start again, or what will be their form?

This would mean that the decision maker loses current discretion on how much weight to still give to local plan policies, even if considered out of date. An erosion of local democracy.

Street Votes

Section 96

This seems to encourage local street groups to become both judge and jury which is against the other parts of the planning system and would be in potential conflict with Neighbourhood Plans which currently is the way in which local people can engage in a democratic system based on votes.

Where does this leave Neighbourhood Plans which are the only fully democratic process at present for having local voices expressed through a process which includes individuals expressing their wishes through a voting system.?

Neighbourhood Plans may be undermined by National Development Management Policies

Local democracy and community engagement

Digitisation agenda focuses on data handling/standardisation but not on access and participation. Despite the emerging policy structure having a heavy engagement load, it risks being undercut by primacy of the National Development Management Policies which affect every area of public participation.

Design Codes. Mandatory requirement placed on Local Planning Authority but it only has to concern itself with design issues that make a difference to whether a plan is accepted or not. What are the consultation requirements? Where is the public involvement?

Environmental Outcomes Reporting

Section 120

This could be an improvement to EIAs and SEAs but only if the strategic/landscape-scale policies are “outcomes orientated” rather than merely the stated “intent” of policies. Sustainability appraisals will go and it appears that the NDMP will not be subjected to Environmental Impact Assessments.

There are concerns that local knowledge and views about environmental damage could be sidelined against a facile exercise of considering development against a nationally predetermined set of outcomes, which would be riddled with holes: for example, there’s currently no clear desired government outcome on landscape

All this is key and unclear and the merits cannot be gauged as the regulations have not been written yet.

Beyond that, the Bill is striking for what it doesn’t say. Most ‘levelling up’ initiatives are deferred to a suite of ‘levelling up missions’ which are written and reviewed by central government.

The proposed new Infrastructure Levy may streamline developer contributions and capture more land value for community benefit, but it’s difficult to see how this could raise sufficient funds in lower land value areas where most investment in levelling up is needed.

Section 106 agreements. Affordable housing and social infrastructure. May this be replaced by levy or taxation on developers?

The NPPF.

What will be the status of the NPPF and its implications for National Development Management Policies?

Will it change from being a material consideration to being statutory requirement?

NPPF can be changed quickly with no scrutiny. Combined with the NDMP can erode local democracy.

The review is all important since it will continue to influence everything.

There is no mention of the Annual Housing target and no mention of housing need formulas in the Bill.

Climate is barely mentioned and NDMP could limit innovation.

Key will be the outcome of the publication of the new Census Figures.