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UK Parliament

Written questions, answers and statements

Update on the Levelling Up Bill

Statement made on 6 December 2022

Statement UIN HCWS415

Statement made by

Michael Gove

Secretary of State for Levelling UP, Housing and Communities and Minister for Intergovernmental Relations

Conservative

Surrey Heath

Commons

Statement

I will be making further changes to the planning system, alongside the Levelling Up and Regeneration Bill, to place local communities at the heart of the planning system.

I will set out more detail on the following approach in an upcoming National Planning Policy Framework prospectus, which will be put out for consultation by Christmas.

COMMUNITY CONTROL

I will retain a method for calculating local housing need figures, but consult on changes. I do believe that the plan-making process for housing has to *start* with a number. This number should, however, be an advisory starting point, a guide that is not mandatory. It will be up to local authorities, working with their communities, to determine how many homes can actually be built, taking into account what should be protected in each area - be that our precious Green Belt or national parks, the character or an area, or heritage assets. It will also be up to them to increase the proportion of affordable housing if they wish.

My changes will instruct the Planning Inspectorate that they should no longer override sensible local decision making, which is sensitive to and reflects local constraints and concerns. Overall this amounts to a rebalancing of the relationship between local councils and the Planning Inspectorate, and will give local communities a greater say in what is built in their neighbourhood.

LOCAL PLANS

We will end the obligation on local authorities to maintain a rolling five-year supply of land for housing where their plans are up-to-date. Therefore for authorities with a local plan, or where authorities are benefitting from transitional arrangements, the presumption in favour of sustainable development and the 'tilted balance' will typically not apply in relation to issues affecting land supply.

I also want to consult on dropping the requirement for a 20% buffer to be added for both plan making and decision making – which otherwise effectively means that local authorities need to identify six years of supply rather than five. In addition, I want to recognise that some areas have historically overdelivered on housing - but they are not rewarded for this. My plan will therefore allow local planning authorities to take this into account when preparing a new local plan, lowering the number of houses they need to plan for.

Places with existing plans will benefit from the changes above, as they will be free of five-year land supply obligations provided that plan is up to date. However, I am aware that those with local plans at an advanced stage of preparation will not benefit from these changes so I will also put in place transitional arrangements. Where authorities are well-advanced in producing a new plan, but the constraints which I have outlined mean that the amount of land to be released needs to be reassessed, I will give those places a two year period to revise their plan against the changes we propose and to get it adopted. And while they are doing this, we will also make sure that these places are less at risk from speculative development, by reducing the amount of land which they need to show is available on a rolling basis (from the current five years to four).

I will increase community protections afforded by a neighbourhood plan against developer appeals – increasing those protections from two years to five years. The power of local and neighbourhood plans will be enhanced by the Bill; and this will be underpinned further through this commitment. Adopting a plan will be the best form of community action - and protection. Furthermore, we will clarify and consult on what areas we propose to be in scope of the new National Development Management Policies, and we will consult on each new Policy before it is brought forward by the Government. National Development Management Policies will also not constrain the ability of local areas to set policies on specific local issues.

I will consult on the detail of proposals increase planning fees, including doubling fees for retrospective application where breaches of planning have occurred, as soon as possible. I will also consult on a new planning performance framework that will monitor local performance across a broader set of measures of planning service delivery, including planning enforcement.

BUILD OUT

I already have a significant package of measures in the Bill to ensure developers build out the developments for which they already have planning. I will consult on two further measures:

i) on allowing local planning authorities to refuse planning applications from developers who have built slowly in the past; and

ii) on making sure that local authorities who permission land are not punished under the housing delivery test when it is developers who are not building.

I will also consult on our new approach to accelerating the speed at which permissions are built out, specifically on a new financial penalty.

CHARACTER OF A DEVELOPER

I have heard and seen examples of how the planning system is undermined by irresponsible developers and landowners who persistently ignore planning rules and fail to deliver their legal commitments to the community. I therefore propose to consult on the best way of addressing this issue, including looking at a similar approach to tackling the slow build out of permissions, where we will give local authorities the power to stop developers getting permissions.

BROWNFIELD FIRST

The new Infrastructure Levy will be set locally by local planning authorities. They will be able to set different Levy rates in different areas, for example lower rates on brownfield over greenfield to increase the potential for brownfield development. That will allow them to reflect national policy, which delivers our brownfield first pledge by giving substantial weight to the value of using brownfield land.

I will consult to see what more we can do in national policy to support development on small sites particularly with respect to affordable housing and I will launch a review into identifying further measures that would prioritise the use of brownfield land. To help make the most of empty premises, including those above shops, I am reducing the period after which a council tax premium can

be charged so that we can make the most of the space we already have. I will also provide further protection in national policy for our important agricultural land for food production, making it harder for developers to build on it.

THE HOUSING MARKET

I intend to deliver a new tourist accommodation registration scheme as quickly as possible, working with DCMS, starting with a further short consultation on the exact design of the scheme. I will also consult on going further still and reviewing the Use Classes Order so that it enables places such as Devon, Cornwall, and the Lake District to control changes of use to short term lets if they wish.

I have also asked the Competition and Markets Authority to consider undertaking a market study. I believe the case is clear for them to take this forward, but respect their independence as they come to a decision.

These reforms will help to deliver enough of the right homes in the right places and will do that by promoting development that is beautiful, that comes with the right infrastructure, that is done democratically with local communities rather than to them, that protects and improves our environment, and that leaves us with better neighbourhoods than before.

Statement from

Department for Levelling Up, Housing and Communities

Linked statements

This statement has also been made in the House of Lords

Department for Levelling Up, Housing and Communities

Update on the Levelling Up Bill

Baroness Scott of Bybrook
Minister for Faith and Communities
Conservative, Life peer

Statement made 6 December 2022

HLWS405 Lords

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