



The Levelling-up and Regeneration Bill receives Royal Assent

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The era of the Levelling-up and Regeneration Bill is over, and we now have the Levelling-up and Regeneration Act 2023 (The Act).



The Act contains what are potentially wide-ranging reforms to the planning system as we know it. Some of the key provisions are:

- Environmental impact assessments: replaced by environmental outcome reports. Replacing the EU-derived Strategic Environmental Assessment and Environmental Impact Assessment processes with a streamlined system.
- Enhanced tracking of housing delivery: granting powers to local planning authorities where they are permitted to decline to determine applications in cases of earlier non-implementation, and further powers allowing them to condition development progress reports.
- Community Infrastructure Levy: this will be replaced by a new infrastructure levy, which aligns with the Government's agenda of removing EU legacy laws. The new infrastructure levy aims to reform the current system of developer contributions and will also include powers related to the interaction with s106 obligations.

- Enforcement: the period for obtaining immunity in respect of all breaches of planning control is to be extended to 10 years.
- Section 73B: providing an alternative route to vary planning permissions. In contrast to recent case law on the use of section 73 application to achieve modifications to planning consents, this includes the ability to alter descriptions of development provided that it does not create a substantially different effect from that of the existing permission (lots more to follow on this one!).
- Street Votes (my personal favourite): allowing residents hold a vote on whether development on their street is permitted.
- Planning data: the Secretary of State has the authority to create regulations regarding standards for planning data. This includes, for example, powers to mandate the use of approved planning data software. This is part of an ongoing (and long overdue) effort to properly digitise the planning system.

This is only a small sample of the upcoming changes. As things progress, we will offer updates and focused content that delves deeper into the specific details of these reforms and how this may impact and advantage you.

So, what now?

You may be asking, what now? We will all be familiarising ourselves with the practical effects of the Act however, although the Act has gained Royal Assent, this is by no means the end of the story.

In accordance with what seems to be modern drafting of primary legislation, nearly all of the key provisions require second legislation (Regulations) to be brought forward to spell out the detail of their practical operation. There is still therefore a lot of work to be done, and the Act is not designed to be an immediate replacement for the current system.

The Act is crucial for implementing the government's long-term plan for housing. However, it is uncertain how much of that plan will be seen. Baroness Sue Hayman of Ullock, Labour's spokesperson for levelling up in the House of Lords, stated that ministers view levelling up legislation as a "catch-all bill" that allows for the addition of various policy areas. The shaping of the LURA will clearly depend on who is in control and may pave the way for Labour's overhaul of the UK's "antiquated" planning system if Gove's plans are curtailed.

In terms of *what now*, it would be wise to take stock and familiarise yourself with the key provisions introduced by the Act. There will be a lot of commentary and content in the forthcoming months to wade through dealing with all things LURA!

There is a knock-on impact on the long-awaited comprehensive update to the NPPF. Housing minister Rachel Maclean told the House of Commons last week that the government would bring forward the updated NPPF "as soon as the Bill receives Royal Assent". This is (almost) aligned with the Government's statement regarding the Act. The DLUHC stated that the government will publish its response to last December's consultation on proposed changes to the NPPF "in due course" (!). Again, watch this space!

Need advice?

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