

# RURAL LENS REVIEW

## Levelling-up and Regeneration Bill

### Levelling-up and Regeneration Bill

[AS INTRODUCED]

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# At a glance



## Rural Services Network's thoughts on the **Levelling-up and Regeneration Bill**:

### **Levelling Up**

- The RSN will press for changes to the Metrics as we consider that those in the White Paper collectively fail to consider rural disadvantage.
- If England's rural communities were treated as a distinct region, their need for levelling up would be greater than any other – based on the government's own headline metrics. Focusing on targets at a regional level fails to address the inequalities within regions.
- The RSN and other rural interest groups should strongly press that the Statement and the Annual Report should include information on rural as though it were a Region – progress (or lack of it) on meeting the objectives of the Missions will be lost in regional averages if this is not done. This is a fundamental Rural Proofing point.

### **Local Democracy and Devolution**

- Creating a combined population of at least 500,000 (referred to in the White Paper but not specified in the Bill – it probably will be in regulations) will mean either enormous geographical areas or rural areas being combined with predominantly urban areas. Neither of which make sense for any concept of local. This minimum 500,000 population relates to “any tier of devolution”

- The bigger the geographical area for which a body has responsibilities the greater the number of very different types of communities within them. Combining rural areas with urban areas has, historically, meant rural losing out as it is almost always easier (and less costly) to achieve performance targets in densely populated areas than more sparsely populated rural areas
- It remains vitally important that in rural areas District, County and Unitary authorities receive a fair share of national government funding to support local government services. The determination of that fair share must fully reflect the additional costs of service delivery across rural areas and that is much more than just the costs of travel/travel time.
- Those areas which choose not to go down the CAA route must not be penalized financially through finance distribution formula for that decision

### **Planning and Regeneration**

- The proposals are hugely detailed and technical. The RSN will wish to consult with its Planning Authority Members before commenting in any great detail. This Part 3 of this Rural Lens Review is therefore, at this stage, quite a high- level review of some of the main points as expressed in the FID (with some of the wording from the Bill in some cases) as we see them at this stage.
- We are concerned about the capacity of rural planning authorities to fully use the powers set out (regarding High Streets and Town Centres, for instance).

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## INTRODUCTION

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The [Levelling-up and Regeneration Bill](#) was published and given its first reading on 12 May 2022.

The Bill, “as well as delivering against some of the ambitions set out in the Levelling Up White Paper, it also incorporates some of the proposals for planning reform outlined in the earlier Planning for the Future White Paper (August 2020), where they support our (the Government’s) approach to Levelling Up”. It is stated that “in broad terms changes to planning procedures will begin to take place from 2024, once the Bill has Royal Assent and associated regulations and changes to national policy are in place”.

Alongside the Bill a Further Information Document was also published which is the main document the RSN is commenting on in this Rural Lens Review. The Bill is some 325 pages long – some 240 of those pages deal with “Planning”. Bills are notoriously difficult to review as they are (of necessity) very legalistic documents which in some parts introduces new legislative provision, in some parts remove existing legislative provision and, in some cases, amend existing legislative provision by adding or deleting (or both) word(s) and replacing with others.

Where we considered it necessary, we have reviewed the precise wording of the Bill where the Further Information Document only gives a partial impression. Even with the Bill and Further Information published there remains quite a lot of uncertainty on much of the detail. Many of the provisions of the Bill give powers to the Secretary of State “the Secretary of State may by order ...”

It is clear that much of the detail is yet to be developed – with several references to “will be set out in Regulations following consultation”.

The planning proposals, in particular are hugely detailed and technical. The RSN will wish to consult with its Planning Authority Members before commenting in any great detail. Part 3 of this Rural Lens Review is therefore, at this stage, quite a high- level summary of some of the main points as expressed in the FID (with some of the wording from the Bill in some cases) as we see them at this stage.

In this document we start each section by a summary of the main points made in the Further Information Document (FID) followed, where appropriate, by RSN Comments.

## PART 1 – LEVELLING UP MISSIONS

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### Extract from the Further Information Document

**The Bill provides a legal basis for the setting and reporting against the levelling up missions.** The Bill will create a legal duty for the Government to set and report on a number of missions for levelling up the country. The missions, which were published in the Levelling Up White Paper and which will be set out in a policy paper to be laid before Parliament, will make sure that reducing spatial disparities is at the heart of government decision making. Regular reports to Parliament will be backed by clear metrics to create strong accountability and measure success.

### More Details from the Bill – Main Points

- The Bill goes further than the FID and also details actions regarding the Metrics.
- The Government is required to lay before Parliament a Statement of Levelling-Up Missions which must set out how it proposes to measure progress in delivering the missions (the” ‘mission progress methodology **and metrics**”).
- The mission period of the Statement cannot be shorter than 5 years. The first Statement must come into effect within one month of this part of the Bill coming into force. The mission period in a new Statement must begin not later than immediately after the end of the previous statement at which point the old statement ceases to have effect.
- The Statement must specify a target date for the delivery of each mission (this must be before or at the end of the mission period. (If different target dates are given reasons must be given).
- Annually the Government must prepare a report to Parliament on delivery in the past 12 months. In these reports the Government can say that it no longer intends to pursue a mission (and why). Reports must be made within 120 days of the last day of the report period
- The Government can revise a current Statement so as to change the mission progress methodology and metrics or target date. It must publish a statement of reasons for the change(s) and lay that before Parliament.
- Missions must be reviewed every 5 years. This can include adding an additional levelling-up mission.

## RSN COMMENTS – PART 1 LEVELLING UP MISSIONS

A number of points arise here:

- Whilst unlikely the Missions set out in the White Paper could be changed one month after the Bill becomes law.
- The Bill also shows that the Government may not need to review any of the Missions before the next general election. After a statement of levelling up missions is laid before Parliament ministers have five years to carry out a first review
- More likely the Metrics could also be changed. The White Paper refers to “An initial suite of headline and supporting metrics for measuring and tracking progress against levelling up outcomes”.
- The RSN will press for changes to the Metrics as we consider that those in the White Paper collectively fail to consider rural disadvantage. For further details see the following report for the RSN by Pragmatix Advisory: [Rural as a region: the hidden challenge for Levelling Up](#), which reviews the Metrics and, in several instances suggests different or additional ones.
- If England’s rural communities were treated as a distinct region, their need for levelling up would be greater than any other – based on the government’s own headline metrics.
- Focusing on targets at a regional level fails to address the inequalities within regions.
- The RSN and other rural interest groups should strongly press that the Statement and the Annual Report should include information on rural as though it were a Region – progress (or lack of it) on meeting the objectives of the Missions will be lost in regional averages if this is not done. This is a fundamental Rural Proofing point.

## PART 2 – LOCAL DEMOCRACY AND DEVOLUTION

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### Combined County Authorities (CAAs)

Extracts from the Further Information Document, note our (the RSNs) use of **bold type** for emphasis of key points.

**Devolving powers to all areas in England that want them, providing more control over budgets, transport and skills.** In England, the Bill provides for new devolution structures and simplifies existing arrangements for devolving power, which are complicated and burdensome. It delivers models that will allow all parts of the country – not just major cities – to benefit from bespoke devolution deals, giving local leaders the powers to meet their communities’ needs.

The government has set a mission for every part of England **that wants one** to have a devolution deal with powers at or approaching the highest level of devolution, and a simplified, long-term funding settlement by 2030. New and deeper devolution deals will empower local leaders to grow their local economies and improve public services, delivering on the other missions set out in the Levelling Up White Paper. To help achieve this, the Bill will add to existing legislation by:

- Making it easier to devolve powers to more of England through a new type of combined authority model – “combined county authorities” - to be made up of upper tier local authorities (county councils and unitary authorities) **only**. The model will extend devolution to more areas of England, especially rural areas beyond city regions. Upper tier local authorities will be expected to work closely with their district councils, who will be able to be “non-constituent members” of a combined county authority.

### More Details from the Bill – Main Points

The Secretary of State (SoS) by regulations can **establish a Combined County Authority (CCA)**.

A CCA must consist of the whole of a two-tier county council **and** the whole of one or more other two-tier county council or unitary county councils or unitary district councils. These are the **Constituent Councils**

No part of a CCA’s area can be part of another CCA, or the area of a combined authority or part of an integrated transport area of an Integrated Transport Authority



By regulations the SoS can determine such matters as **membership of the CCA**, voting powers, executive arrangements and the remuneration of, and pension or allowances payable to CCA members. These regulations can only be made with the consent of the constituent councils

**Executive Arrangements** includes the appointment of an executive and its responsibilities/functions as well as the functions of the CCA which whilst the responsibility of the executive may be discharged by a committee of the CCA or by a body other than the CCA. Also included are scrutiny arrangements. The political balance rules will not apply to a CCA executive or a committee of an executive.

The members of the CCA (other than the mayor (in a mayoral CCA), the CCA, non-constituent and associate members) **are to be appointed by the CCA's constituent councils** each of which must appoint one of its elected members as a member of the CCA.

**Non-constituent members** of a CCA. The CCA may designate a body other than a constituent body and if the body concerned accepts that designation it can nominate a representative as a member of the CCA. **Non-constituent members of a CCA are non-voting unless the voting members resolve otherwise.**

**Associate members** of a CCA. The CCA may appoint an individual to be an associate member of the CCA. They will not have voting rights unless the voting members resolve otherwise

The SoS may by regulation provide for the **costs of a CCA to be met by its constituent councils** and the basis of the amount payable by each

**Functions of CCAs.** Regulations (which need the consent of the constituent councils) by the SoS can transfer functions (generally or subject to conditions) to the CCA from County or District Council in its area. The regulations may provide for such functions to be exercised (a) just by the CCA; (b) concurrently by the CCA with the County or district council; (c) jointly. Regulations can make similar provisions for the functions of other public authorities (including those of Ministers or government departments).

**Mayors for CCA areas.** The SoS can provide by regulation for there to be a directly elected mayor for a CCA **if that is what was proposed** in the proposal made by authorities for a CCA to be established (or if the Constituent Councils consent).

The mayor must appoint one of the members of the CCA to be the mayor's deputy.

The SoS may by regulation determine that any function of a mayoral CCA can be exercisable only by the mayor. This is subject to numerous caveats – again to be specified in regulations

The SoS may by regulation provide for the mayor of the CCA to be the police and crime commissioner (and to exercise Fire and Rescue functions) in relation to the area of the CCA. Again, this is subject to numerous caveats – to be specified in regulations.

The SoS may provide for the costs of a mayor to be met by (Council Tax) precepts. There are provisions for the mayor to prepare a draft budget to be scrutinised by the other members of the CCA and a (scrutiny) committee of the CCA.

**Alternate Mayoral Titles.** At the first meeting of a mayoral CCA after regulations come into force the CCA must resolve whether the person elected as mayor shall be known by the title of mayor or by one of the alternative titles (this list can be amended by the SoS of:

- (a) county commissioner;
- (b) county governor;
- (c) elected leader;
- (d) governor;
- (e) a title that the CCA considers more appropriate than the alternative titles mentioned in paragraphs (a) to (d), having regard to the title of other public office holders in the area of the CCA.

**Proposal for a new CCA. One or more authorities may prepare** and submit to the SoS a proposal for the establishment of a CCA for an area. This applies to the following authorities:

- (a) a county council whose area is within the proposed area;
- (b) a unitary district council whose area is within the proposed area;
- (c) an economic prosperity board the whole or any part of whose area is within the proposed area;
- (d) an Integrated Transport Authority the whole or any part of whose area is within the proposed area;
- (e) a combined authority the whole or any part of whose area is within the proposed area.

**Before submitting a proposal** under this section to the Secretary of State, the authority or authorities preparing the proposal must:

- (a) **carry out a public consultation** (this can be done before the appropriate Section of the Act is in force) across the proposed area on the proposal, and
- (b) **have regard to the results of the consultation** in preparing the proposal for submission to the Secretary of State.

If a proposal under this section is not submitted by all of the authorities to which this section applies, each authority which does not submit the proposal must consent to its submission to the Secretary of State.

**The SoS can only make regulations establishing a CCA for an area if the constituent councils consent.** In deciding whether to make the regulations, the Secretary of State must have regard to the likely effect of the creation of the proposed CCA on the exercise of functions equivalent to those of the proposed CCA's functions in each local government area (the area of a county council or a district council). that is next to any part of the proposed CCA area.

**General powers of CCA.** A CCA may do:

- (a) anything it considers appropriate for the purposes of the carrying-out of any of its functions
- (b) anything it considers appropriate for purposes incidental to its functional purposes,
- (c) anything it considers appropriate for purposes indirectly incidental to its functional purposes through any number of removes,
- (d) anything it considers to be connected with:
  - (i) any of its functions, or
  - (ii) anything it may do under paragraph (a), (b) or (c), and
- (e) for a commercial purpose anything which it may do under any of paragraphs (a) to (d) otherwise than for a commercial purpose

### **Devolution Levels set out in the White Paper (not in the FID)**

- L1** Level 1 Local authorities working together across a FEA or whole county area e.g. through a joint committee
- L2** Level 2 A single institution or County Council without a Directly Elected Mayor (DEM), across a Functioning Economic Area (FEA) or whole county area
- L3** Level 3 A single institution or County Council with a DEM, across a FEA or whole county area

Functions of each level are as follows:

Function	Detail	L1	L2	L3
<b>Strategic role in delivering services</b>	Host for Government functions best delivered at a strategic level involving more than one local authority e.g. Local Nature Recovery Strategies	✓	✓	✓
	Opportunity to pool services at a strategic level	✓	✓	✓
	Opportunity to adopt innovative local proposals to deliver action on climate change and the UK's Net Zero targets	✓	✓	✓
<b>Supporting local businesses</b>	LEP functions including hosting strategic business voice		✓	✓
<b>Local control of sustainable transport</b>	Control of appropriate local transport functions e.g. local transport plans*		✓	✓
	Defined key route network*			✓
	Priority for new rail partnerships with Great British Railways – influencing local rail offer, e.g. services and stations			✓
	Ability to introduce bus franchising		✓	✓
	Consolidation of existing core local transport funding for local road maintenance and smaller upgrades into a multi-year integrated settlement			✓
<b>Investment spending</b>	UKSPF planning and delivery at a strategic level		✓	✓
	Long-term investment fund, with an agreed annual allocation			✓
<b>Giving adults the skills for the labour market</b>	Devolution of Adult Education functions and the core Adult Education Budget		✓	✓
	Providing input into Local Skills Improvement Plans		✓	✓
	Role in designing and delivering future contracted employment programmes			✓
<b>Local control of infrastructure decisions</b>	Ability to establish Mayoral Development Corporations (with consent of host local planning authority)			✓
	Devolution of locally-led brownfield funding			✓
	Strategic partnerships with Homes England across the Affordable Housing Programme and brownfield funding			✓
	Homes England compulsory purchase powers (held concurrently)		✓	✓

Function	Detail	L1	L2	L3
Keeping the public safe and healthy	Mayoral control of Police and Crime Commissioner (PCC) functions where boundaries align <sup>^</sup>			✓
	Clear defined role in local resilience*		✓	✓
	Where desired offer MCAs a duty for improving the public's health (concurrently with local authorities)			✓
Financing local initiatives for residents and business	Ability to introduce mayoral precepting on council tax*			✓
	Ability to introduce supplement on business rates (increases subject to ballot)			✓

\* refers to functions which are only applicable to combined authorities ^ refers to functions which are currently only applicable to mayoral combined authorities The Government also states that in addition to the core elements in the table, there may be scope to consider public sector boundaries on a case by case basis, when requested, to support devolution. Proposals to pool local authority functions, where it can improve services and increase efficiency, will also be supported.

### RSN COMMENTS – PART 2 LOCAL DEMOCRACY AND DEVOLUTION

- The degree of devolution set out for Level 1 (and to a lesser extent Level 2) is quite small and offers little incentive. If the Government believes in local empowerment, it should not penalise those areas which opt for an approach without a Directly Elected Mayor.
- In two-tier areas the involvement of District Council should be a pre-requisite (unless a District opts out) not just something to be encouraged although we recognise that the deal would be agreed with the upper tier authority. Districts are the Local Planning Authority and the Strategic Housing Authority and are to be given important new powers and duties under this Bill. In addition, they are being given responsibilities for the UK Shared Prosperity Funds.
- If District Councils are to be excluded from voting membership of CCAs they must, at the very least, be given the opportunity (through an agreed process) to object to any of their functions being removed.
- Creating a combined population of at least 500,000 (referred to in the White Paper but not specified in the Bill – it probably will be in regulations) will mean either enormous geographical areas or rural areas being combined with predominantly urban areas. Neither of which make sense for any concept of local. This minimum 500,000 population relates to “any tier of devolution”

- The 500,000 population criteria may well prove to be the undoing of potential devolution deals in many rural areas of England
- There was no definition in the White Paper of a Functioning Economic Area (FEA) and the phrase is not included in the Bill. The former Department for Communities and Local Government (DCLG) defined FEAs as, “the area over which the local economy and its key markets operate”. A set of indicators which are often applied to define the boundaries of an FEA are related to such matters as:
  1. Travel-to-work flows
  2. Housing Market Areas
  3. Sectoral clusters
  4. Travel-to-learn flows
  5. Transport networks

Across large rural areas the above indicators will show that within any County there will be several different FEAs. That position will be exacerbated by having to achieve 500,000 population levels and made worse for rural areas if combined with urban areas

- The bigger the geographical area for which a body has responsibilities the greater the number of very different types of communities within them. Combining rural areas with urban areas has, historically, meant rural losing out as it is almost always easier (and less costly) to achieve performance targets in densely populated areas than more sparsely populated rural areas
- No imposition of a top-down re-structuring of local government is welcomed.
- It remains vitally important that in rural areas District, County and Unitary authorities receive a fair share of national government funding to support local government services. The determination of that fair share must fully reflect the additional costs of service delivery across rural areas and that is much more than just the costs of travel/travel time.
- Those areas which choose not to go down the CAA route must not be penalized financially through finance distribution formula for that decision.

## **Council Tax**

Extracts from the Further Information Document:

**The Bill will empower local authorities to double the standard council tax rate on any home left empty for longer than a year, rather than two; encouraging more empty homes back into productive use, while raising additional revenue to support local services and keep council tax down for local residents**

The Bill also provides that (subject to exceptions to be set out in regulations) for any financial year, a billing authority in England may by determination provide in relation to its area, or such part of its area as it may specify that if on any day the conditions mentioned in subsection (2) are satisfied in respect of a dwelling:

- (a) the discount under section 11(2)(a) does not apply, and
  - (b) the amount of council tax payable in respect of that dwelling and that day is increased by such percentage of not more than 100 as it may specify in the determination.
- (2) The conditions are:
- (a) there is no resident of the dwelling, and
  - (b) the dwelling is substantially furnished.

### **RSN COMMENTS – Council Tax**

- We query whether in practice there will be NET additional revenue to support local services and keep council tax.
- There will be costs in administering the schemes.
- The additional income will surely be part of the resources taken into account in the government grant distributional formula so potentially a reduction in government grant will offset extra income generated, in whole or in part.

The Bill will introduce a **new discretionary council tax premium on second homes of up to 100%**.

## **OTHER PROVISIONS IN THE BILL RELATING TO LOCAL DEMOCRACY AND DEVOLUTION**

The Bill includes a great many other provisions relating to Local Democracy and Devolution which are not included in this Review. They include such things as:

- Existing or New Combined Authorities
- Proposals to change existing Governance Arrangements (executive arrangements etc.)
- Transfer of functions: changes to governance arrangements
- Local Government Capital Finance
- Risk Management
- Alteration of Street Names (England)



## PART 3 – PLANNING

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As said earlier of the Bills 325 pages 240 relate to Planning. The proposals are hugely detailed and technical. The RSN will wish to consult with its Planning Authority Members before commenting in any great detail. This Part 3 of this Rural Lens Review is therefore, at this stage, quite a high- level review of some of the main points as expressed in the Further Information Document (with some of the wording from the Bill in some cases) as we see them at this stage.

Extracts from the Further Information Document, note our (*the RSNs*) use of **bold type** for emphasis of key points:

- **Local plans will be given more weight** when making decisions on applications, so that there must be strong reasons to override the plan. The same weight will be given to other parts of the development plan, including minerals and waste plans prepared by minerals and waste planning authorities, neighbourhood plans prepared by local communities, and spatial development strategies produced to address important planning issues at a more strategic scale.
- To help make the content of plans faster to produce and easier to navigate, **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 so that they are taken fully into account in decisions.
- **New Local Plan Commissioners** may be deployed to support or ultimately take over plan-making if local planning authorities fail to meet their statutory duties.
- Opportunities for communities and other interested parties to influence and comment on emerging plans will be retained, with the digital powers allowing both plans and underpinning data to be accessed and understood more easily.
- Local planning authorities will have a new power to prepare ‘**supplementary plans**’, where policies for specific sites or groups of sites need to be prepared quickly (e.g., in response to a new regeneration opportunity), or to set out design standards.
- Proposals which were set out in the Planning for the Future White Paper for all land to be placed in prescribed categories and linked to automatic ‘in principle’ permission for development in areas identified for development, **are not being taken forward**. Local plans, including minerals and waste plans, will also continue to be assessed for whether they are ‘sound’ at examination, but we (*the Government*) will review whether the current tests are sufficiently proportionate as part of the work to update the National Planning Policy Framework, detailed below.

As well as giving neighbourhood plans greater weight in planning decisions, the Bill will increase the accessibility of neighbourhood planning by allowing parish councils and neighbourhood forums to produce a simpler ‘neighbourhood priorities statement’ which the local authority will be obliged to take into account when preparing its local plan.

The Bill also includes new ‘street vote’ powers, allowing residents on a street to bring forward proposals to extend or redevelop their properties in line with their design preferences. Where prescribed development rules and other statutory requirements are met, the proposals would then be put to a referendum of residents on the street, to determine if they should be given planning permission.

To incentivise plan production further and ensure that newly produced plans are not undermined, **our (the Government’s) intention is to remove the requirement for authorities to maintain a rolling five-year supply of deliverable land for housing, where their plan is up to date**, i.e., adopted within the past five years. This will curb perceived ‘speculative development’ and ‘planning by appeal’, so long as plans are kept up to date. Alongside this, regulations will be updated to set clear timetables for plan production – with the expectation that they are produced within 30 months and updated at least every five years.

During this period, there will be a requirement for **two rounds of community engagement before plans are submitted for independent examination**. We (the Government) will also **produce new guidance on community engagement in planning**,

### **National Infrastructure Levy**

The government wants to make sure that more of the money accrued by landowners and developers goes towards funding the local infrastructure – affordable housing, (defined as ‘Social Housing’) schools, GP surgeries, and roads – that new development creates the need for. To do this, **the Bill will replace the current system of developer contributions with a simple, mandatory, and locally determined Infrastructure Levy**. The Bill sets out the framework for the new Levy, and **the detailed design will be delivered through regulations**.

The Levy will be charged on the value of property when it is sold and applied above a minimum threshold. **Levy rates and minimum thresholds will be set and collected locally, and local authorities will be able to set different rates within their area**. The rates will be set as a percentage of gross development value rather than based on floorspace, as with the Community Infrastructure Levy at present.

This will allow developers to price in the value of contributions into the value of the land, allow liabilities to respond to market conditions and removes the need for obligations to be renegotiated if the gross development value is lower than expected; while allowing local authorities to share in the uplift if gross development values are higher than anticipated. The government is committed to the Levy

securing at least as much affordable housing as developer contributions do now. The Bill will set out the framework to enable this approach, with some of the details set out in regulations.

To strengthen infrastructure delivery further, the Bill **will require local authorities to prepare infrastructure delivery strategies**. These will set out a strategy for delivering local infrastructure and spending Levy proceeds. The Bill will also enable local authorities to require the assistance of infrastructure providers and other bodies in devising these strategies, and their development plans.

**We (the Government) intend to bring forward legislation to enable the piloting of Community Land Auctions. Piloting authorities will pioneer an alternative way of identifying and allocating land for development, in a way which seeks to maximise the potential uplift in land value.** Landowners will be able to submit their land into an allocation process as part of an emerging local plan, offering the local planning authority an option on the land at a price set by the landowner. **The local authority will allocate land based on both planning considerations and the option price. It will then auction the development rights onto a successful bidder once land is allocated in the adopted plan. The difference between the option price offered by landowners, and the price offered to develop allocated land, will be retained by local authorities for the benefit of local communities.**

Much of the detail of different elements of the new Infrastructure Levy will need to be set in regulations, following consultation. Specifically, we (the Government) will:

- Introduce a new 'right to require' to remove the role of negotiation in determining levels of onsite affordable housing. This rebalances the inequality between developers and local authorities by **allowing local authorities to determine the portion of the levy they receive in-kind as onsite affordable homes**.
- Consider how the Levy should be applied to registered provider-led schemes.
- Require **developers to deliver infrastructure integral to the operation and physical design of a site – such as an internal play area or flood risk mitigation**. Planning conditions and narrowly targeted section 106 agreements will be used to make sure this type of infrastructure is delivered.
- Detail the **retained role for section 106 agreements to support delivery of the largest sites**. In these instances, infrastructure will be able to be provided in-kind and negotiated, but with the guarantee that the value of what is agreed will be no less than will be paid through the Levy.
- Retain the neighbourhood share and administrative portion as currently occurs under the Community Infrastructure Levy.
- **Introduce the Levy through a 'test and learn' approach. This means it will be rolled out nationally over several years**, allowing for careful monitoring and evaluation, in order to design the most effective system possible.

**Sites permitted before the introduction of the new Levy will continue to be subject to their CIL and section 106 requirements.**

### **Design and Protection of the Historic Environment**

The **Bill will require every local planning authority to produce a design code for its area. These codes will have full weight in making decisions on development, either through forming part of local plans or being prepared as a supplementary plan. Measures in the Bill will also strengthen the critical role the planning system plays in protecting the historic environment.**

The Bill will give important categories of designated heritage assets, including scheduled monuments, registered parks and gardens, World Heritage Sites, and registered battlefields, **the same statutory protection in the planning system as listed buildings and conservation areas. The Bill will also put Historic Environment Records on a statutory basis, placing a new duty on local authorities to maintain one for their area.**

The Bill improves the process used to assess the potential environmental effects of relevant plans and major projects, **through a requirement to prepare ‘Environmental Outcome Reports’**. These will replace the existing EU-generated systems of Strategic Environmental Assessment (including Sustainability Appraisals) and Environmental Impact Assessment and introduce a clearer and simpler process where relevant plans and projects (including Nationally Significant Infrastructure Projects) are assessed against tangible environmental outcomes set by government. The Bill creates a duty on the Secretary of State to ensure that the new system of environmental assessment does not reduce the overall level of environmental protection.

The **increased weight given to plans and national policy by the Bill** will give more assurance that areas of environmental importance – such as National Parks, Areas of Outstanding Natural Beauty and areas at high risk of flooding – will be respected in decisions on planning applications and appeals. The same is true of the Green Belt, which will continue to be safeguarded. In addition, **biodiversity net gain** will be implemented through the planning system from late 2023 onwards. Active Travel England – the government’s new adviser on sustainable transport – will also become a statutory consultee for key planning applications, and the Environment Agency’s role will be expanded to ensure development near waste sites is acceptable.

### **Planning Fees**

To improve capacity in the local planning system, we (*the Government*) intend to **increase planning fees for major and minor applications by 35% and 25% respectively**, subject to consultation. Increasing fees must lead to a better service for applicants. To further boost performance and service quality in local planning authorities alongside this, we (*the Government*) will **expand the**

existing planning performance framework to measure performance across a broader range of quantitative and qualitative measures. We (*the Government*) will also support local authorities to build the skills they need, initially by working with sector experts to develop a planning skills strategy for local planning authorities.

#### RSN COMMENTS – PART 3 PLANNING

- Whether a fee increase of 25% will meet the costs of service demand and the new process and powers set out in the Bill remains to be seen.

## PART 4 – REGENERATION

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The Bill proposes a number of measures to support land assembly and regeneration. It will make important changes to compulsory purchase powers to give local authorities clearer and more effective powers to assemble sites for regeneration and make better use of brownfield land.

To support high street and town centre regeneration, the Bill will make **permanent existing temporary measures on pavement licensing**. These measures streamline and make cheaper the process of applying for a license to put furniture on the highway.

The Bill will also give local authorities an important new **power to instigate high street rental auctions of selected vacant commercial properties in town centres and on high streets which have been vacant for more than one year**. *We (the Government)* will also consult further on the auction process and a model lease, as well as guidelines for a cooperative process between local authorities, landlords and tenants.

### Housing and Land Market Reform

**Rebalancing the housing and land markets by increasing transparency, addressing second and empty homes, and giving smaller builders greater opportunities to enter the market.**

The Bill will also introduce new commencement notices which will be required when a scheme with planning permission starts on site, addressing perceptions of ‘land banking’ and slow build out by larger developers

Our *(the Government’s)* forthcoming £150 million **Help to Build: Equity Loan scheme** will also help increase the supply of self and custom build while making it a realistic and affordable option for people looking to get on the housing ladder.

*We (the Government)* will also continue to **support SME developers** by leveraging our circa £3 billion of development finance under the Enable Build Guarantee Scheme and Home Building Fund, and its successor the Levelling Up Home Building Fund.

### Street votes

The Secretary of State may by regulations make provision for a system that permits residents of a street to:

- (a) propose development on their street, and
- (b) determine, by means of a vote, whether that development should be given planning permission, on condition that certain requirements prescribed in the regulations are met.

## RSN COMMENTS – PART 4 REGENERATION

- Without sight of the regulations referred to it is not really possible to comment on what this might mean in practice.
- It feels like more of an urban proposal.

More Details from the Bill,

### Designated high streets and town centres

- (1) A local authority (District or Unitary Council) may designate a street in its area as a high street for the purposes of this Part if it considers that the street is important to the local economy because of a concentration of high-street uses of premises on the street.
- (2) A local authority may designate an area within its area as a town centre for the purposes of this Part if:
  - (a) the built environment of the area is characterised principally by a network of streets, and
  - (b) the authority considers that the area is important to the local economy because of a concentration of high-street uses of premises in the area.
- (3) A street or area is not to be designated, however, if the authority considers that its importance derives principally from goods or services purchased in the course of business.
- (4) A designation under this section may be varied or withdrawn at any time.

### High-street uses and premises

- (1) For the purposes of this Part, any use of premises that falls within any of the following sub-paragraphs is a “high-street use”:
  - (a) use as a shop or office;
  - (b) use for the provision of services to persons who include visiting members of the public;

- (c) use as a restaurant, bar, public house, café or other establishment selling food or drink for immediate consumption;
  - (d) use for public entertainment or recreation;
  - (e) use as a communal hall or meeting-place;
  - (f) use for manufacturing or other industrial processes of a sort that can (in each case) reasonably be carried on in proximity to, and compatibly with, the preceding uses.
- (2) For the purposes of this Part, premises are “qualifying high-street premises” if—
- (a) they are situated on a designated high street or in a designated town centre, and
  - (b) the local authority considers them to be suitable for a high-street use.
- (3) But premises are not “qualifying high-street premises” if they are, or when last used were, used wholly or mainly as a warehouse.
- (4) For the purposes of this Part, “suitable high-street use”, in relation to premises, means a high-street use for which the local authority considers the premises to be suitable.

### **Vacancy condition**

- (1) For the purposes of this Part, the “vacancy condition” is satisfied in relation to premises on a given day if—
- (a) the premises are unoccupied on that day, and
  - (b) either:
    - (i) the premises were unoccupied for the whole of the period of one year ending with the previous day, or
    - (ii) during the period of two years ending with the previous day, the premises were unoccupied on at least 366 days.



### Local benefit condition

For the purposes of this Part, the “local benefit condition” is satisfied in relation to premises if the local authority considers that the occupation of the premises for a suitable high-street use would be beneficial to the local economy, society or environment.

- (1) On any day on which it appears to a local authority that the vacancy condition and the local benefit condition are met in relation to qualifying high-street premises in its area, the authority may serve a notice under this section (an “initial letting notice”) on the landlord of the premises. While an initial letting notice is in force the landlord of the premises may not:
  - (a) grant, or agree to grant, a tenancy of, or license to occupy, the premises, or
  - (b) enter into any other agreement resulting in another person becoming entitled to possess or occupy the premises (except as a result of the transfer or extinction of the landlord’s interest), without the written consent of the local authority that served the notice.

#### **RSN COMMENTS – High Streets**

- There are lots more processes/procedures detailed in the Bill.
- We support in principle the ability of planning authorities to take action to ensure High Street/Town Centre premises are not left vacant for long periods.
- We are concerned about the capacity of rural planning authorities to fully use these powers.

More Details from the Bill,

### Neighbourhood priorities statements

- (1) Any qualifying body (a parish council or an organisation or body designated as a neighbourhood forum, which is authorised to act in relation to a neighbourhood area) **may make a “neighbourhood priorities statement”**, which summarises what the body considers to be the principal needs and prevailing views, of the community in the neighbourhood area in relation to which the body is authorised, in respect of local matters. **This, in effect is a Neighbourhood Plan through a simplified process.**

- (2) “Local matters” are such matters as the Secretary of State may prescribe, relating to—
- (a) development, or the management or use of land, in or affecting the neighbourhood area,
  - (b) housing in the neighbourhood area,
  - (c) the natural environment in the neighbourhood area,
  - (d) the economy in the neighbourhood area,
  - (e) public spaces in the neighbourhood area,
  - (f) the infrastructure, facilities or services available in the neighbourhood area, or
  - (g) other features of the neighbourhood area.
- (3) A qualifying body may modify or revoke a neighbourhood priorities statement that has effect, for the time being, for the neighbourhood area in relation to which the body is authorised.
- (4) A neighbourhood priorities statement has effect from the time it is **published by a relevant local planning authority** and ceases to have effect upon such an authority publishing a notice stating that it has been revoked by a qualifying body.
- (5) A modification of a neighbourhood priorities statement has effect from the time the modification, or modified statement, is published by a relevant local planning authority.
- (6) Regulations made by the Secretary of State may impose requirements which must be met for a neighbourhood priorities statement, or any modification or revocation of such a statement, to be made or published.
- (7) Regulations under subsection (6) or section 15LE(2)(k) may provide that a requirement may be met, or (as the case may be) procedure may be complied with, by virtue of things done by a parish council, or other organisation or body, before it becomes a qualifying body.
- (8) Regulations must (between them):

- (a) require a qualifying body to publish any proposed neighbourhood priorities statement, so that people who live, work or carry-on business in the neighbourhood area to which the statement relates can comment on the proposed statement before the body makes the statement,
- (b) require a qualifying body to publish any proposed material modification of a neighbourhood priorities statement, so that people who live work or carry-on business in the neighbourhood area to which the statement relates can comment on the proposed modification before the body makes the modification,
- (c) require a relevant local planning authority to publish a neighbourhood priorities statement, if the statement is made in accordance with this section and any regulations made under this Part.

#### **RSN COMMENTS – Neighbourhood Priorities Statements**

- We ask our members to let us know their thoughts in relation to these provisions.
- Once again, the Regulations need to be seen before we can come to a firm view.