

Levelling Up and Regeneration Bill: Architecture of the changes, decision-making, and themes.



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Overall Architecture

- LURB: levelling up framework; devolution; planning changes to plans, decision-making; Infrastructure Levy; EOR; Development Corporations and structures; CPO
- Policy changes to come: (“Further Information” document): devolution; genuinely plan led; place-making; EOR; Digitisation and National Development Management Policies
- Further regulations/directions also required
- Timescale, transition and effects in 2022 and 2023: an iterative process

Planning Decision Making

- Plan-led system amended by clause 83: decisions in accordance with the development plan and any NDMP; unless material considerations “strongly” indicate otherwise
- “Strongly”: judgement required that mc’s do more than edge out non-compliance – familiar type of judgement to the system (eg “clearly outweigh”, “significantly and demonstrably”). Real question is whether this will prevent more up to date factors from leading to consents against out of date plans (ie because the NPPF itself is a material consideration – so has the NPPF and the PFSD been downgraded in the overall structure?)
- Definition of NDMP: not the NPPF; need specific designation by Secretary of State: can be changed (how/consultation/effect of changes)
- NDMP affecting weight of existing plan (if not in compliance – later to be preferred ‘overall?’); what will be left of the NPPF? What will the NPPG do – or might some of that be designated as NDMP?

Planning decision making (2)

- How does the change to s.38(6) affect the position where new forms of governance are concerned – ie LLDCs, for instance?
- What is the ‘balance of power’ between the Local Plan and the NDMPs? Compliance with very general policies potentially outweighing (within the “development plan”) the more locally-specific policies, even if the latter relatively recent?
- If the suite of development plan documents includes – old LP, new NDPS, and a new Supplementary Plan, which takes precedence? Are there likely themes or biases?

Themes

- Local and central democratic control over planning (including London): asymmetric outcomes but no overall direction?
- Levelling up and its relationship to planning – need for a National Plan as well as NPPF and NDMPs?
- Are the LURB and (what we know of) the proposed other measure coherent?
- What will be quick, what will be much slower: “delivery” quicker once it’s in place. But what are the quicker wins?
- Fairness and public good – a very 21st century blend. But will it be coherent or essentially expedient?

Thank you for listening

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