

Levelling-up & Regeneration Act 2023

Local Plan reforms and Design Codes

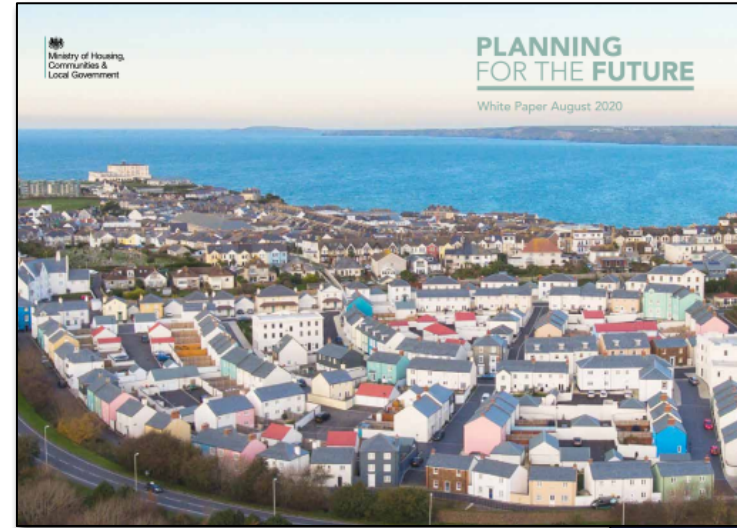
Folkestone & Hythe District and Parish Councils' Joint
Committee

16 November 2023

Local Plan Reforms

Background

- Planning White Paper *'Planning for the Future'* (August 2020)
- Levelling Up White Paper *'Levelling Up the United Kingdom'* (February 2022)
- Consultation - *'Levelling-up and Regeneration Bill: reforms to national planning policy'* (December 2022)
- Consultation – *'Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms'* (July 2023)



Levelling-up and Regeneration Act 2023

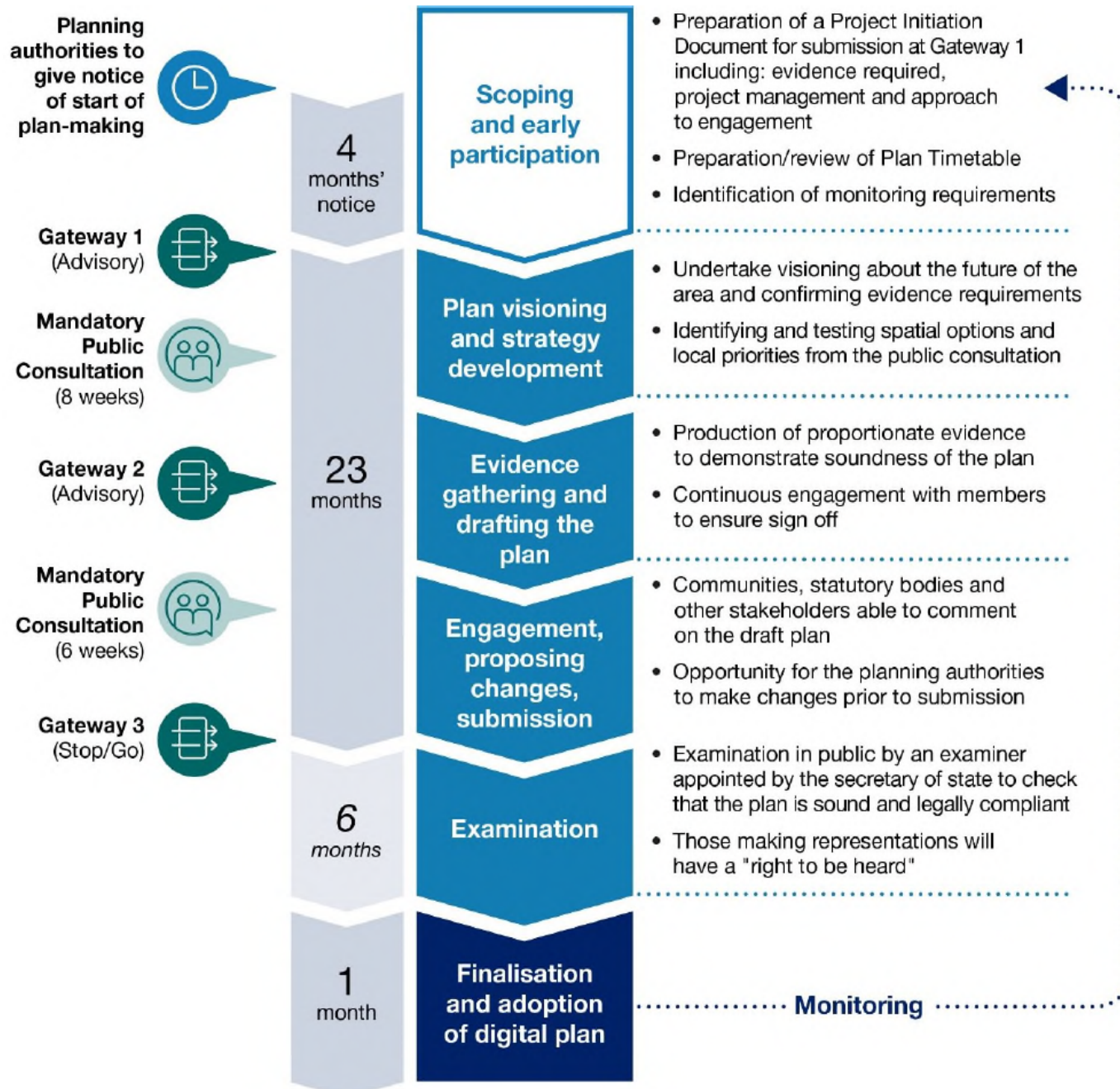
- Levelling-up and Regeneration Act became law on 26 October 2023
- Introduces the most far-reaching reforms since the 2004 Planning and Compulsory Purchase Act twenty years ago
- Key areas:
 - National Development Management Policies
 - New local plans
 - Digital planning and digital engagement
 - Other provisions in the new Act
 - Implementation
 - Area-wide design codes

National Development Management Policies

- Act gives powers for Government to bring in National Development Management Policies
- Equal status with local plan policies, but in event of conflict *“the conflict must be resolved in favour of the national development management policy”*
- **None published yet**, but the government will consult on draft national development management policies in due course
- Will replace existing policy and guidance, but with increased status
- May be relevant to parish and town councils’ planning committees when commenting on planning applications in the future

New local plans

- Only around a third of local authorities have an up-to-date local plan (adopted within the last five years)
- Average time to complete a local plan is seven years
- *“This creates uncertainty for communities and holds back development where it is needed.”* (July 2023 consultation)
- New **30-month** timetable to prepare a local plan
- Focus on a local vision and local policies, should not repeat national policies
- Clearer expectations of what evidence will be required
- Planning Inspectorate involvement throughout process with three ‘gateway assessments’



- Short preparation period before formal start
- Two public consultations
- 3 gateway assessments by planning Inspectors before approval to progress to examination
- Public examination of no more than 6 months

Public engagement and digital tools

- Act introduces new ‘requirement to assist’ to help local authorities secure input of infrastructure providers and national agencies, but it is not clear what enforcement powers local authorities would have
- Digital tools to increase public engagement
- *“Those voices who may benefit most from new development are often the quietest in the planning process”* (July 2023 consultation)
- Epsom & Ewell Borough Council pilot – 55% of people responding said that they had not taken part in a planning consultation before
- An example of a digital model produced by Digital Urban

Folkestone & Hythe - Digital Twin

By Digital Urban . Place

Folkestone
& Hythe



District Council

DIGITALURBANSENSE

Other provisions in the new Act

Michael Gove intervenes at last minute as uncertainty around Spelthorne local plan continues

Michael Gove is the Surrey Heath MP and Secretary of State for Levelling Up, Housing and Communities



A last-minute intervention from Michael Gove continued the uncertainty around Spelthorne's plan for 9,000 new homes. The Surrey Heath MP ordered the council not to pause its local plan, in a letter sent by the housing and planning minister, limiting Spelthorne's options at a crucial meeting on Thursday..

After what the council's chief executive described as an urgent ministerial meeting at 3pm on Thursday (September 15), a letter was sent to the council's leader setting out Mr Gove's intentions. An extraordinary [meeting](#) of the council on the same day was set to vote on the options to continue with the plan, keep it on pause, or withdraw it altogether.

Housing minister vows that she 'absolutely will' intervene in areas without a local plan

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The housing minister has vowed to continue to intervene in local authorities that fail to bring forward a local plan.

Other provisions in the new Act

- ‘Local plan commissioner’ to act on behalf of the Secretary of State where progress on a local plan is not being made
- Powers for the Secretary of State to take action where a local authority is not meeting the duty to prepare a Design Code
- Registered parks and gardens, protected wreck sites and registered battlefields will have same statutory protection as listed buildings and conservation areas (Chapter 3 of the Act)

Other provisions in the new Act

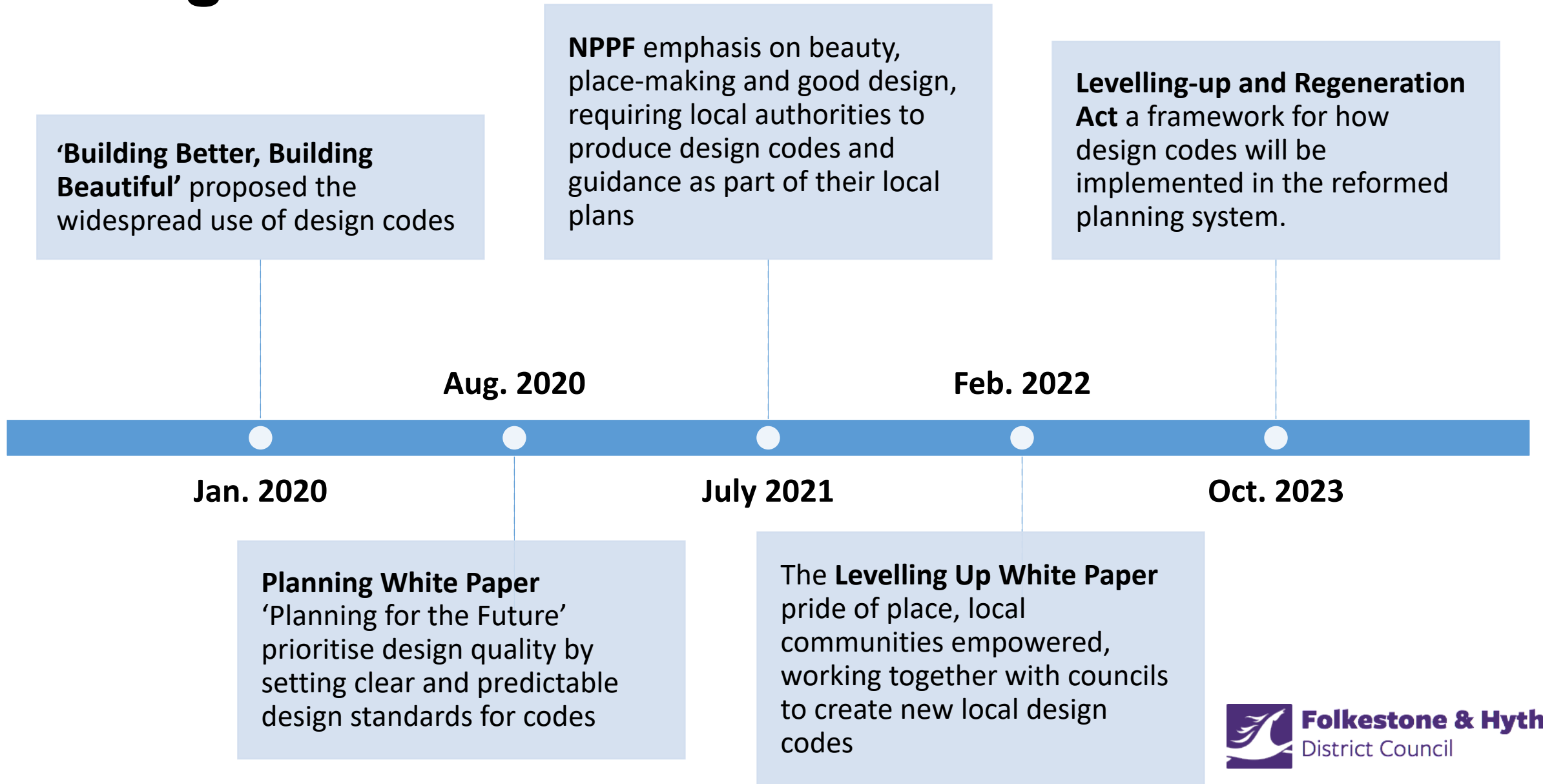
- New Act specifies what Neighbourhood Plans *may* include (s.98):
 - Policies in relation to amount, type and location of development
 - Other policies that relate to particular characteristics of the area
 - Details of infrastructure requirements or affordable housing as part of new developments
 - Requirements with respect to design that relate to development
 - *Must* be designed to secure that the development and use of land contributes to the mitigation of, and adaption to, climate change
- “*Arrangements for Neighbourhood Plans will be set out in due course.*” (July 2023 consultation)

Implementation

- Secondary legislation and guidance will follow, allowing local authorities to begin new local plans next year
- Likely to be cohorts of local authorities going through the process
- Folkestone & Hythe expressed initial interest in becoming a 'front runner' authority under the new system - council should be well-placed, having an up-to-date local plan and a good track record in local plan preparation

Area-wide Design Codes

Background



National guidance

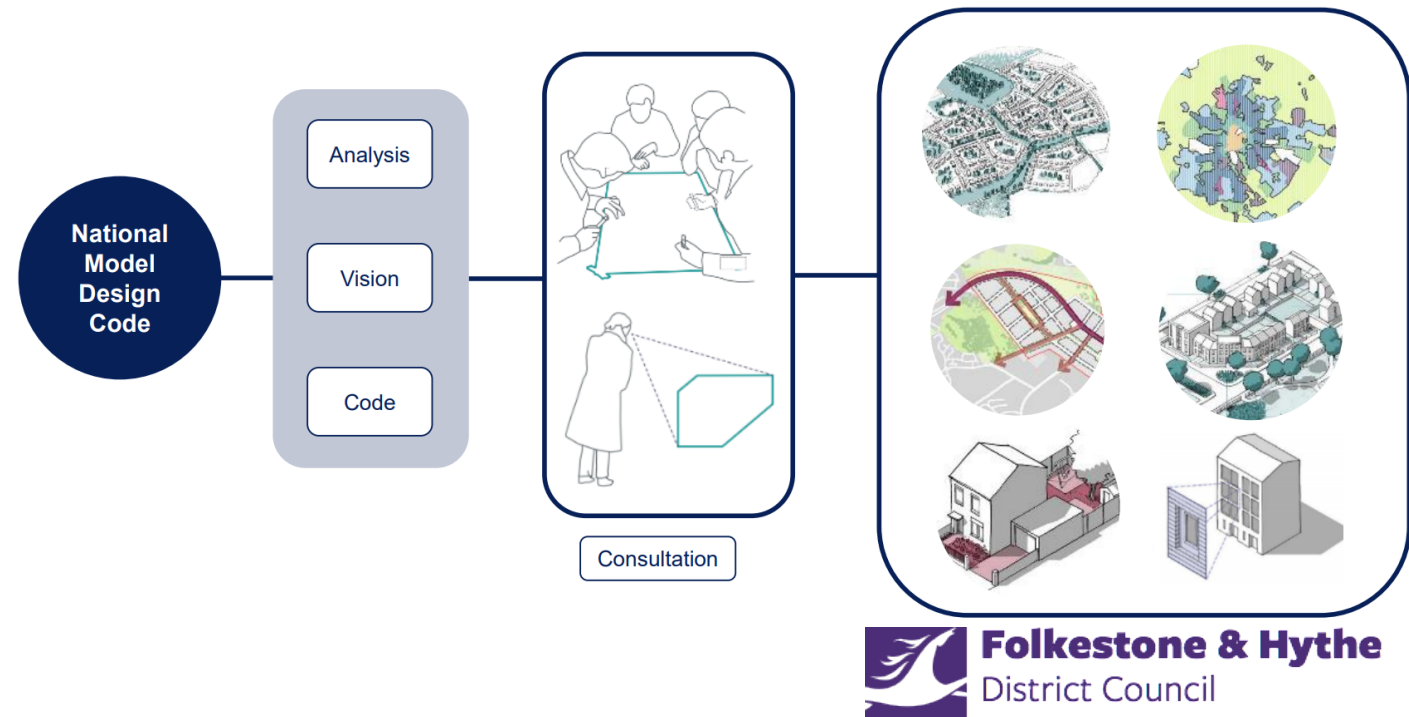
The National Design Guide

- Sets out 10 characteristics of well-designed places



The National Model Design Code

- Provides a common framework for design



Testing the guidance - Design Code Pathfinder Programme

Lake District National Park



Building Line

Code

2.40 Based on the site context and historic environment assessments:

- New development should reinforce the level of enclosure along the existing space or street.

- The set-back distance(s) of new development must respond positively to the uniformity or variance of the building line that it forms part of.

- New development must reinforce the prevailing degree to which plot widths are occupied by buildings in the site's context.

2.41 Where new set-back zones are created, these must consist of front gardens and vegetation that can help to soften new development, as opposed to hard landscaping or spaces for car parking.

Guidance

2.42 Unless the established character of set back zones is open plan (i.e., lacking front boundaries) set back zones should be enclosed by low boundary features no more than one metre in height. The sensitive integration of cycle parking and bin storage can also positively contribute towards the character of the set back zone.

2.43 Exceptions can be applied to deviate from the common building line and level of enclosure where there is good reason to align with best practice design, for example:

- Where a mature tree interrupts the existing building line;
- Where a new public space is created;
- Where emphasis of marker buildings is desired at key intersections and gateways;
- Where the setting of a listed or locally important building should be preserved; or
- Where a key view is to be framed and celebrated.



Any infill development along high streets or main streets where plot widths are fully occupied with buildings with a uniform set-back must mimic the existing building line and mix of active frontages.



Towards the settlement edge, building lines become more organic and set-back increases, therefore, new development can explore more varied responses to building lines. However, the reasoning for deviations and the function of the subsequent spaces must be clearly defined.

Checklist

Design Code Checklist: New Houses	Yes	No	N/A
Context			
Has the context study identified features or characteristics of the site to be retained and incorporated in the new development?			
How or Why?			
Does the proposed development make a positive response to the existing site context, including landscape, townscape and street scene?			
How or Why?			
Does the proposed development identify and make a positive response to heritage assets within the site and/or its setting?			
How or Why?			
Have all relevant natural environment designations and protected species been identified and responded to by the proposed development?			
How or Why?			
Character and Identity			
Does the proposed development conform with the code in relation to building density, built form, set back distances and building height?			
How or Why?			
Has the development made a positive response to the topography of the site and its context? Are changes in ground level addressed by the design in an acceptable manner?			
How or Why?			
Do buildings present active frontages to streets / waterfronts / important spaces?			
How or Why?			
Does the design maintain or enhance the character of the area? This can be by reinforcing the established character or through deliberate contrast.			
How or Why?			
Have appropriate materials been proposed for all aspects of the development including walling, roofing, and other built components?			
How or Why?			

Example of coding requirements



Carlene Swift
Strategy Planning, UConn



Feedback & first stages

- Resources, skill sets and capacity
- Scope and vision
- Visual, practical
- Engagement/ collaboration
- Funding?

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Questions?